

## **Police and Institutional Legitimacy: The Case of Michoacán, México**

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**Abstract:** *This article analyzes the legitimacy of the municipal and state police forces according to a qualitative study which took place in the state of Michoacan, Mexico. The study suggests that the emergence of the violence generated by organized crime in the last years has taken away attention from the importance of implementing profound reforms in the police forces in the country and the systems of judicial administration. The absence of reforms and consensus about the restructuring of the state and municipal police forces is a clear demonstration of a lack of political desire maintained by diverse Mexican social actors to confront the profound causes of the lack of public security in Mexico. The violent results show a clear lack of confidence of the society towards the state organs of justice and the urgent need to restructure police forces within the already articulated strategy of fighting crime.*

**Key words:** *Police, Mexico, municipal police, state police, organized crime.*

### **1. Introduction**

The fight against drug trafficking in Mexico started near the end of 2006 when the Mexican federal government took a series of actions against criminal groups which dealt in drug trafficking. These measures were carried out by the Federal Police, the Army and the Marines of Mexico. The beginning of the “War against Drugs” coincided with the beginning of President Felipe Calderon’s six year term as president of Mexico (2006-2012). This president’s election was shadowed with presumed electoral irregularities, accused by the principal left wing party coalition in Mexico.

Calderon urgently needed the political means which would permit him the greatest degree of legitimacy and the “War against Drugs” afforded a viable alternative to achieve these desired results. However, the institutions of public security, especially the police forces, did not have the sufficient strength or legitimacy to impose the law and lower the crime level of the cartels and other criminal groups (Sabet, 2008). In this way, the “War against Drugs” in Mexico could be thought of as a struggle between two organizations: the police, which should be the state’s instrument for imposing order and norms, and the criminal groups which also imposed order and norms which filled the existing vacuums of authority and legitimacy present at the beginning of the twenty-first century.

In Mexico, drug cartels are social organizations with criminal purposes whose study poses certain difficulties given the nature and peculiarities of being criminal. Concrete aspects such as their interaction with society and communities have been seldom studied and this lack has contributed to the spreading of false information and negative results observed upon watching the Mexican government’s strategy to fight these criminal groups.

In Mexico, not all drug cartels are equal. Among them is the case of the group named “*La Familia Michoacana*.” This group, created in 2006, made up the principal group of organized crime in Michoacan, Mexico<sup>i</sup> (Finnegan, 2010). After suffering a division which developed into the creation of the group the *Knights Templar*, organized crime in Mexico changed. This group stands out from the others through its support of an important social base and its interest in conserving its presence within society and the social tapestry. These characteristics has distinguished it from other drug trafficking groups which focus their activity on making their money through drug trafficking and other illicit activities, without worrying about justifying its presence in society.

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Drug trafficking is not a fundamental activity of the *Knights Templar*. This criminal group concerns itself with commercial functions, judicial matters and social gatherings; all functions which should be regulated by state institutions. Price regulation of agricultural products, the establishment of harvest periods, the payment of commercial debts among private parties, negotiation of disagreements among different community groups, fining and sanctioning of wife-beating husbands, punishment of thieves, granting of licenses for the right to gather in parties and religious events, permits for forestry exploitation and the right to charge businesses of all sizes for protection are just some of the activities this group undertakes.

Since its beginning, this group has tried to build a social legitimacy of its criminal activities using such arguments as the necessity to protect the state's inhabitants from the criminal activities of other criminal groups and from the actions of the government itself. With these activities, the *Knights Templar* has filled the vacuums of authority which have existed in the three levels of government in Mexico as a consequence of the inconclusive democratic transformation. In the last 20 years, Mexico passed from a stage of non-democracy which was characterized by the existence of a hegemonic single party, the *Partido Revolucionario Institucional* (PRI), a president with constitutional and meta-constitutional powers with the authority to command social, union, and business organizations having the legislative and judicial powers subordinate to his authority. With the political transition at the end of the 1990s, new institutional developments came about which was based on free elections, citizen-based electoral institutions, and a greater independence of the legislative and judicial powers. These new developments have not finalized their consolidation in a system which had been articulated on a basis of social and institutional relationships and power which had the law as its basic instrument of social positioning. The democratic reforms in Mexico in the last years have not yet been translated into betterment of the quality of government in

the states and municipalities, nor in the legitimacy of their institutions. The state and municipal governments have continued to operate with traditional rules of centralism and opacity which had existed during the years of power of the PRI as a hegemonic political party.

According to Cejudo, (2009), the greatest competency in the form of a political experiment of political transition has not meant the existence of transparent and efficient state governments. Instead, local structures have consolidated their immediate political interests and established client relationships with its citizens. For the most part, in state government, a mutual system of vigilance and division does not exist among the legislative, the executive, and the judicial, which would serve to fortify democratic structures which might permit the design of short and medium-term policies which could transcend the limits which are imposed by the six year state government term.

*La Familia Michoacana*, now called the *Knights Templar*, understood the institutional vacuum of authority in Mexico, especially in Michoacan. They knew they would have acceptance as an authority figure to impose clear rules for coexistence in society even though the group acted outside of the law and established institutions. The inhabitants of Michoacan, Mexico currently coexist with criminal groups; members are known and tolerated as members of the communities and of existing social organizations. Recently, these groups asked society to stop political persecution and asked for governmental acceptance for their activities. The discourse of these criminal groups acquires more of a social tone of reivindication which is not observed in other criminal groups as can be noted in one of their communiqués:

*“To the Society of Michoacan:*

*In these moments of reflection and in light of the social situation of Michoacan, the brotherhood of the Knights Templar would like to express our gratitude for recognizing our social actions and those of public defense. At the same*

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*time, we would like to reiterate that as a part of the population, the Knights Templar is not made of drug dealers or traffickers and we are not a criminal group. The Knights Templar is a brotherhood integrated by civilians who respect our constitution; but we are being denied our rights which we respect among ourselves, putting above all the universal principles and values in the framework of our liberties, as a demonstration of our good will for society. During the past days, our brotherhood invited butchers and tortilla distributors to lower the price of their products. The accepted invitation by our business friends and which action was recognized by our most needy members of society clearly understood that such action was not based on pressure not blackmail and even less by charging fines, but is indicative of our social actions. The Knights Templar invite the public in general to maintain unity and peace; we invite the people of Michoacan to get to know our leaders and members. Together, we can achieve public defense uphold our constitutional rights. Together we will make Michoacan a prosperous state. Together until victory.”*

Differing from other cartels or criminal groups, in this criminal ‘brotherhood’ exists a belief of written behavior which tries to regulate its internal behavior and its relationship with society. In appearances before the means of communication, these group leaders have manifested their interest in protecting their communities from other criminal organizations and for the welfare of society. They have also made emphasis in their sense of identity and belonging to society. The *Knights Templar* has created rites and ceremonies to initiate their members in the activities of the group emulating the values and symbolisms of distinct religious groups which are tied to Christianity. The characteristics of the *Knights Templar*, previously of the *Familia Michoacana*, share many similarities to the Sicilian Mafia (Pezinno, 1995) mainly in the functioning of the social code of conduct. The continuity in the presence and activities of this criminal group in Michoacan in spite of the police offensive of the past three years suggests the existence

of a certain level of popular support for the *Knights Templar*. This group seems to be consolidating itself as a mixed cocktail of guerrilla group, drug cartel, and belligerent religious sect.

On the other hand are the police forces, which represent the principal instrument of a modern capitalist state to exercise force to maintain its legitimate monopoly over order and norms. However, these forces confront a questionable situation.

In Mexico the municipal and state police forces have converted into far more than a factor of contention of criminal activity with the existence of differing levels of complicity between the operations of the criminal groups and the police forces. One of the reasons of the existence of this complicity is the lack of legitimacy of the authority which the local police forces should have. In this context, the objective of this article is to analyze a qualitative study which shows perceptions of legitimacy of the institutions of public security in Michoacan, Mexico, specifically the municipal and state police forces.

## **2. Theoretical Framework**

In Mexico there are 409,536 police officers among the municipal, state, justice, and other dependencies. Mexico City, or the federal district, the state of Mexico and Vera Cruz are the sections with the most elements, while Oaxaca and Quintana Roo are the state with the greatest lack of police forces in the country. In Michoacan, approximately 5,000 policed officers at the municipal and state level are in action, of which almost 90% have not been certified, nor have they passed obligatory controls. According to the public functionary in charge of these police forces, judiciously speaking, the municipalities in Michoacan lack police officers and can count on only municipal workers who “at times put on their uniform” (Ballinas, 2012).

The legitimacy of police, is essential for maintaining social order in communities. To get this goal, policing requires

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support and voluntary cooperation of society. When people perceive the police as legitimate engage more positively with the police, comply with police instructions and cooperate with requests (Mazerolle, 2012).

Procedural justice and police legitimacy proposes that people view the police as possessing the moral authority to enforce law when officers are perceived to be just and trustworthy. The concept of police legitimacy is theoretically tied to group identity theory, which states that citizens have a natural urge to identify with socially important reference groups and that the treatment received by police officers is related with their social status (Gau, 2011). Legitimacy in policing reflects a “social value orientation toward authority and institutions” (Hinds & Murphy, 2007, p.27) and is essential to understand social institutions, civil order and cooperation and obedience (Tyler, 2004).

The previously mentioned theoretical references demonstrate the complexity of the processes of interaction between society, police and criminal groups. In the case of Michoacan and of Mexico in its context, these processes have not been studied very much. This paper puts forth the theory that the interaction among police, society and criminal organization has generated semi-autonomous “subcultures” and criminal systems which have taken over commercial and civil regulatory functions. This fact is supported not only by the afore mentioned theories, but also by hypotheses about cultural detouring and theories of detoured subcultures (Wolfgang & Ferracuti, 1985) which demonstrate that a determined behavior is the result of cultural or sub-cultural norms, values, beliefs, or central ideas. Criminal acts take place within groups and societies in which criminal behavior is culturally consistent with these factors.

In Mexico, the government has not been able to guarantee conditions of legitimacy. There exists a marked culture of tolerance and acceptance of corruption (Coronado, 2008; Escobar, 2004). Society perceives tolerance in the punishment of crime and in general, in the whole justice

system. Corruption is a form of violence which has existed in Mexico ever since its inception as a nation. Mexican corruption has become institutionalized as a mechanism of resolution of conflicts, taking over the functions of the law. According to the “Second National Poll of Constitutional Culture: Law, Legitimacy of Institutions, and Governmental Design” (2011), the Mexican people consider that “justice does not function well due to corruption, impunity, and the presence of extra-legal interests. The great majority of the population feels unprotected against the abuse of authority. At the same time, the violation of human rights is associated with power and the authorities.” According to the same source, the police forces are found in the very last place of confidence in institutions.

In this institutional vacuum, a hold on culture of corruption and the relative order which criminal groups established has been consolidated through societal acceptance of criminal activity, especially of drug trafficking. Actually, many times criminal behavior is glorified (Meares, 2004). The subculture of crime in Mexico can be understood through this complex mix of values, codes of conduct, behaviors, and symbolisms which identify the environment of crime and its actions.

Besides these cultural factors, economical determinants play a part in the mix. According to Warren (1978), criminal organizations develop in geographical zones which accept the services which organized crime group offer. The Knights Templar offer certain commercial and judicial security which established institutions cannot offer. As a result, communities value the economic benefits from the activities of organized crime, such as having liquid assets for the buying and selling of land and buildings, access to luxury, and diverse financial and productive activities.

### **3. Methodology**

Very few qualitative investigations have been undertaken about police forces in Mexico. The perceptions of corruption and of little social value have made the realization of this



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type of study very unattractive among the academic community in Mexico. This has made it difficult to obtain information about their activities. In this context, 50 in-depth interviews were realized in the area of the state of Michoacan, Mexico.

The interviews were conducted following the snowball technique, avoiding bias in the election of those interviewed and choosing informants who initially showed variation among them. They took place without mentioning the reason for them, only mentioning an interest in conversing about generalities of police. These interviews permitted the researchers to identify particular points of investigation not by focusing on specific points but by maintaining a broad prospect. The interviews took place in public places, houses, restaurants, or businesses of those interviewed, assuring the confidentiality and academic use of the represented points of view. Each interview took about 90 minutes. Interviewees were engaged in conversation without knowing the objectives of the investigation, trying to keep a natural flow during the conversations. The conversations were recorded, transcribed and processed with the program Atlas ti.

The interviews emphasized the perceptions of legitimacy of the police forces. The results of the interviews were coded into two categories of thematic analysis which were perception of legitimacy of the police and cultural approval of crime. The data analysis took place with the perspective of fundamental theory of discourse analysis (Glaser & Strauss, 1967) and at the same time as the overall analysis to permit and focus on future interviewing with more theoretical and analytical elements. Accordingly, the investigation used a phenomenological focus (Creswell, 1998) taking its cue from the actual experiences of the authors who have had the opportunity of interacting with members of the community such as professors, public functionaries, and politicians.

#### **4. Results**

Related themes of crime and public security were carefully treated in the interviews. Once fluidity in the interview was gained and the interviewees felt less uncomfortable, they began to express comments and opinions about the environment of public insecurity and the role of the police forces. In 80% of the interviews, comments or experiences related to negative interactions with police forces were mentioned. In 20% of the interviews, the people mentioned knowing a family member or close friend who was involved in some related incident with organized crime and had received no help from police forces whatsoever. Even more illuminating was that 40% of the people interviewed mentioned that they knew or had some acquaintance with someone who interacts or has interacted directly or indirectly with criminal groups.

In the second category of analysis, the cultural approval of crime, the majority of the interviews demonstrated the novelty of the presence of organized crime groups in the state and in their own daily lives. Those interviewed manifested that the police have always been corrupt, as well as the majority of the local governmental authorities, but that the wave of crime in the state has only been recent. The majority of the deaths and victims which the means of communication have reported were of people involved with organized crime and that people who are not involved with organized crime have nothing to worry about. This affirmation was repeated in 80% of the interviews and demonstrates that most people believed that those who coexist without involvement in the activities of these groups risk no problems.

Legitimacy of authority is tied to the acceptance of criminal groups as a source of authority. The interviews conceded that criminal groups make up the ultimate source of authority to settle conflicts which could otherwise represent great losses over a great amount of time in the lengthy legal environment established in legitimate institutions in the process of resolving these conflicts. Specifically 70% of those interviewed showed that if there

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existed a serious situation in which they could not recur to the law, they would consider seeking out criminal groups to find alternatives for solving their problems.

The majority of those interviewed (90%) expressed desire that the insecure climate which Michoacan actually lives could be overcome so the inhabitants of the state could count on their governmental institutions having enough strength to impose legal conditions of coexistence. Corruption is shown as the key element to overcome to gain a more harmonic coexistence with peace for its communities. None of those interviewed manifested clearly a preference for the continuance of criminal groups as mediating elements in the community's relationships. Family, specifically, the children, appeared to play a fundamental role in the construction of a safer future, with many people saying, "I don't want my children to live a situation of violence and beheading like that we are living today."

In general, those interviewed appeared to express contradictory attitudes regarding the presence of organized crime. On one hand, they demonstrated accepting attitudes toward criminal groups, and on the other hand, they wished for the end of the presence of these groups and that the law would serve as the norm of coexistence among citizens. These results are coincidental with the almost permanent situation of corruption and lack of confidence of Mexicans in their institutions, particularly those related to public security. The people appear to be accustomed to the violence which they are living and accommodate their daily lives to the situation.

The people interviewed considered the police at the municipal, state and federal level to be equal. However, when referring to police forces, many times they did not specify to which of the three branches they referred to. Therefore, their commentaries may be applied to all three corporations. The police force closest to them are the municipal police and once removed are the state police who have a sporadic presence in their communities. The interviewees associated

the federal police with anti-drug operatives and violent actions to detain drug-related crime. In general, the people interviewed perceived police forces with a high level of mistrust and contempt. 70% of those interviewed considered that the police are one and the same as the criminals and that it is a waste of time to ask for their assistance in a situation which requires the intervention of authority. Referring to the high number of police deaths, the people interviewed stated a certain grade of acceptance and tolerance for these deaths upon considering that these deaths were the consequences of infighting among criminals.

Two elements stand out. The first has to do with the normalcy with which violent situations are considered and the presence of criminal groups in the daily routines of the communities. A certain sense of security exists among those who have nothing to do with criminal groups and major problems do not exist for them. They do not seem to conceive the victims of violence as close elements in their lives, but rather as people taking the consequences of transgressions of their own actions and of breaking the rules which criminal groups establish.

The second element is the knowledge that members of criminal groups pertain to and are known in the same communities. 80% of those interviewed considered criminal groups to be in collusion with police forces and that both forces were one and the same. The interviews contained abundant references to complicity and collusion between criminals and police forces.

## **5. Conclusion**

The municipal and state police forces are members of their communities. In general, they are young men to whom the local authorities give the uniform, an assault gun, and very little training to patrol the streets to protect the local citizens. The simple fact of pertaining to the social weave does not appear to guarantee greater solidarity with the community. The first elements in the police forces to become

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corrupted by organized crime are the municipal police. These officers lack all legitimacy and respect from the community.

Taking into account that this study took place in a region of Michoacan where traditionally the people have exercised little respect for the law and police forces, the results of this study would tend to support the cultural slope by explaining the existence of crime in the State. Linked the situation of police is the social base of crime in Mexico.

An integral explanation for the emergence of organized criminal groups with a social base would have to maintain a dual focus which considers a structural connotation to refer to levels of salary and well-being, and a cultural explanation which considers the complexity of social factors which create an appropriate environment for the operation of organized crime, included the lack of a professional police. A third explanation would have to incorporate institutional factors related to the legitimacy of the institutions, in this case the police institution, and the vacuums of power which have been created as a consequence of the democratic transition of the state.

The results of the interviews seem to confirm that criminal groups in Michoacan have an important social presence. Social presence of criminal groups appears to be greater than that of the police. This constitutes part of the social contemporary reality of the state. The revealing results that 40% of those interviewed knew members of a criminal group and do not exhibit a will to turn them in speaks volumes. This situation reflects a deep rooted social weaving of the criminal groups through motives not only tied to fear of reprisal but also the tacit acceptance of relative order that these groups impose in many communities.

The phenomena of organized crime in Michoacan is the result of a complex social and historical process of construction of legitimacy of the institutions that have little to do with the official discourse that the governments of

Mexico and the United States maintain about the fundamental drug problem. The demand for drugs in the United States and the accommodation of the cartel organizations in Mexico appear to have little to do with the case of Michoacán. The presence of criminal groups in Michoacán can be explained as a consequence of a deep-seated process of decomposition of institutions which have generated vacuums of legitimacy and a social culture which tolerates the presence of institutions outside of the law which establish order in activities which should be regulated by the government.

Taken together, these elements should be considered as part of an integral strategy in the fight against organized crime which should not rely only upon a police-military focus of a short term orientation but should also focus on the resolution of structural causes of crime which involves constructing solid institutions capable of carrying out the law and effectively managing societal relationships, bettering economic conditions and providing well being of the state's inhabitants.

The support that the Mexican government receives from the United States government should seek consolidation, transparency, and democratic participation of its citizens in state and municipal level politics, especially those related with the rendition of accounts and judicial administration. The support received through the Merida Initiative demonstrates a bellicose focus which only partially addresses the problem of insecurity by concentrating only on military and police aspects of the problem. Support and initiatives which stimulate transparency and the accountability at the state level could be beneficial and advantageous for the short term. The case of Mexico should be object of a deeper analysis by the United States to avoid repeating the errors of past interventions in other parts of the world. The outbreaks of violence have a profound social root that could be resolved without military intervention.

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There exist great vacuums of information and investigation about criminal groups in Mexico. A greater emphasis is necessary in its analysis from a social point of view to consider these organizations as integrated groups in the social weave of communities and with functions that go beyond the trafficking of drugs. They are but the tip of the iceberg in a series of social complexities which contemporary Mexico confronts as it is immersed in a process of democratic consolidation which has not created the necessary solid institutions to maintain an effective control of drug trafficking. It is urgently necessary to change the police-military paradigm which attends the complex social causes of the problem. The emergence of public security in Mexico accompanies the strict necessity of modifying the structure of the municipal and state police forces.

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<sup>i</sup> Michoacan is located in the western part of the Mexican Republic and sits between the Lerma and Balsas River, and between Chapala Lake and the Pacific Ocean. The state forms part of the Neovolcanic Axis and the Southern Sierra Madre Mountain Chain. The territorial area of Michoacan is 59,928 square kilometers, which represents three percent of Mexico. Its population is approximately 3,985,667 inhabitants. The state presents a topography and climate which resembles that of Colombia which has facilitated the production of drugs such as marijuana and, more recently, synthetic drugs. The state is found at almost the geographic center of Mexico and has easy access to two principal cities, Guadalajara and Mexico City. Michoacan also has an industrial port city on the Pacific Ocean, Lázaro Cardenas.