



Revista Científica General José María Córdova

(Revista Colombiana de Estudios Militares y Estratégicos)

Bogotá D.C., Colombia

ISSN 1900-6586 (impreso), 2500-7645 (en línea)

Web oficial: <https://www.revistacientificaesmic.com>

Ruling Violently: The exercise of criminal governance by the Mexican Cartel Jalisco Nueva Generación (CJNG)

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How to cite in APA: Sampó, C., Jenne, N., & Ferreira, M. (2023). Ruling Violently: The exercise of criminal governance by the Mexican Cartel Jalisco Nueva Generación (CJNG). *Revista Científica General José María Córdova*, 21(43), 647-665.
<https://dx.doi.org/10.21830/19006586.1172>

Published online: July 1, 2023

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Miles Doctus

Ruling Violently: The exercise of criminal governance by the Mexican Cartel Jalisco Nueva Generación (CJNG)

Gobernando con violencia: El ejercicio de gobernanza criminal del cártel mexicano 'Cartel Jalisco Nueva Generación' (CJNG)

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ABSTRACT. This article analyzes the criminal governance exercised by the Mexican criminal organization *Cartel Jalisco Nueva Generación* (CJNG), contributing to the scarce information available on this topic. Specifically, we ask how the CJNG has exercised territorial control to ensure the operation of its businesses, mostly concentrated in the production and sale of illegal drugs. Based on a small number of existing studies and publicly available information, we argue that the CJNG relies on a dual system of territorial control consisting of the prioritization of violent coercion vis-à-vis its opponents together with a discourse of protecting Mexicans sustained by selected initiatives to provide security and other basic services to the population to gain legitimacy. This combination has allowed the cartel to grow and expand rapidly over the last decade.

KEYWORDS: Cartel Jalisco Nueva Generación; crime; criminal governance; drug trafficking; territorial control; violence

RESUMEN. Este artículo analiza la gobernanza criminal ejercida por el mexicano Cártel Jalisco Nueva Generación (CJNG), contribuyendo a la poca información disponible sobre este tema. Específicamente, nos preguntamos cómo el CJNG ha ejercido control territorial para garantizar el funcionamiento de sus negocios, mayormente concentrados en la producción y venta de drogas ilegales. Basándonos en los pocos estudios existentes y la información pública disponible, argumentamos que el CJNG descansa en un sistema dual de control territorial que consiste en la priorización de la coerción violenta vis-à-vis sus contrincantes, junto con un discurso de protección de la población sostenido por iniciativas seleccionadas para proveer seguridad y otros servicios básicos, para ganar legitimidad. Esta combinación ha permitido que el cartel creciera y se expandiera rápidamente en la última década.

PALABRAS CLAVE: Cartel Jalisco Nueva Generación; control territorial; crimen organizado; gobernanza criminal; tráfico de drogas; violencia.

Section: Dossier • Scientific and technological research article

Received: February 10, 2023 • Accepted: May 2, 2023

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Introduction

The Cartel Jalisco Nueva Generación (CJNG) has emerged as one of Latin America's most powerful criminal organizations. According to the Mexican Secretariat of National Defense (SEDENA), the government department responsible for the Army and the Air Force, in 2022 the CJNG had established its presence in 20% of all municipalities across the entire country (Meza and Guazo, 2022). While the notorious cartel of Sinaloa's presence extends to almost double of this territory –nearly 40% of all municipalities– CJNG's rapid and continuing expansion since its inception about a decade ago is particularly notable (Eells, 2017). Having initially served as an enforcement group for the Sinaloa and Milenio cartels, after the “cartel of four letters” became independent in 2013, it has often been called Mexico's most brutal and dangerous criminal organization (Beittel, 2022: p.13).

Yet, in contrast to other criminal organizations, there is little academic literature on how the CJNG has exercised criminal governance (notable exceptions are Flores, 2016; González Torres, 2021; Jones 2018, Jones et.al. 2022; Rodríguez Contreras, 2021). This contribution seeks to provide an overview of the means used by the CJNG to establish and maintain territorial and social control within and beyond its home base in the western-central state of Jalisco to ensure the functioning of its illegal businesses, the most important of which is the production, smuggling and trade in illegal drugs. Specifically, we ask how the CJNG has sought to influence the socio-economic order and to establish control in the territories where it operates; in other words, how it exercises criminal governance.

Not all criminal organizations exercise governance. Although survey data in relation to organized crime tend to underestimate the problem due to intimidation and fear of reprisal, a 2020 report by Latinobarómetro provides an estimation of the percentage of the population that actually feels the presence of criminal organizations in the region. These are likely perceived to be ‘present’ only when they have a perceptible impact on peoples' lives, i.e., if they govern. In response to the question “Are there criminal organizations, armed groups, *narcos* or *pandillas* present where you live or are they not?”, more than one-third of those surveyed (34%) across Mexico indicated that a criminal organization is present where they live, while a significant 11% preferred not to answer (Latinobarómetro, 2020).

Building on a conceptual framework drawn from the emerging literature on criminal governance (Alda Mejías, 2021; Arias, 2017; Lessing, 2020; Ferreira & Richmond, 2021; Sampó, 2021; Villa et al, 2021), we enquire into two broad mechanisms by which criminal organizations establish control: coercion and legitimacy. Coercion refers to the threat or the actual use of violence to accomplish the organization's goals. In the case of criminal organizations, legitimacy tends to be output-oriented as opposed to input-oriented legitimacy based on shared values or ideologies. Legitimacy is exchanged for the

benefits the population obtains in the form of security and the provision of other services, such as public order and material support particularly in vulnerable areas. As a result, criminal organizations can project power not only in the territories they control but also beyond, turning these into sources of governance coexisting with the state.

To analyze the extent to which CJNG has relied on both coercion and legitimacy to exercise governance, we rely on information from a small number of existing studies together with newspaper reports. Albeit limited, the evidence suggests that the Cartel has primarily used extreme and intimidating violence to fend off state authorities and other criminal organizations counting with paramilitary forces, armored vehicles, and significant capacities to produce and acquire equipment and arms. At the same time, the show of force towards the outside has served to bolster cohesion internally and with respect to the cartel's relation with the broader population. Both its internal governance and the relation with society are characterized by targeted, permanently exercised unforgiving violence. An additional instrument to govern has consisted of selective actions to gain legitimacy, such as the provision of goods and, to a lesser extent, services; most importantly security. As a result of our study, we conclude that the dual system of territorial control developed by the CJNG is based on its paramilitary power and on the exercise of criminal governance through the use of fear, the provision of goods, and the provision of services.

The article is structured in five parts. The following sections develop the conceptual framework on criminal governance used in this study and present the methodology. Next, we describe the origins and the rise of the CJNG, highlighting the means by which it was able to consolidate and govern effectively. The subsequent section explains how the Cartel's criminal governance is being exercised today and how its activities interact with the authority of the Mexican state. The concluding section summarizes the main findings and offers reflections on an effective state response to criminal governance.

Criminal Governance and Shared Sovereignties

Organized collective criminality is a long-standing phenomenon across different parts of Latin America that is well-known to have negatively affected the possibilities to promote democracy and human security (Alda Mejías, 2021; Hauck and Peterke, 2010: p. 411). This article uses the term *criminal organizations* to refer to a structured, permanent or semi-permanent group of three or more individuals acting together with the aim of committing one or more serious crimes to directly or indirectly obtain material or financial benefits (UN, 2000). In the context of Latin America, the three most prevalent types of criminal organizations are those dedicated to the illicit drug market, those that the recent literature defines as militias allied with the state that engage in extortion and smuggling (Nobre and Ferreira, 2021; Pimenta, et.al., 2021) and which are capable of exercising armed dominance (Muniz and Dias, 2022), and those groups dedicated to a multitude

of complex criminal activities including human trafficking, extortion, kidnapping, and money laundering. The Mexican CJNG is a criminal organization that has gradually diversified its illicit activities (Henkin, 2020) and which, unlike other criminal organizations, exercises governance.

Governance refers to the exercise by “any collectivity, private or public, of informal and formal steering mechanisms to make demands, frame goals, issue directives, pursue policies, and generate compliance” (Rosenau, 2004: p. 31). This includes cause-specific coordination strategies of formal and informal mechanisms to manage specific problems or issues (Villa et.al., 2021).

Unlike rebel organizations, criminal organizations are non-sovereign agents that do not seek to change the political structure of the state in which they operate (Rosenau, 1990). Rather, they can build a new kind of “social sovereignty” that renders them capable of structuring “practices and agency in a given area of social life” (Latham, 2000: p. 3). This type of sovereignty undermines states’ authority over the people through deeply ingrained, yet informal modes of governance, often also alienating the state from the citizenry (Lilyblad, 2015; Villa, Braga and Ferreira, 2021; Zizumbo-Colunga, 2019; Ferreira and Richmond, 2021).

An emerging literature argues that criminal organizations provide governance where state control is lacking or where it is contested by different actors (Villa, Braga and Ferreira, 2021; Podder, 2017; Schubert, 2016). In these localities, the resulting hybrid system of governance consists of two dimensions. On the one hand, vertical governance is related to formal rules, norms and institutionalized practices that represent the state’s interaction with individuals and other organizations (Villa, Braga and Ferreira, 2021; Rosenau, 2004; Boege et.al., 2009). On the other hand, it is a horizontal governance exercised through informal rules, informal norms and non-institutionalized practices that captures the social relations established among a multiplicity of non-state actors and individuals. The horizontal governance of criminal entities or *criminal governance* (Lessing, 2020; Ferreira and Richmond, 2021) emerges in social spaces by creating informal models of authority and legitimacy that trigger a dual sovereignty shared with the state. By producing even minimal forms of legitimacy (Schlichte and Schneckener, 2015; Podder, 2017), criminal organizations create new social orders in which they coexist with the state authority, rendering governance not the exclusive domain of states or governments (Williams, 2008).

Criminal governance can hence be summarized as the imposition of rules, both constitutive and restricting, on the members of the criminal organization, non-member criminal actors, and non-criminal civilians (Lessing, 2020: p. 3). Criminal governance is thus akin to the establishment of a parallel order (Sampó, 2021) which ensures the provision of public services, including security (Willis, 2015), conflict resolution, and the administration of justice (Ferreira and Gonçalves, 2022) as well as basic goods, such

as seen during the COVID-19 pandemic (Ferreira, 2022). According to Lilyblad (2020), criminal groups construct a full-blown “illicit social order” when they consolidate dominance in three key areas of sovereignty: territorial control, the competition for authority, and the ability to establish new institutions, including norms and rules that determine what constitutes “the law” within a given space.

Two social spaces are especially prone to develop parallel orders in Latin America: those that have never seen the consolidated presence of the state and prisons. It is important to note that criminal governance seldom intends to replace the state in these spaces. Instead, criminal governance aims at social control to develop illicit businesses in co-existence with a state that is negligent in its elementary task – from the perspective of classical political science – of guaranteeing the monopoly of the legitimate use of violence.

The taxonomy created by Benjamin Lessing (2020: p. 14) assists in understanding the various types of relationships between the state and criminal non-state actors. It provides four possibilities: 1) Integration, in which criminal organizations penetrate the state and use its resources for their own criminal ends; 2) State-sponsored protection, in which the key benefits are the illicit rents coming from illicit businesses, especially drug trafficking; 3) Alliance, in which the state relies on “criminal organizations’ coercive force to neutralize third-party threats”, benefiting state-building and 4) Symbiosis, in which the state and criminal organizations share mutual benefits and dependence which “inadvertently strengthen criminal organizations and fuel criminal governance in particular” (Lessing, 2020: p. 15). In all cases, legitimacy is occasionally contested and produced within hybrid governance formations.

Criminal organizations can generate complex spaces of self-governance in extensive territories, in which they establish statutes of coexistence between crime and society by force, and even create models of parallel justice (see Willis, 2015; Richmond and Ferreira, 2021; Ferreira and Gonçalves, 2022). While criminal governance does not always breed excessive violence (Mantilla, 2021), the CJNG has been known for a particularly violent type of governance exercised through a quasi-military organization (Henkin, 2020), and with lesser willingness to negotiate agreements.

Methodology

Given the remarkable rise of the CJNG, information about its presence and activities is available in different public and private sector reports and in national and international news. However, to date, there are few analyses that look at its functioning and how its activities have permitted the exercise of governance, which implies not only creating a momentous impact in a specific event but setting permanent or semi-permanent rules in a given social space.

On the basis of the limited number of studies that provide direct insights into the hybrid sovereignty that exists in the areas controlled by the CJNG (Flores, 2016; Jones, 2018; Rodríguez Contreras, 2021; González Torres, 2021), we conducted qualitative research to provide an overview of the mechanisms through which the Cartel has established and exercised criminal governance.

In addition to data from the relevant literature and a limited number of official reports from the United States, we collected news reports mainly from Mexican newspapers. These were obtained through an extensive keyword search where the individual news reports were then selected according to the reliability of the outlet (those that have a proven track record of professional journalism) and the relevance and originality of content. In many cases there was a significant overlap in the information provided by different news reports. Among these, we selected those where the respective sources were traceable or at least mentioned. In addition, we consulted a handful of selected appearances of the Cartel that were published simultaneously on social networks like Youtube, Twitter and Tik Tok.

This information was corroborated and complemented by data from informal conversations with academics specialized in Mexican organized crime and the CJNG in particular. These conversations dealt with questions about the specific uses of coercion and activities that sought to improve the image of the Cartel among the population. As part of a larger project dealing with the CJNG as a case study, this project counted with the relevant ethics clearance and followed the procedures established therein.

The Cartel Jalisco Nueva Generación (CJNG): origin and rise

Since detailed accounts of CJNG's inception and the early years are available elsewhere (Flores, 2016; González Torres, 2021: p.141-148), in this section we concentrate on the most important events to understand how the Cartel was able to establish and exercise criminal governance. CJNG, like many other Mexican cartels, arose in the context of a reconfiguration of the criminal landscape through the debilitation of existing organizations, factions and shifting alliances between different criminal structures (Flores, 2016). In the early 2000s, the weakening of several cartels (*la Familia Michoacana*, *los Zetas*, *los Caballeros Templarios*) gave rise to an alliance between the Sinaloa Cartel and the Milenio Cartel, which established the "*Matazetas*", an armed arm to fight the *Zetas* that would later become the CJNG (Gonzalez Torres, 2021: p.142-143). To confront the extremely violent *Zetas*, the group relied on former personnel from the military and police as well as foreign instructors reportedly from Colombia and Israel (Eells, 2017; Excelsior, 2018).

The Valencia family of the Milenio Cartel has played a key role for the CJNG. CJNG's leader, Nemesio Oseguera Cervantes aka "el Mencho", began his criminal career in his home state, Michoacán, under Armando Valencia Cornelio, who is considered the founder of the Milenio Cartel or "*Los Valencia*". Oseguera quickly ascended in the cartel

after Valencia Cornelio was arrested in 2003 but was soon forced out of Michoacán. In Jalisco, he became an ally of Ignacio “Nacho” Coronel from the Sinaloa Cartel, which is today its main competitor. When the Mexican Army killed Coronel, *Los Matatzetas* became an independent organization under the name Cartel Jalisco Nueva Generación. The weakening of and confrontations between existing organizations in Jalisco and the neighboring states created the conditions for the cartel to quickly consolidate (Beittel, 2022), at first under the umbrella of the Sinaloa cartel and the Beltrán Leyva organization and, from 2013 on, competing against it.

The Cartel used skillful alliance-building to rise to power (Jones, 2018: p. 32-33). Broadly speaking, the CJNG appears to have managed its alliance network in an extremely practical sense, at times competing and collaborating with another criminal organization in different places at the same time.¹ Within the narrow circle of leadership, an important step in this regard was the alliance with Abigail González Valencia, leader of the “*Cuinis*” and a relative of Luis Valencia, who was then the head of the Milenio Cartel. The *Cuinis* are involved in money laundering and are considered the main financial support network of Oseguera’s businesses. The alliance became stronger still with the marriage between Oseguera and Rosalinda González Valencia, the sister of Abigail González Valencia and the former wife of his boss at the Milenio Cartel, Armando Valencia Cornelio. The kinship relations and inter-marriages have proven key to the establishment and expansion of territorial control as they turn potential enemies into one of the group, thus providing protection and security (Martínez Sánchez, 2016: p. 438). From the small base of family and community relations, the cartel’s presence expanded from Michoacán and Jalisco to other parts of Mexico and beyond, where it gained access to key ports and routes. Those ports and routes give the cartel access to chemical precursors used to manufacture some types of drugs within Mexico to then distribute them to the United States, primarily methamphetamine and increasingly also fentanyl. Beyond North America, the CJNG operates today in different countries of Latin America, Europe, and Asia.

By 2014–2015, Mexican authorities and the United States began identifying CJNG as a priority threat (González Torres, 2021: p. 148) and a particularly violent organization. In this context, the personal traits of “El Mencho” appear to play a decisive role. Described as a man with “zero regard for human life”, the cartel leader has kept a low profile, to the point that he has been described as “kind of a ghost” (Eells, 2017; Rodríguez Contreras, 2021). The leader enjoys legitimacy among some parts of the population between Jalisco and Michoacán, where he resides, and appears to have instilled enough fear among his subordinates for them to be equally unforgiving and violent.

1 <https://www.milenio.com/politica/comparten-menchos-chapos-proveedores-drogas-sinteticas>

One decade after its creation, the CJNG has established its presence in many of Mexico's 32 states, maintaining different alliances with local groups such as *Anti-Unión Tepito*, *Los Ardillos* and *Guerreros Unidos* and adopting orphaned criminal cells (Jones, 2018; La Jornada, 2021). Importantly, though, the CJNG has remained the dominant group inside its networks. As Jones et.al. (2022: p. 98) note, “[m]any of the allies and subgroups have names with Nueva Generación, demonstrating an attempt to brand the groups as subgroups and affiliates.”

The Cartel has employed successful tactics its leaders observed in both their rival and allied organizations and avoided those mistakes that led to the weakening or even disintegration of others (González Torres, 2021: p. 142; Jones, 2018: p. 22). The manufacturing and trade in illegal drugs (mainly methamphetamine, fentanyl, cocaine, and heroin) remains its core business. According to the U.S. Department of the Treasury (2021), the CJNG smuggles a significant part of the fentanyl that is distributed in the U.S. and is among the main producers of methamphetamine in the world. Yet, the Cartel has diversified its activities and is engaged in numerous criminal activities, including kidnapping, robbery, human trafficking and extortion, among other (Jones, 2018). Through its money laundering activities, it entertains companies mostly in the state of Jalisco in a vast array of sectors. Beyond those sectors that have traditionally been used by criminal organizations such as construction, the CJNG has become involved with companies in architecture, tourism, graphic design, hotels, and sports clubs, among others².

During the past years several high-profile members of the Cartel, mainly from the branch of financial and resource management, were arrested. In 2015, authorities detained Abigael González Valencia, who was said to have been second to Oseguera, and his eldest son, Rubén Oseguera González “*El Menchito*”. Three additional family members were captured between 2020 and 2022: Oseguera's daughter Jessica Joanna Oseguera González, “*La negra*”, his wife, Rosalinda Gonzáles Valencia, who was charged for managing the financial aspects of the Cartel's businesses, and his brother Antonio Oseguera Cervantes. Yet, so far CJNG has proven resilient to these shocks with its operational leadership circle remaining largely untouched. Although its hierarchical structure leaves it potentially vulnerable to the so-called kingpin approaches to fighting organized crime (see Jones et al, 2022), until now the centralization of power exercised through violence has guaranteed stability as it succeeded in preventing any visible infighting and organizational decay.

Armed Governance: The violent rule of CJNG

As Henkin (2020: p.1) noted, “CJNG is known for its brutality and violence, spectacular displays of narco-messaging (propaganda, notices, and threats), social media savvy,

2 <https://www.milenio.com/policia/cartel-jalisco-generacion-controla-78-lavado-mexico>

quasi-military tactics, diverse knowledge base, orphaned criminal cells, and efficacious narco-trafficking strategies”. These strategies add up to an extensive system of armed governance, which will be described in this section.

The CJNG has developed a dual system of territorial control. On the one hand, the cartel contests the vertical governance of the state. On the other hand, it constructs horizontal governance in relation to other organizations, institutions and society through criminal governance in order to guarantee its territorial control over the most desired and strategic Mexican *plazas*³.

In contesting vertical governance, violence has had a predominant place under the rule of the CJNG. Jones (2021: p. 871) noted that “CJNG appears sufficiently confident in its power and ability to expand that it continues to be unafraid of targeting the Mexican state”. To do so, it uses paramilitary strategies and tactics that had been unseen in its home base Jalisco. The cartel counts with drones, armored tanks, explosives, large caliber guns, and bullet-proof vests. Importantly, violence is not generalized but employed strategically with varying levels according to the local conditions.⁴ To raise the cartel’s deterrent effect, its members have displayed their armament and equipment, even unmasked, in several videos shared on social media.⁵ As Flores (2016: p. 227) highlights, the cartel’s organized and massive response to attempts by the Mexican security forces to capture prominent leaders or in seeking revenge for arrests and deaths⁶, demonstrates an extraordinary capacity to stage violent actions against the state. The paramilitary nature of the CJNG has ensured its control over the *plazas* against the attempts of government forces and/or other criminal organizations to expand their domain. The downing of a Mexican Air Force helicopter with heavy weapons in 2015 was illustrative of the level of sophistication the CJNG had achieved already by that time. As Felbalb-Brown (2022: p.7) summarizes:

CJNG takeover and domination are based on brazen violence. Its modus operandi is to be more ostentatiously violent than anyone else around. Brazenness, brutality, and aggressive expansion are its signature approach at both the strategic and tactical levels, making both the takeover and the forced regular interactions with the group highly grating to both local communities and big business.

In this sense, as a governance strategy, the demonstration and use of force against the state and non-state competitors also helped internally to bolster cohesion, preventing the fragmentation of the cartel, and deterring deflection within its own ranks. Governance

3 *Plaza* is a colloquial term used to describe territorial spaces that are under the control of criminal organizations in Mexico. It can refer to cities, municipalities or even states (Rodríguez Contreras, 2021: p.49).

4 <https://www.elsoldemexico.com.mx/mexico/sociedad/cartel-jalisco-nuev...res-crimen-organizado-delincuenc>
 cia-violencia-seguridad-5866077.html

5 See https://elpais.com/elpais/2021/07/06/album/1625532441_745646.html#foto_gal_1

6 <https://laopinion.com/2023/01/31/otro-culiacanazo-miembros-del-cjng-impidieron-la-captura-de-un-lider-criminal/>

inside the hierarchical organization in which individual cells nevertheless enjoy a certain degree of autonomy replicates this method. Among the cartel's disciplinary rules that were publicly displayed is the one that "traitors (*chismosos*) will be killed" (Noticias Telemundo in Rodríguez, 2022: p. 61). As Fernández Méndez (2020: p. 99) reports, there were instances when disloyal members were executed in front of the group. It is plausible to assume that relations based on trust exist only within the narrow circles of relatives and "*compadres*" (Martínez Sánchez, 2016: p. 438) that make up for the strongest bonds within the organization and help prevent fragmentation. Beyond this nucleus, discipline based on a mixture of fear and violent submission is key to understanding why the cartel has not broken up into smaller fractions despite the environment in which it operates.

Besides violence, also corruption and cooptation of political actors and the security apparatuses functioned as important mechanisms bolstering the cartel's coercive strategies. While the relations between the CJNG and government officials at different levels are difficult to pin down, there is no doubt that a sophisticated network of corruption functions as an enabler for criminal activities.⁷ Different testimonies indicate that "*plata o plomo*" (silver or lead) policies are being used to force public and private officials to cooperate with the cartel. So far, the CJNG has failed to display ambitions to take political control. Instead, the most important benefit of the corruption system it has sought to obtain is the guaranteed immunity of its members, a proven method that had already existed before the CJNG was established (Flores, 2016b).

Vis-a-vis civilians, the cartel's criminal governance appears to have relied primarily on three elements. First, fear, related to the high levels of violence that the CJNG has displayed in the territories it controls. Videos distributed through social media that show decapitations and dead bodies displayed in public spaces seed fear among ordinary people. At the time of writing, of all 32 Mexican states, Jalisco, the home base of the cartel, is the one with the highest number of persons reported to have disappeared (Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública, 2023). Furthermore, there are corroborated reports of forced recruitment (Gonzalez Torres, 2021; Rodríguez Contreras, 2021). Most often, young males are lured into the cartel via job postings that promise employment in transnational companies as bodyguards and in private security companies, as chauffeurs or chefs.⁸ In other cases where the cartel needed to increase its manpower quickly to prevail against rivals, youth were recruited under false promises in their home villages and forced to attend training camps.⁹ One inhabitant of the region of *Tierra*

7 <https://www.animalpolitico.com/seguridad/sedena-leaks-cjng-funcionarios-alfaro>

8 <https://www.excelsior.com.mx/nacional/cartel-jalisco-nueva-generacion-tiene-extranjeros-adiestrados-sandovyal/1241897>

9 <https://www.elsiglodetorreon.com.mx/noticia/2021/el-cjng-opera-reclutamiento-forzado-de-menores-en-michoacan.html>

Caliente told journalists: “from having been living a fulfilled life, we went on to have boys, girls, adolescents and youngsters disappeared by the CJNG”.¹⁰ Although human trafficking is not always recognized as one of the activities of the cartel, these testimonies demonstrate its existence. Labor exploitation is a further concern in relation to the cartel, especially since it involves minors. The taxation of small businesses and robbery too, is a way of exercising coercion on society (Felbab-Brown, 2022). While such activities provide a direct income for the cartel, at the same time they serve to impose and strengthen direct control over the population and territories (Martínez Sánchez, 2016: p. 438).

According to the Attorney General’s Office of the State of Jalisco, 14 irregular mass graves were found in the last four years¹¹ and 2022 could be a sadly remarkable year, since 21 irregular mass graves were found between January and April 2022.¹² Those found dead are increasingly of younger age (Rodríguez Contreras, 2021).

Making use of newer technologies, more recently the CJNG has employed armed drones to intimidate communities in order to depopulate an area and facilitate the cartel’s takeover of specific territories and routes (Felbab-Brown, 2022). Assuring the control of key territories is central to the development of the cartel’s businesses.

Interestingly, despite it being a source of terror, the CJNG has maintained a public discourse portraying itself as defenders and saviors of the Mexican people. This public messaging was likely learned from the Sinaloa cartel which used similar communication strategies (Jones, 2021: p. 872). Already in its early beginnings as the *Matazetas*, the group promised not to “extort, kidnap, rob, oppress or in any other way disturb the national well-being” (Eells, 2017). In different communications, often portrayed on large banners or distributed through social media, the CJNG has promised civilians that they will not be kidnapped or extorted (Stevenson, 2020), and presented itself as *soldados* in the service of the people. In the state of Oaxaca, members of the cartel have reportedly made phone calls to journalists to convey the message that extortions and kidnappings will no longer be tolerated.¹³ In another such message that appeared in a publicized video, a uniformed man assures that the cartel will impose “order”.¹⁴ This order benefits the cartel’s interest and the idea of a “peaceful” environment is, in fact, the permanent threat of violence.

10 <https://www.elsiglodetorreon.com.mx/noticia/2021/el-cjng-opera-reclutamiento-forzado-de-menores-en-michoacan.html>

11 <https://www.infobae.com/america/mexico/2022/02/04/la-fiscalia-de-jalisco-cifra-el-drama-de-las-fosas-clan-destinas-14-menores-encontrados-en-cuatro-anos/>

12 <https://www.proceso.com.mx/nacional/estados/2022/4/22/hallan-21-fosas-clandestinas-con-68-personas-en-jalisco-en-lo-que-va-de-2022-284769.html>

13 https://web.archive.org/web/20180216025102/https://www.huffingt...sco-nueva-generacion-se-esta-expandir-endo-en-mexico_a_23358887/

14 <https://www.proceso.com.mx/nacional/estados/2023/1/12/morelos-ya-...-mencho-advierte-cjng-otros-carteales-politicos-video-300199.html>

One explanation for such contradictory behavior is that the CJNG has used the public discourse as defenders of the people to skillfully position itself against rival criminal organizations and smaller criminal structures that refuse to join them, and that are perceived as harmful by the local population, isolating them from their social base and establishing territorial control in their place.¹⁵

This message also alludes to the second element through which the Cartel exercises criminal governance: the provision of public goods, mainly security. The CJNG has distributed videos in which its members publicly punish rapists and thieves by stripping them of their clothes and beating them while chasing them through the streets. “They are the law here. If you have a problem, you go with them and they fix it quickly” or “It is quieter when Jalisco is here” (Stevenson, 2020), are testimonies of the legitimacy - albeit thin - the Cartel has constructed. This seems to be a clear strategy to keep the Federal Forces away, and, at the same time, to increase acceptance among and protection by the population. As Rodríguez Contreras (2021) demonstrates based on fieldwork with local communities, the oppression of regular crime and street gangs has helped to create what is supposed to be a “peaceful” environment, even if tenuous. Thus, one result of CJNG’s dominance is the consumption of illegal drugs, which in some areas has become concentrated on methamphetamine, the production and sale of which is dominated by the cartel. As one civilian reported, the for the Cartel less lucrative substances of marijuana and cocaine almost disappeared from some local markets, and consumers who refuse methamphetamine might get killed (cited in Rodríguez 2021: p. 64). Even if the data used in this study provide limited evidence for service provision, the available data demonstrate that it is a tool that the CJNG has successfully and visibly employed to bolster its legitimacy.

Third, CJNG’s criminal governance has made use of the provision of specific goods. The CJNG has developed what can be called actions of “criminal philanthropy” in strategic areas (Ernst in Rodríguez Contreras, 2021: p. 83; Insight Crime, 2020; Gonzalez Torres, 2021), similar to what has been seen in the case of other criminal organizations operating in South America (Ferreira and Gonçalves, 2022). The distribution of toys, sweets, home appliances, kitchen utensils and other goods in different places during festivities and holidays such as Mother’s Day or Christmas (Bonello, 2020) and the delivery of food boxes in vulnerable areas are the most common examples (Dittmar, 2020; Fernández Menéndez, 2020). According to Fernández Menéndez (2020: p. 104), the CJNG is the group that has organized the most important initiatives in delivering goods, even when the products are stolen from trucks and trains. Furthermore, testimonies report that the

15 https://web.archive.org/web/20180216025102/https://www.huffingt...sco-nueva-generacion-se-esta-expandiendo-en-mexico_a_23358887/

cartel organizes local carnival events, traditional festivals, and dances supporting regional music groups as a way to provide entertainment (Rodríguez Contreras, 2021). These actions have been publicized in propaganda campaigns showing how CJNG is supporting the local population (Rodríguez Contreras, 2021: p. 83) and even pointing to the state as failing to provide the same type of goods¹⁶. Often, deliveries are made in the birthplaces or homes of important Cartel leaders, which indicates the strategic allocation of resources to bolster the CJNG's social base.

This type of interaction with society, including the delivery of food packages during the early phases of the Covid-19 pandemic (Fernández Menéndez, 2020), helps to assure territorial control over key *plazas* through the legitimization of the cartel's presence. Furthermore, these actions serve to camouflage or distract from the violence - indirect on many occasions - regularly exercised on the population. Along with fear, legitimacy - even if thin - prevents popular "rebellions" against the cartel and may serve to shield it in case of physical prosecution. While the cartel employs guards (*halcones*) and other persons to protect it against law enforcement agencies, the population, too, may be able to shelter, hide and even defend members against the state.

The provision of services and goods creates a relation of dependence and subordination with society in which the cartel protects the population from minor crime and satisfies demands the state often fails to address, even if it is at a high price (Rodríguez Contreras, 2021: p. 83). Thus, the CJNG combines different levels of violence, "sympathy" and dependence (Felbab-Brown, 2022) depending on the specific configuration of its armed governance in a given locality.

Regarding state agency to deal with organized crime, there is broad agreement in academia that the many attempts of using lethal force to defeat criminal organizations that were undertaken by different Mexican governments ever since President Felipe Calderón declared the war on drugs (*guerra contra el narcotráfico*) have only left the country more violent and insecure. According to official data, since the beginning of the 'war' the number of homicides has tripled despite the fact that the presence of law enforcement agencies - the Army, the Navy, the federal police and the recently created National Guard - has remarkably increased.¹⁷ In part, it is the state forces themselves that committed the crimes. The erroneous approach adopted by Andrés Manuel López Obrador, which has been less of a departure from the militarized response to organize crime than he had promised on the campaign trail, only allowed criminal organizations to consolidate control. Society remains trapped in a war where a victory is not in sight.

16 <https://www.elfinanciero.com.mx/estados/2022/12/25/lider-del-cjng-entrega-juguetes-en-su-barrio-naatal-de-guadalajara/>

17 <https://www.washingtonpost.com/opinions/2021/06/14/war-on-drugs-50-years-mexico-violence-calderon/>

To sum up, organized crime uses violence against the population, the state, other criminal groups, and even against its own members to pursue economic profit and power, while increasing its influence and impunity (Anguita Olmedo & Bernabé Fraguas, 2021: p. 993). In the case of the CJNG, brutal violence has to be considered the predominant means to gain and maintain territorial control. While there is evidence of important initiatives to provide goods and services to the population and thus create a social base, the cartel's efforts to construct non-coercive criminal governance is not constant. In a way, it appears as if the CJNG goes back and forth when building bonds with society. On the one hand, this contrasts with the Sinaloa Cartel, which has reportedly built a large social base. On the other hand, the CJNG's dual system of territorial control also contrasts and was likely learned from the negative experience of *Los Zetas*, which used almost exclusively violence to enforce their own rules to develop illicit businesses and which provoked a massive, military response of the state (Jones, 2018; Gonzalez Torres, 2021).

Conclusions

The CJNG is one of the most powerful and violent cartels of the region. In only ten years, it expanded to most of Mexico's 32 states, in many cases building alliances with smaller, local criminal organizations. Beyond the Mexican borders, the cartel has developed numerous businesses abroad. Today it concentrates most of the drug smuggling to the U.S.

CJNG's control of the *plazas* is key to understanding not only their success as a criminal enterprise but also the exercise of criminal governance. As shown in this article, the CJNG's dual system of territorial control is facilitated by its military power to contest the vertical legitimacy of the state and other criminal organizations, and a criminal governance system that rests on horizontal legitimacy through which it imposes its rule on society and among its members and collaborators. The cartel's paramilitary force is a key tool to confront state forces - which have suffered many fatal attacks - and to deter and fight other cartels, particularly the Sinaloa Cartel. CJNG's equipment and the composition of its paramilitary forces are also ready to act in case allied organizations break their mutual agreements. On the other hand, the criminal governance system that the CJNG has built shows how an order parallel to the one imposed by the state has been established in extensive territories in which statutes of coexistence between criminal organizations and societies are being enforced.

Especially in Jalisco, the submission of the population and, eventually, the legitimization of the CJNG, depends above all on the fear the group provokes in specific municipalities and locations and, to a lesser extent, on the provision of goods and services. As we argued, the CJNG has pursued a varied and not permanent interaction strategy vis-à-vis the population. As a result, even if violence and coercion are the most important elements

of their territorial control system, the provision of goods and services - especially the provision of order and security against ordinary crime - are important elements to ensure the subordination of the population within the territories the cartel needs to develop its businesses.

In sum, criminal governance, understood as the imposition of non-state norms and rules, both constitutive and restricting, on the members of the criminal organization, non-member criminal actors, and non-criminal civilians (Lessing, 2020), has created a new and parallel order where CJNG dominates territorial control, successfully contests state authority and other criminal organizations in different domains, and created new institutions backed by the threat and the use of force.

Despite the power and the remarkable growth that CJNG has exercised inside and beyond Mexico's borders, the organization has so far received little attention among academics. To benefit the development of public policies to address Mexico's situation of insecurity, further research is desirable to enquire into the functioning and activities of the CJNG. Thus, future studies may ask how the alliance system among criminal organizations is structured and why smaller organizations decide to cooperate with the CJNG (and not with the Sinaloa Cartel, for instance), or enquire further into the cartel's internal structure and activities beyond drug smuggling.

There is broad agreement among scholars that the many attempts of using lethal force to fight criminal organizations have only left a more violent and insecure environment that affects the population negatively. The militarized response from the state to organized crime, far from solving the problem, has created a new one in the form of a politically empowered military riddled by corruption.

A policy change that many have advocated already for a long time needs to take into consideration the horizontal legitimacy criminal organizations establish. While raising awareness among ordinary people is key to positioning them as agents of change, state agencies need to play a central role in creating this change. If the state facilitates basic services and goods, it will limit the possibilities for armed governance and erode the legitimacy basis of criminal actors, so they lose territorial control. To bolster this strategy, the federal government will need to negotiate with state governments to build vertical legitimacy. In parallel, the fight against criminal organizations must be focused on what they consider their most important assets: the profit they make from illegal businesses. Actions such as freezing accounts, seizing key assets, and making money laundering more difficult should be given priority to weaken the cartels. The use of force, on the other hand, should be selective and should be exercised with restraint not only because it endangers the lives of innocent citizens but also because it has proven ineffective in defeating criminal organizations. Quite to the contrary, it has often led to retaliatory attacks that further escalate violence. Furthermore, to solve the problem, an effective commitment to defeat impunity

and reduce corruption is indispensable. Civil society actors play a key role in demanding accountability and exercising pressure on decision-makers so the population can live a life free of fear of brutality and violence.

Acknowledgements

We thank Josué González Torres and Nathan Jones for providing feedback on earlier versions of this manuscript. Celina Camarena Romero assisted in collecting materials that informed this study.

Disclaimer

The authors state no potential conflict of interest related to this article.

Funding

This contribution was developed as part of a larger research financed by the FORD–LASA (Latin American Studies Association) Special Projects, Grant #FL-17-02, 2022–2023, for which are grateful.

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