

Violence and Legitimacy: State and Criminal Organizations from the Perspective of Young People in Medellín, Colombia*

[English version]

Violencia y legitimidad: el Estado y las organizaciones criminales desde la perspectiva de jóvenes de Medellín, Colombia

Violência e legitimidade: o Estado e as organizações criminosas sob a perspectiva dos jovens de Medellín, Colômbia

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Colombia

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Abstract

Objective: The purpose of this research was to gather the perspective of 256 young people from Comuna 13 in the city of Medellín regarding their perception of the legitimacy that criminal organizations have achieved in exercising violence and establishing territorial order in the city. **Methodology:** The process was divided into two phases. The first involved analyzing the State's main theories to understand its unity without competing with other armed organizations for territorial hegemony. The second phase focused on analyzing the perspective of the youth in Comuna 13 regarding the legitimacy of violence that many of these organizations have acquired, especially in the first 10 years of the 21st century. **Results:** In the case of the city of Medellín, a brief review was made of the background of violence and territorial domination. This review spanned from the beginnings of the Medellín Cartel in the 1980s, through the expansion of paramilitarism, to the consolidation of the different criminal organizations that operate in the city. These organizations dominate "security" in the neighborhoods and, in turn, are the cause of extortion, homicides, micro-trafficking of weapons, drugs, people, and forced displacement of the civilian population. **Conclusions:** Currently, the city of Medellín, as well as many municipalities in Colombia, have a serious problem of legitimacy in exercising control and security processes over neighborhoods, communities, or districts (depending on the city). This should lead to the rethinking of public security policies and the consideration of the idea of quadrants in the case of police action.

Keywords: legitimacy; State; criminal organizations; Medellín; violence.

Resumen

Objetivo: esta investigación tuvo como propósito recoger la perspectiva de 256 jóvenes de la Comuna 13 de la ciudad de Medellín, acerca de su percepción sobre la legitimidad que han conseguido las organizaciones criminales para ejercer la violencia y establecer órdenes territoriales en la ciudad. **Metodología:** el proceso estuvo dividido en dos momentos, el primero, el análisis por las principales teorías del Estado para comprender la unidad del mismo sin competir con otras organizaciones armadas por su hegemonía territorial, y lo segundo, el análisis de la perspectiva de los jóvenes de la Comuna 13 sobre la legitimidad de violencia que han adquirido muchas de estas organizaciones sobre todo en los primeros diez años del siglo XXI. **Resultados:** para el caso de la ciudad de Medellín, se realizó un breve recorrido sobre los antecedentes de violencia y dominación territorial que se abordan desde los inicios del Cartel de Medellín en los años de 1980, pasando por la expansión del paramilitarismo, hasta la

consolidación de las diferentes organizaciones criminales que operan en la ciudad y que dominan la «seguridad» en los barrios, y a su vez, son las causantes de extorsiones, homicidios, micro-tráfico de armas, drogas, personas y desplazamientos forzados a la población civil. **Conclusiones:** es posible considerar que, en estos momentos, la ciudad de Medellín al igual que muchos municipios de Colombia tienen un serio problema de legitimidad para ejercer los procesos de control y seguridad sobre barrios, comunas o distritos (dependiendo la ciudad), lo que debe llevar al replanteamiento de políticas públicas de seguridad y la consideración de la idea de cuadrantes para el caso de la acción policial.

Palabras clave: legitimidad; Estado; organizaciones criminales; Medellín; violencia.

Resumo

Objetivo: o objetivo desta pesquisa foi reunir a perspectiva de 256 jovens da Comuna 13 da cidade de Medellín sobre sua percepção da legitimidade que as organizações criminosas alcançaram para exercer a violência e estabelecer ordens territoriais na cidade. **Metodologia:** o processo foi dividido em duas partes: primeiro, uma análise das principais teorias do Estado para entender a unidade do Estado sem competir com outras organizações armadas pela hegemonia territorial e, segundo, uma análise da perspectiva dos jovens da Comuna 13 sobre a legitimidade da violência que muitas dessas organizações adquiriram, especialmente nos primeiros dez anos do século XXI. **Resultados:** no caso da cidade de Medellín, foi realizado um breve panorama da história da violência e da dominação territorial, começando com os primórdios do Cartel de Medellín na década de 1980, passando pela expansão do paramilitarismo, até a consolidação das diferentes organizações criminosas que operam na cidade e dominam a "segurança" nos bairros, que, por sua vez, são responsáveis por extorsão, homicídios, microtráfico de armas, drogas e pessoas e deslocamentos forçados da população civil. **Conclusões:** é possível considerar que, no momento, a cidade de Medellín, assim como muitos municípios da Colômbia, tem um sério problema de legitimidade para exercer os processos de controle e segurança sobre bairros, comunas ou distritos (dependendo da cidade), o que deve levar a repensar as políticas de segurança pública e a considerar a ideia de quadrantes para o caso de ação policial.

Palavras-chave: legitimidade; Estado; organizações criminosas; Medellín; violência.

Introduction

The arrival of a drug trafficker of the stature of Pablo Escobar to the Congress of the Republic of Colombia in 1982 marked a milestone in the margins of legality in Colombia. One could not differentiate between the institutional and legislative orders of power and the influence of criminals in some of Colombia's strata. Those who questioned and denounced the permeability of drug trafficking in the Colombian State were assassinated. An example is the case of the Minister of Justice, Rodrigo Lara Bonilla, who was assassinated in 1984 by Pablo Escobar's hitmen.

Later, in the 1990s, Pablo Escobar decided to build his own prison, known as "La Catedral," to avoid extradition to the United States. He set up his own internal surveillance, and the Colombian Army was just meters from the entrance to his own prison compound. Once again, the legitimacy and control of the Colombian state were questionable.

The case of Pablo Escobar would not be the only one. In 1998, former President Andres Pastrana, in Resolution 85 of October 14, 1998, granted the FARC a no-conflict zone as a requirement for negotiating peace. This allowed for a much greater consolidation of this organization and territorial control of 42,000 km²; that is, a territorial space that belonged to the Colombian State came to be dominated by an outlaw group within the country.

Paramilitarism, the armed and illegal extreme right, also contributed to further fragment the legality and legitimacy of the institutions, especially the Colombian Army, after the case known as "parapolitics." In 2006, it was revealed how paramilitary groups promoted and financed political campaigns for the Congress of the Republic to favor their anti-insurgency activities in different areas of Colombia.

Allowing orders not legitimized by the State to hold sway contradicts the foundations of the social rule of law that Colombia is supposed to uphold; it provokes processes of fragmentation and undermines the legitimacy of the institutions. In this sense, the trust of the citizenry is based on other forces that do not correspond to the State, naturalizing non-state violence as a form of citizen defense in response to the slowness or indifference of many officials.

This research focused its efforts in the theoretical framework on observing basic principles for the constitution of a State. It addressed those that were considered most fundamental but also questioned theoretical reflections on the duality of States and how these fragmentations generate dualities that corrupt the legitimate trust of citizens toward their institutions. Therefore, in this space,

the authors sought to understand the structures of strong states and to analyze the points of rupture and fragmentation within these states.

The research process, in its evolution of results, focused on analyzing primary sources that provided statistical data. These sources included the Criminal Investigation Directorate of the National Police of Colombia and the Ombudsman's Office, a collective defender of human rights. The entire focus is on the city of Medellín. This is where large criminal organizations are located.

In a second stage, interviews were conducted with young people from Comuna 13 in Medellín. These young individuals constantly experience the actions of these illegal organizations. These organizations, in turn, manage to legitimize their actions in their communities through fear or the simple conviction of their inhabitants to exercise violence indiscriminately. From there, finally, how the State, even without consciously doing so, inadvertently competes for legitimacy in many neighborhoods and communities of Medellín is analyzed.

Theoretical Framework

The Integrating Unity of the State

For Hobbes, consent among those who are governed by the sovereign is essential for the establishment of peace and security for all. This prevents fear from leading them to use their own despotic force to attack others. Consequently, "it belongs to him who possesses the sovereign power to be a judge, and he will appoint all judges based on opinions and doctrines which seem necessary for peace, thus preventing discord and civil war" (Hobbes, 2018, p. 135).

The sovereign and the legislators who accompany him prescribe the laws by whose mediation any man may know what goods he may enjoy and what actions he may perform without being overwhelmed by the other subjects. Hobbes establishes, in the consistency of consent and common agreement, the *legitimate and illegitimate* in the actions of subjects.

In this sense, the English author integrates into the figure of the sovereign the capacity to maintain peace, defend common goods, and uphold integrity in establishing mutual agreements among the subjects and their governance. In other words, if any of the governed violates the agreed legitimacy of that order, the legitimate authority imposes punishment on the subject who has transgressed:

A *sin* is not only a transgression of some law, but also any disregard for the legislator. Because such disregard is a simultaneous violation of all laws. And, therefore, it may not only consist of the commission of a deed or in speaking words prohibited by law or in the omission of what is ordered by law, but also in the intention or purpose to transgress. For the purpose of breaking the law implies a certain degree of contempt for the one to whom it belongs to see it executed. (Hobbes, 2018, p. 214).

Although Hobbes does not provide a theological treatise on sin, he recognizes a certain similarity between sin and fault, stating that where the law ceases, so does sin. Simultaneously, he implies that where there is no sovereign power, the illegitimacy of crime also ceases, since there is no protection of the law or its *citizens*.

To ensure the maintenance and preservation of modern states, as developed by Hobbes through the sovereign, states must be unified structures in all their administrative spheres. This is necessary to maintain coherence and avoid implosions that could jeopardize their existence in the territorial order they dominate. This is where the importance of the administrative activity of the States in guaranteeing legitimacy processes becomes evident.

In this sense, Weber (2012) examines the state as a unit through different types of domination, including violence and physical force against those who threaten its integrity (a reflection already initiated by Hobbes). From there, he turns to the need for an administrative apparatus that sustains the functional unity of the State. This unit adds some fundamental characteristics to those who wield administrative power:

1. They are personally free and subject only to obedience in their impersonal official duties.
2. They are organized in a clearly defined hierarchy of positions.
3. There is a clear delineation of official competencies.
4. The staff member is subject to strict and systematic discipline and control of their behavior in office. (Weber, 2012, p. 83).

The responsibilities carried out by the officials within the administrative unit must be separated from their political involvement to safeguard the State's function as a guarantor of the various political freedoms it encompasses, provided those freedoms do not pose a threat to the State's existence.

The elucidation of the definition and professional qualifications pertaining to roles responsible for the governance of the State is instrumental in fostering impartiality throughout regulatory procedures, thus averting their potential politicization or ideologization. This in turn, ensures the protection of citizens' rights ungraded in the same law and enforced in the same authority, sometimes requiring the use of force, not solely for the preservation of the State's institutional components, but also for the protection of the inviolable rights of its citizens. This undoubtedly nurtures the prevailing notion of legitimacy through trust. However, when either the State or its citizens fail to uphold integrity, this unity starts to fracture the structural foundation of legitimacy.

This trust constitutes the fundamental cornerstone of any constitution that lays the foundation for the rule of law as a state legislature. State legislature, devoid of trust, would be an intricate form of absolutism. Unfettered obedience would become overt oppression, and an unequivocal relinquishment of the right to resist would be an untenable imperative. (Schmitt, 1970, p. 31).

According to Schmitt, the interplay between reason and justice enables the establishment of a state legislature that upholds its legitimacy within the administrative unit, thereby averting absolutism and preserving political struggle. Consequently, legality and legitimacy develop into tactical tools that each party deploys strategically, identifying particular actions of their political opponents as illegitimate or unjust (Schmitt, 1970).

These mechanisms basically serve for transforming legality into an instrument of political struggle. According to Weber (2012), both civil servants and politicians are obliged to prevent any division in the State's unity, consistently functioning within the constraints of the constitution and the law.

Both Weber and Schmitt concur that political divergences should not influence the administrative legitimacy of the state in practice, using the established mechanisms for its defense. They also acknowledge that administrative resources should never be employed for personal purposes, regardless of the strength the political opposition. The distinctions between the state legislature and state jurisdiction, as well as between the state government and administrative state, and even the utilization of the constitution and the legal frameworks to challenge political adversaries and combat perceived *public adversaries* are sometimes reaffirmed. However, legitimacy and violence to maintain order cannot be mandated or contested by any entity besides the State (Martinez-Ferro, 2010; Beca, 2006).

In this context, what happens when other entities reside unlawfully and, still garner approval from a group of settlers, be it out of fear or conviction? Does

the State fragment within its administrative unit responsible for the protection and security of all?

State Fragmentation and Duality

In *The Dual State*, Ernst Fraenkel (2010) analyses the deviation of the National-Socialist party in Germany from the concept of a unified administrative and bureaucratic state posited by Weber (2012). This deviation is represented by a shift toward a state marked by *personal decision-making* driven by an ideological capture, resulting in the separation of various sectors of the German civilian population.

Fraenkel (2010) identified two distinct states to characterize the preceding process: the prerogative state and the normative state. The *normative state* utilizes all legal powers and tools of the State to safeguard the legitimacy of the constitution and laws, while also ensuring diversity and political participation across various sectors. The *prerogative state* rejects the legitimacy of established laws replacing them with the personalized mandates of a ruler who, in turn, has the support of armed forces, whether legal or illegal. This transformation is exemplified with the *Schutzstaffel*, a paramilitary force eventually incorporated into the German Army as part of the Nazi party's shock troops. Consequently, the boundaries between administrative and legal actions are breached.

[*The Prerogative State*] No delimitation of jurisdiction is provided for Political officials may be instruments of the state or the party. The jurisdiction of party and state officials is not subjected to general regulations and in practice is flexible. (Fraenkel, 2010, p. 7).

In such instances, civil servants and administrative offices of the State are beholden not to the legislative body's administrative acts, but to the party's programs and ideological activities.

In his work, Fraenkel (2010) cites Hitler's Emergency Decree of February 28, 1933 (*Reichstagsbrandverordnung*, 1993), which was enacted without legal or administrative order. This decree removed all constitutional rights and established a state of emergency, allowing Hitler to formulate decrees without institutional regulation or congressional approval. Similar situations may be observed in Colombia with parapolitics, where paramilitary organizations, for a period, exerted influence over congressmen and senators, leading to illegitimization of the political constitution and decisions made under the sway of these organizations:

At the time of writing this paper, the national press had reported that 34 out of 102 Senators elected in 2006, 33%, and 25 out of 168 House Representatives, 15%, were under investigation for ties to narco-paramilitarism. These figures demonstrate how narco-paramilitarism has considerably surpassed drug trafficking previous infiltration capacity. In 1982, when Pablo Escobar was elected to the House of Representatives, both his votes and that of his running mate accounted for less than 1% of the Senate votes. In 1994, when it was revealed that the Cali Cartel had significantly infiltrated the political campaigns, those who were convicted accounted for 8% of the Senate votes. If one were to include others implicated in the 8,000 process, this percentage would raise to 12% of the Senate votes. In 2006, those under investigation for narco-paramilitarism represented 35% of the Senate seats and 25% of the Senate votes. This steady growth suggests that drug trafficking has been refining its methods of infiltrating political power and achieving a higher level of “success”. (López & Sevillano, 2008, p. 1).

The paramilitary advance allowed different illegal groups to assume territorial control over abandoned areas of Colombia, thereby exerting both military and political influence. This situation led to the emergence of candidacies for the House of Representatives and the Senate establishing a form of co-government between the paramilitaries who controlled the abandoned territories by the State power and the newly elected representatives who joined the Colombian legislative branch (Cruz, 2021; Duque, 2021).

Regarding the above, Avila (2015) highlights the following:

The complicity between certain military structures and paramilitary groups was not a coincidence [...] the legitimacy of the military forces led to a decrease of their actions against the civilian population, while their vulnerability in dealing with the guerrilla allowed paramilitary groups to progressively assume the roles previously carried out by the public forces. (p. 101).

The armed groups not sanctioned by the State fiercely assert their power through armed means and take control of public order in certain territories. This leads to a fragmentation of the state’s administrative capacity within these regions, and in some cases, replaced by illegal forces. As a result, the civilian population is compelled to a kind of legitimacy to illegality, as a unit that defends “citizen security.”

In this regard, Fraenkel (2010) similarly illustrates how the prerogative state breaks its relationship with administrative, military, and legal actions, degrading the rule of law. In the absence of power, alternative power structures within the State can acquire a certain level of legitimacy for their violent actions, thereby creating a dual and fragmented State at different levels.

The theoretical principles of the State explicitly assert that States do not exercise relative governance over specific territories, instead, they assert their authority over the entire delimited territories.

The State is a unified territory due to the fact that, whether it is a single geographic space or multiple separated spaces, it is "governed" in a unified manner. In the case of a State with a territory composed of discontinuous spaces, the spatial arrangement serves as a form of closure or enclosure, as the majority of the State's provisions have territorial and not personal legitimacy. (Heller, 2007, p. 173).

Consequently, the State experiences dualities when civil rights and administrative institutions are absent or when external entities employ various forms of violence and territorial control for legitimization (Fraenkel, 2010).

Similarly, Bobbio (2016) recognized that the origins of the delegitimization of the rule of law are concealed beneath the facade of governmental bodies employing the constitution, laws and, more recently, the media. The above serves as a principle of opportunity to conceal social problems that can give rise to criminal organizations seeking to seize state power or, simply, to foster competition with processes of social legitimization of violence and other interests.

The illegitimate perceived as legitimate stands out in the exercise of powers concealed beneath the facade of the State. It ends up concealing those actions that would resemble a dictatorship. However, the constitutional framework of democracy requires that such actions remain hidden from public view.

In this regard, Bobbio (2015) distinguishes three modalities in which the State can be fragmented to the extent that may lead to its destruction. The first modality refers to invisible forces, often clandestine, including illegal organizations, mafias, and terrorist groups. The second modality involves political sects forming alliances with private sectors, leading to instances of corruption. The third method involves analyzing the data from the same employees who function as an invisible power within the same state structures. Regarding the first case, Bobbio mentions:

There is an unseen force directed against the state that functions as the most effective weapon against it. It contains criminal associations, large criminal organizations like the mafia – for which our country holds the top spot – as well as covert political sects, which today function as terrorist organizations and whose proliferation over the past ten years is also a uniquely Italian phenomenon. The secret society differs from criminal organizations in terms of its goals, yet

it frequently uses the same methods for hurting, assassinating, seducing, and murdering people. (Bobbio, 2015, p. 30).

In the Colombian case, Pablo Escobar's entry into the Congress of the Republic in 1982, as well as various parapolitical cases from 2005 to 2006, demonstrate how organizations with leaders have formed legitimizing the power of their violent actions. Examples of this are the creation of violent discourses like that of the paramilitaries in Colombia, their "battle against the insurgency" (Castaño & Ruiz, 2017), the widespread acceptance of narco-populism, and the creation of social images of Pablo Escobar as the social hero of tv dramas (Wilches, 2020; Korstanje, 2017).

In the case of Medellín, Escobar's image has transcended the boundaries of the city's notoriously violent, drug-trafficking past and has been recast as a kind of "Robin Hood" in some of its outlying areas. Additionally, with the use of narco-novels, the media have been strengthening this perception (Orozco, 2021).

The same idea of Robin Hood is examined by Hobsbawm (2011) in relation to social banditry, i.e. men outside the law who the government regards as criminals while a portion of the populace (at least) views them as victorious heroes and fighters.

1) The noble thief begins his career outside the law not because of a crime but rather as a victim of injustice or as a result of authorities persecuting him for some action that he believes to be unlawful but is not generally accepted to be so; 2) "fix the abuses," 3) "rob the rich to give to the poor," 4) "never kill unless it's your own defense or just retaliation," and 5) "if you survive, reintegrate yourself into your community as a respected citizen." In practice, he never abandons his community; 6) he is supported, admired, and helped by his people; 7) his death is solely the result of betrayal because no honorable member of the community would aid the authorities against him; and 8) he is, at least in theory, invincible and untouchable. (Orozco, 2021, p. 59).

The beginning of his career outside the bounds of the law already poses a challenge to the territorial order where he dominates. Hobsbawm (2011) lists a number of characteristics that a social outlaw must possess in order to obtain a degree of legitimacy approved by a group of people in a given territorially defined area and to provide "benefits" to their community in retaliation for the approval given to their actions by the same group of people. Therefore, the sector's vulnerability is the seed of their violent attack, which consists of "guardians of abuse," and their violence often reflects righteous retribution. Therefore, according to Hobsbawm's interpretation (2011), the community

prefers the legitimacy of the social bandit over the slow actions of justice by state authorities.

Methodology

This investigation was developed from a qualitative approach because, even though the social reality of many municipalities in Colombia is similar to the one presented here, there is a lack of official studies and research to provide a characterization of Colombia as a fragmented state where co-governance occurs due to ignorance, lack of interest, or economic interests of some officials with criminal organizations.

In the case of Medellín, there is a long history of governance and legitimacy of criminal forces in the city that began with the Medellín Cartel in the 1980s. This history includes the constant struggle of Pablo Escobar to enter national politics and the significant paramilitary coverage that subjected Colombia to legitimizing violence to eliminate insurgency. This role was exemplified in the case of Medellín by the Metro Block and the Office of Envigado, led by former paramilitary Diego Murillo Bejarano, alias "Don Berna," who controlled Medellín and its organizations until his extradition.

This historical foundation made it possible to analyze the Medellín case and the legitimacy of criminal organizations in two distinct periods. First, gathering official information from the Medellín Integral Security and Coexistence Plans (ISCP), early warnings from the Public Defender, data from the Fund for Peace and Reconciliation, and databases from the Criminal Investigations Division of Colombia's National Police was proposed.

In the second phase, young people who experienced the daily functioning of these organizations in their neighborhoods during the years 2019 and early 2020 were approached. This approach recognized the legitimacy that many of these organizations enjoy through a process of social normalization of their violent actions. Accordingly, a field study was conducted in the community of young students ranging in age from 13 to 19 years old in Medellín's Comuna 13 (one of the areas most affected by violence since the turn of the century).

A total of 256 young people were involved in the research process. Two processes were conducted: 1) a discussion of Medellín's social reality in which the topic of violence was discussed; and 2) the formation of 128 couples for focus groups. The decision to focus on only two participants per group was made to make the narrative of their experiences more concrete, and to prevent a third

participant or more from being influenced by the experience of the person reading the question and the one initiating the narrative.

The sociodemographic characterization of the surveyed youth corresponds to ages between 14 and 18 years old, belonging to strata 1 and 2 in Comuna 13 of the city of Medellín. To make the survey balanced in terms of gender, 130 women and 126 men were chosen.

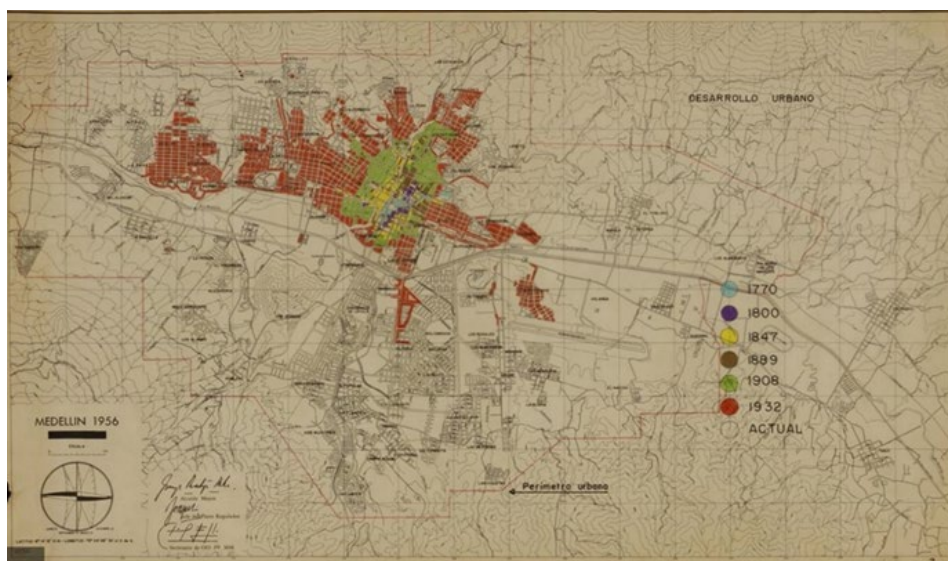
Two surveys were conducted to obtain the desired information. In the first survey, a SWOT matrix and a speaking map were developed, identifying the most conflict-prone areas of the city and the neighborhood. In the second survey, questions were asked about the functioning of the state and criminal organizations, as well as the legitimacy of orders in the neighborhoods where they operate. At the end, each of the responses and general ideas about the topic was shared by the focus groups.

Results

State and Criminal Organizations in Dispute for Legitimacy

In the 1980s, the proliferation of neighborhoods and settlements in the city of Medellín went beyond the urban planning regulated by P. L. Weiner and J. L. Sert in 1956 (see Figure 1). The fabric of the new neighborhoods and areas in Medellín became increasingly complex for the planning of straight streets, as originally intended.

Figure 1. Center for Planning Documentation (Medellín). Plan Room E, Tray 9, Page 2 contains urban development 1770, 1800, 1847, 1889, 1908, 1932 and the present day. General location map. Base map, 1956, analysis map 1958.



Source: Historical Archive of Medellín (1958, p. 9).

As a result, poor farmers' migration to Medellín in search of better opportunities and progress gave rise to a complex urbanist landscape of neighborhoods and encampments that were difficult to access, which revealed the local governments' ignorance of the social conditions that were emerging in these new areas of the city. To these problems, the following was added:

The problems of overcrowding, unsanitary conditions, insufficient urban facilities, lack of public space, transportation difficulties, housing precarity, uncertainty regarding property titles, and exploitation in the rental market were challenging to overcome in the context of intense popular urban growth, low incomes of many families, and the absence of a city policy. In addition to this, starting from the late seventies [of the 20th century], there was the emergence of drugs zone – previously concentrated in a few locations in the city – alongside the spread of the consumption of the highly addictive and destructive bazooka. New forms of crime and youth gangs also began to emerge in connection with drug dealing, drug areas, and the establishment of drug trafficking and organized crime in the city. (Martin, 2014, p. 143).

In other words, the emergence of these disconnected neighborhoods and settlements, separate from municipal political administration, provided fertile ground for many young people to turn to crime as a means of sustaining themselves within their communities. They were also joined by the economic backing of the Medellín Cartel through the provision of weapons. As a result, local authority became disconnected from the new dynamics of violence and legitimacy that were taking shape in the emerging 16 districts of Medellín.

It is crucial to recognize that:

In Medellín during the 80s [of the 20th century], three main types of gangs can essentially be distinguished: the "duras", the "chichipatas", and the guerrilla militias, along with all possible intermediate, mixed, and atypical forms. The "duras" gangs (integrated by Los duros) consolidated themselves with direct influence from drug trafficking kingpins. The smallest gangs, emerged in the poorest and most marginalized neighborhoods, and constituted the workforce for the "duras" or tough gangs. The militias were urban guerrilla groups that operated with varying levels of autonomy. (Martin, 2014, p. 149).

These organizations were in constant dispute for territorial control under several processes. At first, they were sponsored by the cartel of Medellín during the 1980s. After Escobar's death and the consolidation of "Los Pepes" group (persecuted by Pablo Escobar) the criminal organization of Escobar was decentralized and conflicts started among dissidents of the Medellín cartel, guerrilla militias and *Los Pepes*, who later gave birth to the political and military life of the paramilitaries, fostered at the beginning by Cooperatives of Surveillance (Convivir), stated in the article 42 of the Law Decree 356 of 1994.

Between 1994 and 1997 there was a constant struggle in the process of creation of the United Self-Defenses of Colombia (AUC in Spanish) in Medellín.

The first armed group formally created by AUC, although within the structure of ACC, it was called *Bloque Metro* under the guidance of [alias] *Doblezero*. This group was comprised of combatants trained in Urabá and assigned to Valle de Aburrá and its surroundings. The aim in Medellín was to organize groups of urban Self-Defense (Grau in Spanish) to displace active guerrilla militia mainly in the *comunas* 8, 9 and 13. (Martin, 2014, p. 369).

The total consolidation of AUC in Medellín took the total control of the groups and criminal gangs of the city. *Operación Orión*, executed by the Colombian State, was an opportunity for the AUC to displace and killed their enemies of guerrilla militias in *Comuna* 13. It consolidated a territorial order in all the city

of Medellín by paramilitaries. This means that neighborhood organizations that at the time were under Pablo Escobar orders, were now the new youngsters, under Diego Fernando Murillo, alias “*Don Berna*.”

After the demobilization of AUC in the compliance of the agreement of Santa Fe de Ralito, July 15, 2003 and the capture of several paramilitary leaders – Diego Fernando Murillo, “*Don Berna*” – among others, and his extradition to the United States on May 2008 was another scenario for the criminal organizations in Medellín. The gang dealt with micro-trafficking, theft, and blackmail and additionally “take care of the neighborhoods.” This caused another scenario for the conflict to obtain the power and control of the office in the municipality of Envigado and the order of neighborhoods of Medellín.

Table 1. *Rate of Violent Deaths in Medellín 2007-2012 PISC.*

Crimes	2007	2008	2009	2010	2011	2012	Source
Rate of homicides for each hundred thousand inhabitants (HPHI)	34,04	45,61	94,38	86,34	69,63	50,91	INML, SIJIN, CTI, -Secretary of Security of Medellín
Rate of violent deaths for each thousand of inhabitants	61,19	74,32	119,23	110,97	95,05	ND	SISDEC, SIAVAC-SIVELSE. INML, SIJIN, CTI, Secretary of Security of Medellín
Homicides	771	1045	2187	2023	1649	962	INML, SIJIN, CTI, SISC- Secretary of Security of Medellín

Source: *Plan Integral de Convivencia y Seguridad* (2015, p. 61).

In Medellín, the *Plan Integral de Convivencia y Seguridad* (2015) shows an increase of more than 50% in homicides the year after the extradition of alias “Don Berna.” During this time Erickson Vargas Cárdenas, alias “Sebastián,” and Maximiliano Bonilla Orozco, alias “Valenciano,” vied for the control of the city. Beyond the succession of gangs by the leaders of these groups, how the social permanence of the neighborhood records a degree of stability according to the agreements between the gangs of the city is revealed. They obtained control

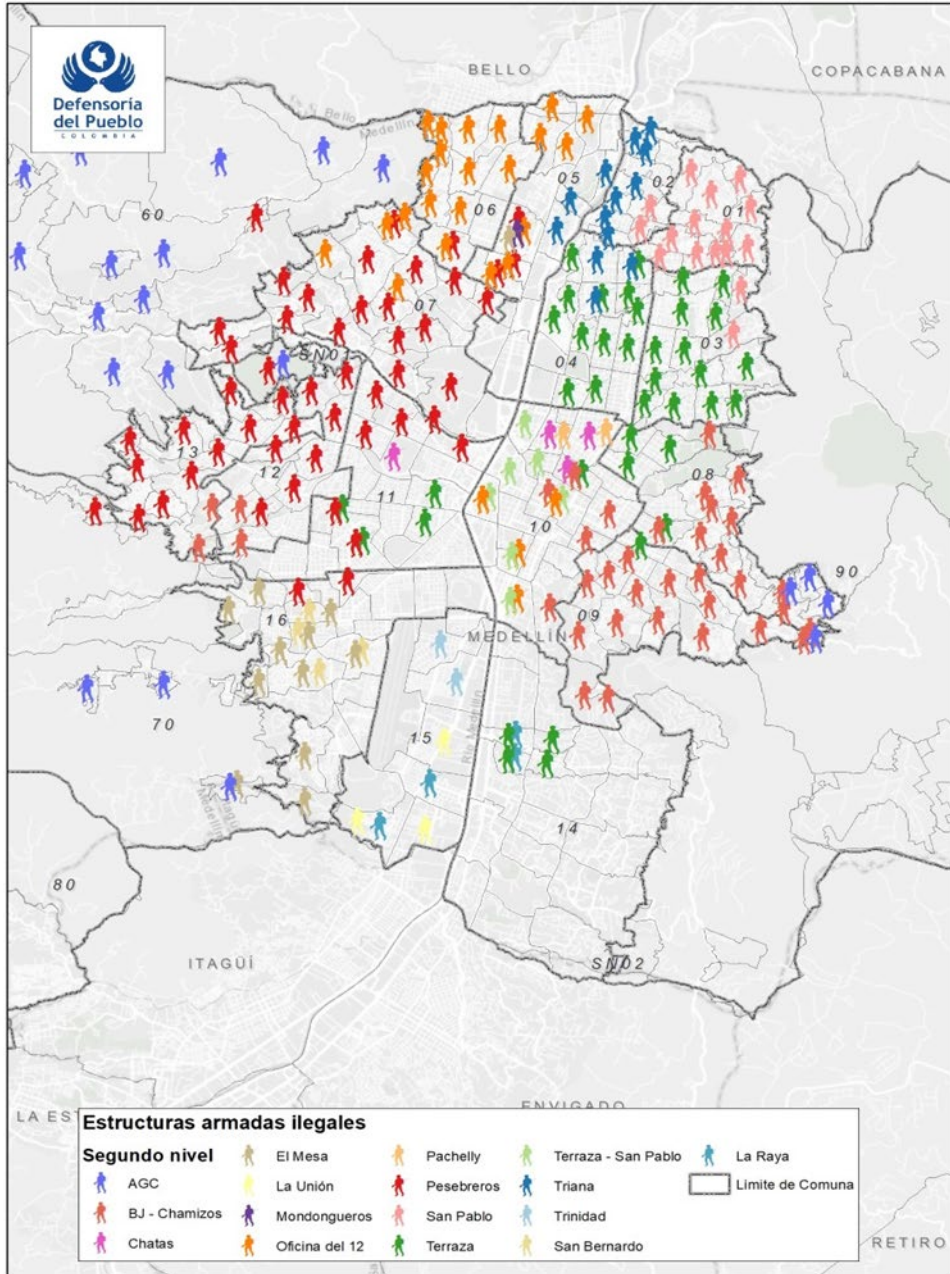
beyond blackmail and micro-trafficking, the orders of legitimacy of coexistence between neighbors of these sectors.

These organizations have increased since 2012. In 2014, *Fundación Paz y Reconciliación* (2018) registered 146 criminal organizations in Medellín and another 13 unidentified. As this entity states:

The culture of drug trafficking and illegality acceptance is a consequence – or a natural response – of the years of armed violence focused in Medellín. It has led to a parallel order being imposed and accepted. The illegalness is recognized more as an authority than the State itself. And the youth respond to the groups – specifically those from marginal neighborhoods. Currently, this conflict in Medellín is manifested in organized structures of power with criminal acts. Those come up from old schools and criminal practices implemented by the old actors of the armed conflict and drug trafficking at the national level. They have always taken Medellín as a kind of laboratory of all kinds of violent acts. (p. 8).

The *Fundación Paz y Reconciliación* (2018) remarks that these criminal organizations have forcefully taken over the legitimate order of the neighborhoods Medellín. Their presence is valid throughout the territory of the city. Figure 2 shows the early warning reports of the Ombudsman's Office.

Figure 2. Illegal Armed Structures in Medellín by 2020.



Fuente: Defensoría del pueblo (2020).

Different organizations distributed according to the information of the Ombudsman's Office show full coverage of the city. They control problems between neighbors and, even, the recruitment of new young people. These groups are also responsible for stimulating or stopping the conflict of emerging organizations. Usually, there is no confrontation and if there is, it is severely repressed by this already-aligned organization. The Ombudsman's Office (2010) highlights the presence of these criminal organizations in several risky scenarios.

[One of the scenarios of] risk is found [in] most of Medellín's neighborhoods and streets, specifically in territories where there has been no open confrontation between illegal armed structures during the last two years, but there is a presence and a territorial and population control that has been hegemonically exercised for years by the same illegal actor. There, the civilian population tolerates another type of behavior. It is silent, the events are not headlines, but they are a permanent source of DDHH violation of the civil population. These are the most common behaviors in these vulnerable sectors: Threats, forced displacement, connection and use of NNA, blackmailing, constraint of participation and social fabric, violent punishment (mainly individual), among other behaviors that the population seems to be naturalized to in the absence of institutional action. (p. 36).

These criminal organizations end up taking over the actions of a pre-modern state like an inquisition. Without social agreements and respect for human or constitutional rights, criminal punishments, and orders arise from the decision of the leaders of these organizations against some neighbors of the neighborhoods or opponents from other organizations. What makes the situation even more complex is the naturalization of these behaviors; even to replace the judge or the police by leaders of these organizations. This does not happen because people want to choose these organizations as promoters of law and neighborhood justice, but mainly for two reasons:

1) The lack of a stable, legal and sustainable economy for young people and their economic independence, and permanent presence of criminal structures willing to address the needs of young people 2) The connivance of some members of the public force and the legitimacy of a large part of the community. This makes it easier for the young person to connect to illegality. (Fundación Paz y Reconciliación, 2018, p. 11).

The corruption of members of the armed forces with these groups has become a kind of de-legitimation by a large majority of people who perceive the State as inefficient and corrupt in resolving conflicts and social problems. In the case of Medellín, also the police structure planned by quadrants in each of the neighborhoods does not fully cover citizen security.

Legitimacy and Violence: The Social View of Young People on Criminal Organizations in Medellín

The naturalization of organized crime in many neighborhoods of Medellín corresponds to the lack of the State order. It ranges from the judicial institutions and their slow effectiveness of high volume of cases, to the legislative branch. It is marked by its high rates of corruption, to police intervention in the effective control of criminal organizations in the city.

To get closer to the concept of legitimacy of violence and justice in Medellín, the fieldwork was conducted with 256 young people from the Comuna 13 (one of the most affected by city organizations). A total of 128 focal pair groups answered four structural questions to communicate the naturalization of the legitimacy of the violence of criminal organizations in the area and, mainly, to convey how they assume the security and protection the State should provide.

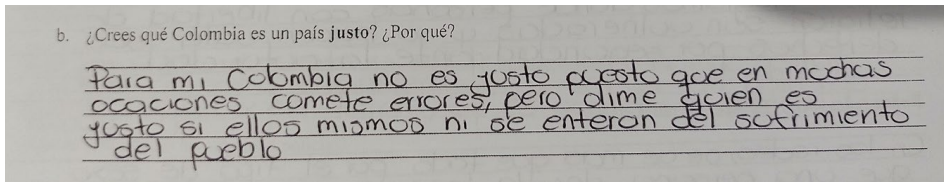
Table 2. *Analysis of the Perception of Justice.*

Do you think Colombia is a country where justice is exercised?		
Yes	6	5%
No	100	78%
Sometimes	22	17%

The first question aimed at ascertaining the conception of justice. The question was: Do you believe that Colombia is a country where justice is exercised? Seventy-eight percent replied “no.” These 200 young people were skeptical that the model of justice in Colombia would solve many of the problems that arise daily; mainly, a neighborhood that at the beginning of the 21st century suffered state intervention and where many paramilitary organizations took the opportunity

to annihilate their enemies from groups that included people outside the conflict. One of the considerations expresses:

Figure 3. *Perception of Justice.*



They describe the State's forgetfulness regarding the suffering of violence and other social factors experienced in the poorest neighborhoods of Medellín, to the distancing of some entities from the civilian population, as a seed of injustice and self-defense or, as Hobbes (2018) maintains, "If there were no constituted power or it was not great enough for security, every man could legitimately rely on his own strength and aptitude to protect himself against all other men" (p. 127).

In accordance with the background of the lack of justice from the perspective of these young people, the intention was to find a justice generator in Colombia from the social perspective in which they live, where the only close relationship they have with the political and social reality of the rest of Colombia, is what is transmitted by the media or what they manage to acquire in the educational institutions they attend. Consequently, the question was raised: who are the most unjust people in Colombia?

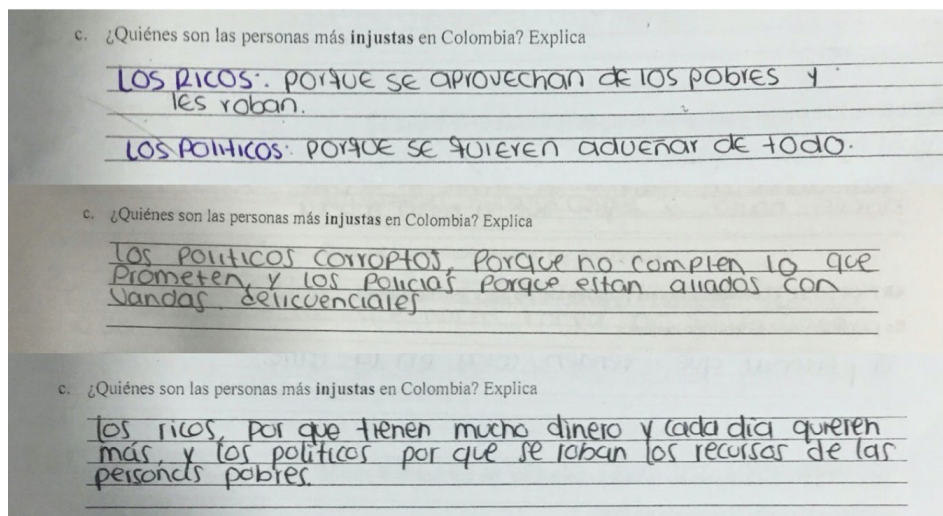
As shown in Table 3, the same 78% maintain that politicians are the people holding the highest rate of injustice; followed by the upper classes, at 10%, as well as the police.

Table 3. Analysis of the Perception of Justice.

Who are the most unjust people in Colombia?		
	Groups	Percentage
The politicians	100	78%
The upper classes	13	10%
The Police	13	10%
Criminal organizations	2	2%

Something to highlight in this question is that criminal organizations – which are the same ones that operate in these areas and are mainly responsible for thefts in the city, homicides, micro-trafficking and forced displacement – appear in last place with only two focal couples that consider them actors that generate injustice. Some considerations were the following:

Figure 4. Considerations on the Perception of Injustice.



The development of these discourses almost always includes corruption as a way of capturing public resources that are not properly delivered, as well

as the similar singling out of the upper classes as accumulators of money and hoarders of workers' resources. In the same development, one of the focal couples points out the corruption of some members of the police with members of these criminal organizations.

Police figures, published by the press *El Tiempo*, show that in 2016 650 police officers were captured for various crimes (Rueda, 2019). In 2017, 583 were captured and by October of 2018, 450 members of the public force were detained. For the year 2019, the Antioquia Police Command relieved all uniformed personnel belonging to the Cauca command, municipality of Antioquia, due to complaints about alleged links of the police force with micro-trafficking and extortion networks.

In conclusion, many of the characteristics mentioned by Weber (2012), such as the “elimination of the personal point of view and submission to obedience in their impersonal official obligations and a clear delimitation of official powers” are violated by some State officials, disintegrating citizen trust in institutions, which are – or should be – protectors of civilian lives and property.

The excesses on the part of many of these officials facilitate criminal organizations, providing them with greater coverage in the development of their operations, and greater penetration and legitimacy in the social sphere. In that order of ideas, the question was posed: do you believe that there are other powers that govern more than the police authority?

Table 4. *Analysis of the Idea of Authority.*

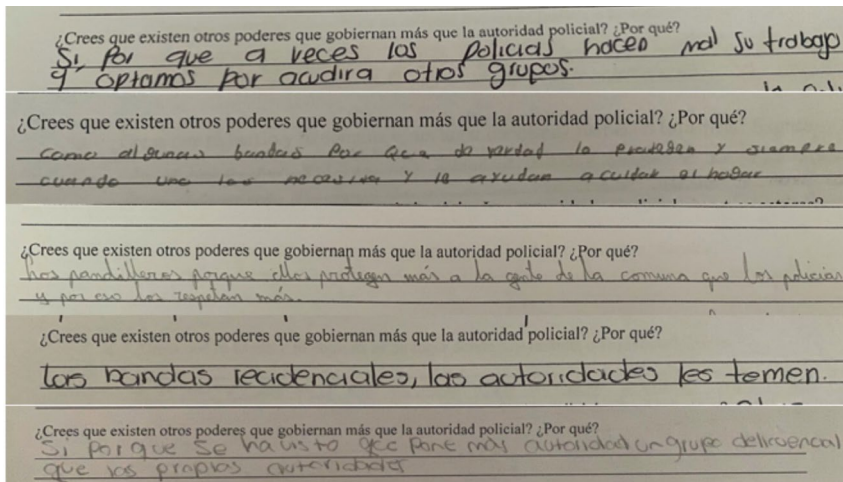
Do you think there are other powers that govern more than the police authority?		
Yes	104	81%
No	24	19%

To this question, 104 focal couples responded that in Medellín powers greater than the security forces govern. The Police were included because they

are the largest representative entity among the State order in the protection of citizens and civil rights.

This governability that is put in the question, is formulated in various ways, ranging from maintaining territorial order in the neighborhoods to the recruitment of young people into these criminal organizations. Some responded to this, as can be seen in Figure 4:

Figure 4. Perception of the Youth Idea of Authority.



Some of the participants of the research acknowledged going to these groups in case of any problem they had in their sector. They consider the Police ineffective when it comes to solving problems among neighbors. These groups resort to a type of street court to intimidate others who do not conform to their rules or are simply perceived as a threat to the development of their interests in micro-trafficking and extortion. Of the latter, according to statistics issued by the Directorate of Criminal Investigation and Interpol of Colombia (2020), 630 complaints of extortion were reported for the year 2019 alone. By 2020, it dropped to 506.

Some members of the focal couples considered that criminal organizations provided “security” to the neighborhood where they live, that their actions through weapons have allowed them to consolidate a level of respect on the part of the community in which they live. However, this respect for the members of these organizations is based on the fear they generate. Those who do not do so, are often murdered or forced to relocate. According to *Early Alert 032-2020* of

the Ombudsman's Office (2020), between 2018 and 2019 approximately 6,741 people were displaced from their neighborhoods and communities.

Finally, to close a generalized understanding of control and territorial order in a more specific way, it was decided to ask the young people according to their knowledge about the territory and the different armed bodies that operate or have operated there: which organization has greater control and territorial power?

Table 5. *Analysis of Territorial Control.*

Which organizations have greater control and territorial power?		
The Police	8	6%
The paramilitaries	34	27%
Criminal organizations	63	49%
The guerrillas	18	14%
Others	5	4%

Forty-nine percent highlighted the criminal gangs or “Bacrim,” which are composed, for the most part, of demobilized former paramilitaries who continued a criminal life. However, the emergence of new paramilitary factions, such as Autodefensas Gaitanistas de Colombia (AGC), have taken much of the territorial power in Medellín. Therefore, it is consolidated at 27%, according to the consideration of young people. Fourteen percent consider that the guerrillas have extensive territorial control. It is noteworthy that, although some members of the ELN operate in Medellín, they do not have a major impact on the city’s criminal orders. Finally, eight of the participating couples considered that the Police manage to have territorial control.

It is important to highlight that 94% of the focal couples recognized that the territorial order, at the level of weapons and administration of violence in their neighborhood, is controlled by forces that do not belong to the State. State forces are perceived as ineffective in the territorial order. The sale of narcotics, extortion and other criminal modalities practiced by these organizations are, in turn, their gateway to administer violence in the different areas of Medellín and carry out State tasks – such as security, protection of life and integrity of citizens – leaving the State in a difficult situation, which leaves the effectiveness of the law and the Constitution in a paradox. These criminal organizations act under their own law and interests, and compete with the State for legitimacy that they have already consolidated for decades.

Conclusions

The administrative unity and coherence in the actions of a State are essential for its existence. Their presence in the lives of citizens is consolidated with the force that the military forces exert on the civilian population, as well as through the legitimate trust that citizens place in their institutions.

In theoretical terms, every social State of law must be a guarantor of the security and life of citizens, protect the differences that make it up, supporting its actions in the Constitution and the laws as the maximum pillars of justice. However, there are three possibilities for States to disintegrate their own legitimacy: the first, when their organizations do not act effectively on their powers; the second, when many of its officials end up connected to the activities of criminal organizations; and the third, when a State does not accompany the construction of social and cultural groups, leaving room for unregulated violence.

The safeguarding of the security, integrity, and well-being of citizens is the first sign of integrity of the States. It can consolidate violence against the civilian population as a hegemonic principle of domination, as well as improve the dignity of the most forgotten sectors, where theft, extortion, micro-trafficking and other forms of violence occur as a form of survival and self-defense against what the State itself causes due to abandonment.

The data provided by government entities for the city of Medellín show that, although there is a police presence as a guarantee of security, they are not able to definitively contain the control of other criminal groups in the neighborhoods and communities that make up the city. The poverty of some neighborhoods, along with the unemployment of hundreds of young people or those with poorly paid salaries, become a source of opportunity for the swelling of the criminal ranks of these organizations.

The absence of the State on various occasions or the incomplete presence in certain situations – or even the corruption of some State officials – have caused the legitimate distrust that many citizens have – and, especially, young people – to gradually disintegrate and instead, other non-legal organizations are the new recipients of powers that were created to liquidate the very same powers. As evidenced in some of the interviewees' considerations, many people place greater trust in the actors of these organizations to exercise street justice, to the point that the same people have managed to naturalize these behaviors that give them a mobile legitimacy in accordance with the sides that come to power.

These fissures in the unity of the State are becoming more and more evident in cities like Medellín, where the State allows the strengthening of networks of selective violence by the Armed Forces to favor very specific factors, but not for

the civil protection of the citizens. Added to this is the lack of a forceful policy in the process of control, legalization, and industrialization of some narcotics to gain effective control over micro-trafficking, accompanied, in turn, by social welfare policies for young people at risk of falling into the formation of these criminal organizations.

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