



Still from the documentary *El guardián de la memoria* (Guardian of Memory).

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Violence in Mexico Organized Or Authorized Crime?

One of the most tragic episodes in recent Mexican history took place in August 2010, at least 150 kilometers from the U.S. border: fifty-eight men and fourteen women, mostly from Central and South America, were brutally murdered in the border municipality of San Fernando, Tamaulipas, by an organized crime group. This ominous event, known as the “Massacre of 72,” was only one of the multiple acts of organized violence perpetrated against the civilian population in the border region during the so-called “war against drug trafficking.”¹

After a twelve-year investigation, journalist Marcela Turati has published the book *San Fernando: última parada. Viaje al crimen autorizado en Tamaulipas* (San Fernando: Last Stop. Journey to Authorized Crime in Tamaulipas).² The author reconstructs how the criminal group, known as “Los Zetas,” in complicity with local authorities, turned the federal highway that goes through the municipality into

a route of forced disappearance: buses headed for the border arrived empty, bearing only luggage, later accumulated in warehouses. The term Turati uses to describe the atrocities is “authorized crime,” an example of our need to find the language capable of defining the nature of the violence in Mexico over recent years.

When we talk about organized crime and related violence, we often refer to specific events in the recent past: seizure of illegal substances, multiple homicides, armed clashes, bodies displayed in public places, the arrest of crime bosses, etc. These events that often occupy the headlines could seem unprecedented because of how spectacular they are or because of the consequences for public life. However, while it is true that beginning in the administration of President Felipe Calderón (2006-2012), drug-trafficking-related violence increased, this is neither a new phenomenon nor can it be explained merely by looking at the circumstances at the time.

For an exhaustive review of the conditions that sparked today’s security crisis, we might well begin far in the past

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and far from our shores: perhaps we could analyze how the stigma about the consumption of certain substances came together around the world. What is certain, however, is that the constituent parts of the current prohibitionist stance can be found not too far away on a timeline or the map. Perhaps one of the determining factors has been U.S. influence on the definition of the objectives and strategies for fighting drug trafficking, as well as its imposition of restrictive policies beyond its borders. This interference has given rise to a bilateral relationship characterized by conflict and asymmetry.

The obvious inequality, for example, in capital accumulation and the demographic composition on either side of the border becomes even more noticeable in the sphere of security: while on the U.S. side, the homicide rate has remained relatively low *vis-à-vis* its national average, on the Mexican side, it has constantly risen. Despite its unquestionable importance, being neighbors with the United States is not enough alone to explain the armed conflict that has taken place under the last three Mexican federal administrations.

Regarding internal conditions, we must observe the political actors, whose transformation over the past century had a direct impact on how violence linked to the trafficking of illegal substances was handled. After a dictatorship that lasted from the end of the nineteenth century to the early twentieth, and a revolution that confronted different leaderships and national projects for more than a decade, a political system emerged in Mexico with institutions and social actors subjected to a strong presidential figure invariably linked to a single political party.

Since its foundation in 1929 and for the rest of the twentieth century, the Institutional Revolutionary Party (PRI) was the hegemon of a strong, centralized state, with influence in key sectors of society, such as state workers, unions, and farmers. The political system was the breeding ground for different manifestations of corruption; among them, the one that brought the worst consequences, was the con-

nivance between organized crime and the officials charged with fighting it. Thus, trafficking in illegal substances developed under the aegis of a state that, through irregular pacts, clientelist practices, and offering quotas of power, defined the dynamics under which the criminals operated; it was a society that, as specialist Luis Astorga has said, did not develop parallel to the political sphere, but structurally linked to it.³

Organized Crime

While in Spanish the terms “organized delinquency” and “organized crime” are often used interchangeably, current Mexican legislation only uses the former. In these legal frameworks, “organized delinquency” is defined narrowly, such as in Article 16 of the Constitution, which refers to it as “A *de facto* organization of three or more persons [who join together] to commit crimes permanently or repeatedly, in terms of the relevant laws.” Meanwhile, the Federal Law against Organized Delinquency mentions its categories: terrorism; money forging; trafficking of arms, persons, or organs; and “acts that damage health,” among them, trafficking in illegal psychoactive substances.⁴

However, arriving at a unanimous definition of what organized crime is and what it is not is certainly problematic. German criminologist Klaus von Lampe, for example, states that each country usually establishes its own characteristics based on an arbitrary line that excludes a number of organizations (at times non-hierarchical or more or less linked to political interests, for example). To come to his own definition, he chooses to focus on the nature of the crimes and deduce that they must be committed continually and utilizing the coordination of interlinked tasks, which would presuppose planning and preparation, in contrast with impulsive and improvised criminal acts.⁵

Beginning with the so-called “war against drug trafficking,” we can add two outstanding characteristics that define organized crime in Mexico: the highly spectacular use of violence and the criminals acting in concert with government officials. These two camps also possess organized structures: hierarchy, limited or exclusive membership, the capacity to use violence (legally or illegally, as the case may be), and explicit regulations.

Mexico’s current security crisis forces us to ask ourselves if the state is the only social actor with the high-

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level organizational power to exercise violence. Also, what happens when non-state organizations such as organized crime groups dedicated to drug trafficking dispute attributions such as the power over territories and what happens to government institutions in those areas? We have many examples of regions of Mexico where traffickers have shown that they have sufficient internal structures, resources, and organization to be a contender in the ability to exercise large-scale violence.

Authorized Crime

Mexican writer and journalist Samuel Schmidt has proposed the concept of “authorized crime” to refer to criminal activities carried out in an interconnected way and partnered with elements of the state: police, public officials, and judges on the different government levels (municipal, state, and federal).⁶ Given that this partnership is rooted in the twentieth-century political system, it is a structural, systematic phenomenon, not the result of a momentary anomaly or an exceptional “infiltration.” Regardless of the difficulty of proving criminal associations, as has been demonstrated in paradigmatic cases such as the 2014 disappearance of the Ayotzinapa normal school students, clearly, the spike in the frequency and visibility of violence in certain areas of Mexico cannot be explained using conventional terminology or solely using legal terms like “organized crime.”

When we look at the pernicious collaboration between government officials and criminals, the spectrum of concrete examples of “authorized crime” broadens out. Unfortunately, they are easily recognizable in the security crisis of the last three administrations: police working for criminal groups, politicians looking out for their interests, or members of the military protecting them. It is clear that, more than the criminals’ organizational capability, it is the structural collusion with state agents that has made possible the deplorable events Marcela Turati describes in her book.

In the absence of official confirmation of the existence of authorized crime, it is very worthwhile to listen to the testimonies of the victims of the armed conflict underway in Mexico. In director Marcela Arteaga’s documentary *El guardián de la memoria* (Guardian of Memory) (2019), one of the protagonists, the immigration lawyer Carlos Spec-

tor, explains the relevance of the term “organized crime” when he has to argue before the U.S. government about the Mexican government’s inability to offer minimum security guarantees to its citizens, who therefore must cross the border seeking political asylum. “Impunity is not the result of the violence, it is the policy of violence. . . . We are trying to advance the concept of authorized crime in the cases of political asylum in the United States. How? We tell the judge, ‘This person was extorted by a group that is supported and permitted by the [Mexican] state.’ It is a redefinition of what constitutes the state. The state now has its own criminal division.”⁷

Final Considerations

For Schmidt, authorized crime is the most pernicious form of violence against the civilian population, because the connivance of state agents and criminals cancels any possibility of the rule of law. The state’s essential functions such as justice or security are supplanted or negated, leaving a vacuum in the structure of power, and rendering society vulnerable in the face of violence exercised by criminals, but authorized by the government that should protect it. Both academic reflections (Astorga, Von Lampe, or Schmidt) and testimonies in journalism and art (Turati and Arteaga) point to the need to dismantle this structural anomaly with so many terrible costs. ■■

Notes

- 1 This policy was undertaken during the administration of National-Action-Party-member President Felipe Calderón. [Editor’s Note.]
- 2 Marcela Turati received the Javier Valdez Cárdenas 2021 Prize; her book has been published by Aguilar in 2023. [Editor’s Note.]
- 3 Luis Astorga Almanza is a researcher at the UNAM Institute for Social Research, where he coordinates the UNESCO “Economic and Social Transformations Related to the International Drug Problem” Chair. He is the author, among many works on the topic, of *El siglo de las drogas. Del porfiriato al nuevo milenio* (Mexico City: DeBolsillo, 2016).
- 4 <https://www.diputados.gob.mx/LeyesBiblio/pdf/LFCDO.pdf>. [Editor’s Note.]
- 5 Klaus von Lampe, *Organized Crime: Analyzing Illegal Activities, Criminal Structures, and Extra-legal Governance* (Thousand Oaks, California: Sage, 2016).
- 6 Samuel Schmidt, *Crimen autorizado. La estrecha relación entre el Estado y el crimen* (Mexico City: Debate, 2020).
- 7 *El guardián de la memoria* (Mexico City: 2019, 93 min.). This work won Mexico’s equivalent of the Oscar, the Ariel, in 2019, for the best feature documentary. [Editor’s Note.]