



Criminal Policy in Postmodern Contexts – A Breakdown of Natural Freedom's Limits

Política Criminal en Contextos Postmodernos – una ruptura de los límites de la Libertad Natural

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Abstract

This text analyzes the challenges that natural freedom, understood as the effective capacity of individuals, or extended groups of populations, still have today, to act outside the control and subordination of territorial States. In this direction, it seeks to show how public policies on citizen security, policies for the defense of sovereignty and so-called criminal policies, have been implementing alternative mechanisms of security and control, trying to guarantee domination from the State, in the exercise of its sovereignty, against iusnaturalism and natural human freedom. Contemporary violence is understood from this perspective, beyond its utilitarian or immediate motives, in terms of human actions that break the straitjacket of statehood, legitimation and political obligation. It acts in human violence as a staging of force, using the spaces of natural law and natural freedom. This challenge, expressed in terms of contemporary public policies as citizen security agendas, constitutes a central issue in the demands of Public Policies.

Keywords: criminality, criminal political security, natural law, human freedom, domination.

Resumen

El presente texto analiza los desafíos que la libertad natural, entendida como la capacidad efectiva de los individuos, o de grupos extendidos de las poblaciones, tienen aún hoy en día, para actuar al margen del control y de la subordinación de los Estados territoriales. En esta dirección, se busca mostrar cómo las Políticas públicas de seguridad ciudadana, las políticas de defensa de la soberanía y las llamadas políticas criminales, han venido implementando

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mecanismos alternos de seguridad y control, tratando de garantizar la dominación desde el Estado, en el ejercicio de su soberanía, frente al iusnaturalismo y la libertad natural humana. La violencia contemporánea, se comprende desde esta perspectiva, más allá de sus móviles utilitarios o inmediatos, en términos de acciones humanas que rompen la camisa de fuerza de la estatalidad, la legitimación y la obligación política. Se actúa en violencia humana como una puesta en escena de la fuerza, usando los espacios del derecho natural y de la libertad natural. Este desafío, expresado en función de las Políticas públicas contemporáneas como agendas de seguridad ciudadana, constituye un tema central en las demandas de Políticas Públicas.

Palabras clave: criminalidad, seguridad política criminal, derecho natural, libertad humana. Dominación.

This text seeks to show how public policies for citizen security, as well as policies for the defense of sovereignty based on the so-called criminal policies, have been implementing security and control mechanisms in an attempt to guarantee domination by the State in the exercise of its sovereignty. Contemporary violence is understood from this perspective, beyond its utilitarian or immediate motives, in terms of human actions that break the straitjacket of statehood, legitimacy and political obligation. This challenge, expressed in terms of contemporary public policies as citizen security agendas, constitutes a central issue in the demand for public policies. This constitutes a challenge from the State, in the face of natural freedom², understood as the effective capacity

that individuals, or extended groups of populations, still have today, to act outside the control and subordination of the States.

In recent times, even in postmodern and posthuman contexts, the long continuity of wars, violence, barbarism, overexploitation of some humans over others is evident. This can still be seen today. Slavery has not disappeared, for there is a kind of neo-slavery in human trafficking, in sex and migrant trafficking. In the mafias and circles of illegality, in many spheres of contemporary human societies, where human rights and citizenship are mere rhetoric that millions of people do not possess. Because their life is something else. Human history, including the current and contemporary plot of human events, is the history of wars, of violence. We are today facing high levels of violence and crime in and by post-industrial civilization. Suicide; political ethnocide, nationalism as a disease and at the same time as a religion. Exacerbated fundamentalisms and their violence. Criminal pathologies such as those of the Serial killers. And the banal lives; the banal life, the life without purpose, the lost life, purely vegetative, articulated to mercantilism, to the incapacity to develop what liberalism proposes: the human being as a subject with his own thought, and in the exercise of his free capacities, etc.

In all these postmodern scenarios we recognize the transformed presence, in many cases, of recurrent and omnipresent logics of domination. Certainly, domination as a hard and conflictive concept emerged with the industrial class struggle in the 19th cen-

necessarily always a founding consensus, as the contractual model thinks) that would transmute and give different meanings - speaking of trajectories - to the natural force made power. That which is transmuted into natural force made political. In other words, it is a matter of understanding the transposition of natural power into civil, organizational, political, familial and relational power. In fact, every time a president of the United States leaves office, he has the discretionary right to pardon. He can issue executive orders and pardon people, no matter their status, such as death row inmates. Regardless of the severity of their sentences, they can be commuted, virtually unrestricted. The pardon is part of the discretionary right to transfer or return to citizens, individuals, the legitimacy, in this circumstantial, circumstantial case, the use of natural force.

² It acts in human violence as a staging of force, using the spaces of natural law and natural freedom. Natural freedom, usually in political regimes, becomes political freedom, through the reduction of the limit or the deconstruction of such natural freedoms, which have to be upholstered and regulated from the point of view of politics ((Hobbes, 1992; MacPherson 1962). Political hegemony would be based on a contractual scheme, on institutional arrangements and on rules of convention, agreements. Even in rules of an asymmetrical character (it is not

tury, with trade unionism and peasant and national rebellions against empires in Latin America, and with the independence of the United States. Modern history, what Eric Hobsbawm called the history of bourgeois revolutions, gave rise to a much more open and plural society (Popper, 1949). It is this first epoch, that of liberal capitalist industrialism, which questions the preeminence of violence and crime. Thinking about domination is what really founds, at least in the field of political philosophy, a focused and relevant reflection on power. Domination is important, but it is not only the domination of the internal, but also of the disciplinary. This question opens an interesting window to pose the problem in another field, that of rivalry, fragility and organizational contingency derived from open and competitive markets, from the asymmetries of capital and from the power of the ways in which a State does or does not protect its associates. In fact, the first capitalism was born with strenuous working hours, using the labor of women, children and the elderly. Disrespecting the rights of human beings, and strongly supported by the revival and expansion of slavery as the foundation of the accumulation of original capital, as Marx called it, during the centuries of the emergence of European capitalism. This can still be seen today. Slavery today has not disappeared, for there is a kind of neo-slavery in human trafficking, in sex and migrant trafficking. In the mafias and the circles of illegality, in many spheres of contemporary human societies, in which human rights and citizenship are mere rhetoric for vast sectors of the populations, and in the mafias and circles of illegality in many spheres of contemporary human societies, in which human rights and citizenship are mere rhetoric for vast sectors of the populations.

In recent decades, crime, like political violence, has become one of the leading causes of mortality. In other words, compared to childhood diseases, cardiovascular diseases or traffic accidents, in short, compared

to the so-called natural or non-deliberate causes, murders and assassinations represent a substantial part of deaths. There is also evidence of a dramatic transformation in criminal modalities, since the new *modus operandi* has been altered by the radical change in the community ethos, manifested in the emergence of sophisticated paraphernalia. In many countries, the “quasi-executions” carried out by state security and police agents, the spread of a huge multi-million-dollar black market in weapons in the spheres of civil society, the hundreds of thousands of armed men legalized as private security organizations in various countries, etc., are, roughly speaking, emerging manifestations of new modalities of death.

This topic has received preferential attention in the legal literature, in law schools and faculties, and even in institutional bodies such as parliaments or the mass media. The ineffectiveness of the judicial system to repress and prevent various forms of “anti-social” delinquency has become evident to the eyes of observers. This is evidenced by the failure and ineffectiveness of judges and prosecutors to investigate and punish misdemeanors and violations of legal norms (Garland, 2005, 1984). Consequently, there is a growing climate of impunity. As a result, legal systems of punishment lose one of their essential arguments of validity: their enhanced capacity to discourage criminal behavior. Our societies coexist with this reality: The fiction of a legality that punishes and prevents, but which subsists in a purely vegetative form in the paradigm of the formal rule of law, in the immaterial terrain of duty to be, of the ideal normativity of positive law. The crisis of the judicial systems, aggravated in recent years, is clearly expressed in the accelerated increase of impunity, that is, in the weakness of the coverage of the State's power; in the covering of its “natural” space by other instances that replace it, and the correlative submission of the Judicial system to the laws of market purchase. Justice

as merchandise is manifested in the paid acquittal. Such payment in money for infractions of the laws, in the form of fines, bonds, etc., is a remodeling, a capitalist updating of the old *lex talionis*. The reward for denunciation and/or confession is, in this sense, a surviving atavism, halfway between the legal relationship and the ancient punishment, which, as is known, could be applied to an individual or to a given social group; and, equally, it could, in accordance with the dominant ethical discourse, be negotiated with the offender.

This relationship of exchange, obviously based on value equality, is recovered and hypostatized by modern law, under the categorical title of redemption, in the sense of exculpation. In this medieval jurisdictionalism differs with respect to the institutional models of other capitalist countries (mainly we refer here to the U.S.A. and other Anglo-Saxon nations) because although in all of them the cost of the process of punishment is assigned by the brand of formalist bourgeois law, as a general rule, the cost of the punishment process is distributed between the State and the State. and other Anglo-Saxon nations) because although in all of them justice is assigned by the formalist bourgeois law, as a general rule, the cost of the punitive process is distributed between the State and the users, through taxes, fines, etc.; the payment is not directed towards the public sphere; it is diverted, on the contrary, as a mechanism of bribery, conscience purchases. According to Lewis, along with the old criterion of conceptualization of justice, a series of alternative professions are configured that supplant the juridical relation - the applicability of the laws, the judgment on merit and guilt - by a cauterized attitude that transforms the ethical and legal problem into a case: clinical, therapeutic or psychiatric. In this sense (Lewis, 1978), the supposedly humanitarianist theory of punishment unduly displaces the value-theoretical scope of justice towards a scientific neutralism.

Although the relationship between the two theories, the humanitarianist and the retributive, is quite complex and goes beyond the subject matter here, it is worth emphasizing a fundamental relationship, namely: the disjunctive lies in whether the emphasis is placed on the volitional aspect of the individual or whether it appeals to social overdetermination. The idea of preventive justice fits, in fact, clearly into both assessments. To prevent is to punish insofar as the coercive force of the example frightens other citizens and impels them to submit to the prevailing normativity; but, on the other hand, to prevent also means to educate, and this task is a community responsibility for whose failure the isolated members of civil society cannot be blamed, being a political responsibility of the leading forces of society; the failures that prevent a civility, developed and integral culture, in a certain sense, excuse the citizens. Hence the contradictory term between these theories. Their antinomy. An interesting thesis, e.g., is provided by the criminologist Francis A. Allen (ref. Criminal justice, Legal Values and the rehabilitative ideal. p. 317- 330), under the title: The rehabilitative ideal and individual freedom, this author underlines the decisive importance that political elements, in the broad sense of the term, play in the understanding of criminological problems. The philosophical approach is thus overdetermined:

The emergence of the rehabilitative ideal has often been accompanied by attitudes and norms that clash, sometimes head-on, with the values of individual freedom and volition. As I have pointed out before, the role of behavioral sciences in the administration of criminological justice and in the areas of public control, focused in relation to criminalistic laws, is of great importance today. But I have further suggested that, if the function of criminal justice is conceived in its corresponding dimension, it will be discovered that the decisive problems in these fields are not those analyzed by psychiatry, sociology, social work or social psychology. On the contrary, the fundamental problems correspond to the field of po-

litical philosophy and political science. Indeed, the handling of questions of crime legislation presents before a community the most difficult tasks in relation to the links between different individuals and the power of the state. Here we are referring to a perennial question concerning political authority: Under what circumstances can State action aimed at forcing obedience on human beings considered in their individuality be justified. The criminal laws, therefore, are situated in a space very close to the focus of the problems of politics, as the history of the twentieth century clearly proves. It is by no means accidental that the agencies of criminal justice and the laws that harden are those where totalitarian regimes emerge. In summary: the study of criminal justice is primarily a study in the exercise of political power; a study of this nature cannot avoid analyzing the consequent problem of the abuse of power....

The containment, the restraint to the possible abuses of the State, to which Allen alludes, faces the difficulty that the rehabilitative function has to be assumed by the State itself. This task can hardly be left to private individuals, although this does not prevent a number of entities in the civil sphere from fulfilling complementary functions. But, in fact, the reference here is in a sense that I have pointed out before: the irrecusable civilizing function that the modern State must fulfill; the relationship between the dispersed individualities, the universalism of the legal systems, etc. However, it is clear that these spaces of confinement and rehabilitation, psychiatric, reformatory, etc., are spaces of punishment. Two additional elements are also highlighted: impunity and criminal severity. Regarding the second aspect, we have already pointed out certain considerations, observable in general terms under the primitive modalities of punishment and automatism in punishment; we will only add that these features have been intensely reaffirmed in recent decades. The modernity of the means of punishment catalyzes, consequently, the vigor and scope of the viciousness of criminality. This is, in truth, one of the fingerprints or terrible marks of the cultural

process of eroticization of the act of death, and a barbaric and uncivil manifestation that continues to be impervious to the changes implicit in the processes of modernization. Impunity and the corruption linked to it are, on the other hand, clear evidence of state inefficiency and inaction. Although, along with crime, the contemporary world has also modernized the investigation and “intelligence” of crime persecution, such advances reach Colombia in dribs and drabs. And in the face of the real and immediate danger that results from breaking the “law of silence”, citizens have no other alternatives to denounce before the justice system. And this is all the more so if we consider that the State does not guarantee secret and impartial investigations and the effective protection of the people who go to the courts and judges.

Public policies and domination.

In this sense it is worth referring to Malesevic's thesis of denying the humanity of the other or dehumanizing him in order to better exercise violence on a non-human inferior (Malesevic, 2020). Thinking of the relationship between civility and horror as a quasi-function or a constant in human history could serve as a shield, or a justification, for the historical critique of the excesses of violence. In such a way, a whole pedagogy of violence is erected. At the same time, the logic of intolerance is elevated to the status of a cornerstone doctrine and patterns of authoritarian behavior are configured based on this exemplary sanction. The normal response of the masses, their spontaneous reflex, is apoliticism, founded in turn on the powerful force of concealment, on cultural mimicry, and relieved by the consolation exercised by the indestructibility of the relationships and bonds of everyday life. It is interesting to highlight in this general context the relationship that goes from the social fact -from the historical event- to its transfiguration and mythical molding. The legend and feats of banditry are consciously exalted in these “cul-

tured” elaborations. But there is no doubt that the germ of such legend or the corresponding aura are already, as predispositions of life, a substantial part of the exploits of such characters, compelling them in a certain direction (thus, without knowing how and why, the peaceful cheese seller -protected by one of the liberal matrons- is transformed into a savior. This represents an element that we cannot let pass unnoticed: fear and terror operate as mechanisms of annulment of the collective conscience, transfiguring the cultural perception of evil.

As noted by the German economic historian André G. Frank (1966, 1967), a lumpen bourgeoisie is growing alongside the traditional lumpen proletariat, which commits crimes with similar methods, but on an unprecedented scale; and the following are proof of this: corruption and merciless plundering of the public treasury, fraudulent commission agents of official contracts, paid agents of multinational companies, fraudulent bankers, corrupt political cadres, etc. The recruits of this class mutation are, therefore, the white-collar bandits. Already through the usufruct of the complex fabric of relations between civil society and the State we see staged the confusion between criminality and common crime and crime based on political motives. When social decomposition (the lumpenization of vast segments of the population) is linked to a situation of political crisis, a decisive phenomenon is produced in the typology of violence: the progressive dissolution of the boundaries between common crime and political motives. The politicization of a wide range of criminal acts, which incorporates them into a higher social category, dignifies and justifies them, creates the basis for collusion or collusion between groups with lumpen roots and irregular armed gangs. In addition, both sectors are immediately marginal in the face of legality and therefore face the coercive action of the State apparatus.

The connection between common crime and politics makes it impossible to accept the action of abandoning the legal apparatus of punishment. The wide range of criminal acts involved,

which affect not only the regime (as could be everything derived from direct armed combat) but also shake the civilian population (the victims of extortive acts and kidnappings, the victims of indiscriminate terrorist actions, etc.) complicate in such a way this transactional solution that they end up making it not viable, in the referred conditions of moral conscience.

Regarding the thesis that interprets power as domination, we have insisted for some years now, on the archeology of the concept of domination, as field, domain, spatiality, and interactions in the specialty, especially in the field of public policies (Varela, 2018, 2021). There equally as territoriality, as spatiality of domination. Often the characteristic of the resulting forces is that these are asymptotic, which means disproportionate. That is to say, unbalanced because the key to victory is imbalance. The purpose of power is imbalance, which in other words is the reduction, defeat, subjugation, surrender, of one of the factors that enter into the game of power. The purpose of all power is domination, as an affirmation of a spatiality, based on asymptotic logics. That is to say, not in proportion but in disproportions that end in a proportion of domination versus a proportion of subjugation. Gilles Deleuze and Félix Guattari, at the beginning of the 1980s, are part of this interpretative line.

The State operates as an iusnaturalism, even from the famous State of exception, with its armies, with its judges, with its normative capacity and the monopoly of the hermeneutics of such normativity. V e.g., to impose sanctions including the right to the death penalty by State officials. Or of the military, and high officers of the security forces that correspond to the secret intelligence of organisms, behind the institutionality, such as intelligence and security organisms. Many of these groups are even professional criminals who commit crimes in the name of the State. With the shielding of the aforementioned state of exception. This is, in the end, the natural right that corresponds to governments. The point to which the focus should be directed is the problem of the specific processes of industrialization and urban-

ism. Of course, industrialization based, e.g., on the “savage” methodology of original accumulation is highly violent. However, the creation of the industrial base has followed in the footsteps of the export of capital from the metropolis, in its beginnings tinged with violence as evidenced in the case of the enclave economy, for example, in the large plantations, in the exploitation of hydrocarbons, etc., where as a general rule there was an absolute rejection of the primitive forms of aggregation of workers in unions and other similar forms of defense and vindication of their interests and their socio-political space.

At present, the technologies of power, instrumentalized from the sciences of management, contribute significantly to expanding the power of top management and organized power. Capitalist postmodernity and hyper-industrialism have allowed for a greater capacity to control and regulate corporate power. They have also led to diverse and complex forms of association with public authorities in increasingly global and transnational frameworks. However, the current refined managerial discourse ignores both the change of era and the concentration and centralization, including the hyper-technological virtual and digital media, characteristic of our times.

How are systems of truth and logical referencing constructed from this field? They are generally configured on the basis of conventions of a deductive or ad hoc nature, which make it possible to determine the characteristics of a discourse, its components and the relationship with the way in which the interaction of these discourses constructs representational systems (binary language, decimal mathematics and linguistic syntax are examples of these). Conventionality does not only operate in the sciences, it operates in the world of life and in discursive representations; the images and figures that allow us to understand the color of traffic signs are a social conventionalism.

In this same direction, an interesting theme that Foucault did not fully develop was in relation to his conception of Security. While Ulrich

Beck (2000) and other later authors deepened this vein, which can be traced in Foucault himself on the basis of his thesis on self-care and responsibilities. One of the most important aspects of these issues is to see how today the excluded or the poor are building power, generating a process of networks and associative fabrics (social fabric) that has to do with the ways in which power is built, in and from society, not only from the perspective of the State but also from the social perspective. Ulrich Beck’s texts and discussions on risk came later. When Foucault spoke of neoliberalism, he was referring to the thirties of the last century, and not to his later modeling. Although Foucault certainly did construct a genealogy of the configuration of security systems in the West (seventeenth, eighteenth and nineteenth centuries); on the liberal art of governing. It was not his object to make a long disquisition, deepening and archeology of the systems of risk. Particularly because until the 1970s, Anglo-Saxon European societies were based on State capitalism and the dominant presence of Welfare and social security. In the field of public policy this has had an interesting split. In the 40’s and 50’s the axis of politics was the citizen, and even the citizenry as a community or civil society had the capacity to question and build public and political demands. After Foucault there has been a transformation in the schools that investigate the relationship between security and risk³. The concept of security does not allow us to understand the State and contemporary society. For what has been installed is, precisely, the antipode concept (that of risk), which consists fundamentally in self-care or self-responsibility as the foundation of political society. The discourse of risk goes beyond that constructed by Foucault. The risk society is characterized by the proliferation of global and

3 Indeed, since post-Foucauldian, interesting steps have been taken to scrutinize the logic of social liberalism. Which was not Foucault’s purpose, since he analyzed the emergence of biopolitics under the slopes of the first liberalism in the *ancien régime*, under the absolutist states. Before the liberal revolutions of the late eighteenth and early nineteenth centuries. As a main contrast, social liberalism recognizes that human beings as *homo economicus* have risks and tries to compensate for them by regulating the market and generating protection schemes.

personal threats, most of which are beyond our control. We are under a model of societies with permanent insecurity.

The role of Organized Crime and common crime in Private Justicialism.

Disproportionate force is often mentioned and enters into an interesting topic: honor and moral codes of force and violence. If anyone has moral codes, rules of honor and dignity, it is criminal groups. For example, the sides confront each other, but women and children are not touched, until recently when they are used as an instrument of war. The mentality of the *sicario*, belonging to a mobile and mobilizable mass, a proletariat of crime, which satisfies the requirements of many of the members of civil society who appeal to justice by their own hand, or, more precisely, paid by their own hand, in fields so dissimilar that go from the clearly political, to economic crime, the settling of scores, crimes of passion and even extreme retaliation within the school system, obviously emphasize the extreme dissolution of civil conscience that is reached by simply discarding state legal sanction.

In the case of drug trafficking, it is worth making a short digression. The dissolutive force of the forms of civility and constitutional justicialism that drug trafficking entails in: The first of these lies in the fact that drug trafficking, unlike most common crime, is not limited to plundering, kidnapping or expropriating the goods produced by other economic sectors⁴.

⁴ Drug trafficking is in itself a very powerful system of economic productivity, an accumulating force of capital, par excellence. Thus, when the type of its economic operations is described as equivalent to the cartel mechanism, it should be understood in the full sense of the word: a network of organizations that intervene and plan the activities of production, distribution, consumption and capitalization of the business. Therefore, drug trafficking - which despite its power is compelled to remain outside the law - creates or shapes a civil enclave culture, in the remote jungle areas where it establishes the large cultivation and processing centers and, in the cities, where it configures gigantic networks of operations and social influence, producing, in the course of this socio-economic transit, modalities of para-justice, unparalleled in modern history. One thing is exaggerated force: violence, and another thing is terror, they are related, but different. When we speak of terror,

Such political logic carries in itself, implicitly, intolerance, the automatic of failures and denunciations, etc. And when the forces of drug trafficking move little by little towards the spheres of legality and “normal” economic and social activity, they permeate the social body with their ethical values, their patterns of retaliation and their norms of intolerance and vertical discipline. In this sense, drug trafficking bears the stamp of anti-democracy. The relationships of patronage, “protection”, generate a countercurrent in the productive sphere that is very different from the traditional capitalist ethic of industrial relations. Few social groups display such a strong dose of authoritarianism as these “emerging classes”.

In short, crime and criminality are terms that describe the relatively structured organization of groups that make use of force, i.e. natural law, to depredate human societies of their resources, from robbery as assailants (of all kinds), to stealing public property, private property, even using front men, acting in money laundering. Today of these organizations, the best known is drug trafficking, a bad term since “trafficking” is only a part of the matter; it is a complete cycle: narco-production, narco-laundering, narco-politics, a narco-accumulation of capital, in a complex integration between legal and illegal economies.

Peter Lock, (1994) spoke a few decades ago of “shadow capitalism”. His thesis is that capitalism is symbiotic between crime and legality. It is said that behind many great fortunes there is often a crime underneath, at the origin. In many of the most notable, prestigious and traditional families, their grandparents or ancestors were involved in crime: appropriating land, participating in violent processes of rural expropriation, mining outside the institutional frameworks, etc.

from this point of view, we speak of actions that lead to or produce, fundamentally, a mental paralysis of the psychic world of society. It is not fear, since this is something natural to human beings. When there is paralysis, it is terror; it is the difference between “Phobos and Deimos”, and there is no capacity to react. With fear you can react, with terror you can't. Terror leads to helplessness. Terror leads to helplessness. Many of the links of drug traffickers and their actions of savagely “liquidating” their opponents, and doing brutal things, lead to paralysis, terror. Blood is the vehicle of the spirit, so the land must be “irrigated” to guarantee growth, development, prosperity, etc.

From the prohibition of liquor, in its production and commercialization, to the most recent link to the drug trafficking economy. However, not only that, but also arms trafficking, human trafficking. Today, the trafficking of people passing through the United States from Mexico, Guatemala, El Salvador, even China and elsewhere, is as lucrative a business as drug trafficking. Human trafficking continues to be a mega-business, and there is a modern-day neo-slavery linked to this type of situation.

These are groups that make use of the right of force or of force as a means of sustaining power; using the limitations of the conflict itself, those of the State or State apparatuses or their rivals, other criminal groups; who configure the continuity of natural law and the use of force, and of power understood as force. Clastres (1978) had pointed out that, in many of the ancient, primitive communities with which he had interacted, violence was an end in itself. For example: primitive rituals (deaths and sacrifices). From a logic of mere accumulation, the use of such violence is not explicable. Violence became, in this case, antithetical to economic rationality; they killed so many indigenous people that they were about to destroy their labor force. The terror was so excessive that it was economically unsustainable, but there was a policy of domination which is an economy in a political sense, where the political predominates over the economic. The logic is not profitability, but a political domination and interactions of domination that go beyond economic profitability itself.

Joseph Conrad in the “Heart of Darkness”, a novel of the late nineteenth century, the basis of an excellent film *Apocalypse Now*, spoke of the death camps, of terror as an end in itself, of domination and predation. At the beginning, supposedly their motives are economic, to subjugate captive people to produce, to work, but that “deviates” towards a logic where violence is an end in itself. Many of the crimes, of the serial or mass murders, of the human slaughters, have to do with violent death as an end in itself; as a catharsis, as a realization or as an ontolog-

ical affirmation of the criminal or the murderer. e.g., remember how Pablo Escobar entered into a fight with the State, but also waged war against the media, the press and also against society. When Pablo Escobar begins his battle with the State, he deviates, so to speak, from his criminal capitalist logic; he enters into an existential ontological challenge in which he loses his life, from his honor and his *dignitas* with the State, which challenges him and which he has challenged⁵. Escobar in the last years of his life, that is why he loses: he abandons drug trafficking, in the sense that he no longer trades, but creates a criminal protection apparatus, which more than protection is extortion against his partners because he was - on their behalf - confronting the State, with its military force and its armies of hired killers. At a certain moment the business partners consider him an undesirable partner because he generates a confrontation that they do not want, since the State can be bought and negotiated with.

Moreover, in a criminal extortionist state that threatens them, can kill them and lose their livelihood. Escobar’s deviation is characteristic of what I have been saying. At some point, even in the Amazonian rubber plantations at the beginning of the 20th century, production falls so much because the violence is so excessive that it destroys the very structure, the economy and the political logic of production. This is an interesting topic to understand when excessive force is used. Contained violence is used when the purposes are achieved and violence is suspended. This violence becomes an end in itself.

Residually, and this is not a minor residual, there remain many areas in which individuals have the right to use their natural force. In the United States this is a tough, open debate, because of the ability of citizens to buy guns in specialty stores, even heavy ammunition and

⁵ Terrorism is clearly rational because it is planned and selective, however random. Terrorism is calculated and selective in its targets. In this sense, terrorism is clearly a political strategy. Contrary to popular opinion, terrorism is not political; of course, there is nothing more political than terrorism.

sophisticated weaponry, with very minimal protocols. All this in spite of mass murders, Serial killers, psychopaths. What they have not been able to stop is the banning and general arming of the population. However, in general, citizens can carry weapons with certain criteria, or requirements, which are no longer the weapons of the general body of society, such as the military and police forces. In the 20th and 21st centuries, private security companies, known as private security guards, were created and have been formalized. These have reached the point of being companies with private armies, since, in England, the United States and some European countries, there are firms that manage mercenaries, with light weaponry and technical assistance that they sell to governments, companies or corporations, according to the regulatory framework.

Besides, these are labor *nuclei* that receive benefits from the system, with social rights corresponding to the general levels of the capitalist world. It is certain, therefore, that the sphere of major clashes occurs in the accumulation of national capitalism, which, due to technological limitations, less capital resources, is prone to accentuate the external forms of the exploitation of wage labor, to persecute and strike the actions and demands, etc. As the Polish criminologist K. P. Kosiell emphasizes. P. Kosiell. The relationship between the increase in violence, on the one hand, and industrialization, urbanization and the resulting anomie, on the other, is quite complex and indirect. Industrialization and urbanization are not in themselves causes of violence (Kosiell, 1975).

Some would say that it is precisely our nature or our anti-nature that comes to the surface when we speak of violence and certain forms of monstrosity. This is a point that Fernando Cruz Kronfly (2012) has raised. He has gone to the bottom of this discussion: Were characters such as Hitler, Tirofijo, Vicente Castaño or his brothers really monsters, are the big drug trafficking bosses' monsters, or fundamentalist extremists, or are they also human, even if they have done

execrable things, seen from a humanist perspective, and even execrable, seen from posthumanist, transhumanist, and even from certain anti-humanist perspectives? A positivized paradigm of the human is constructed and from that paradigm, the inhuman is violence, barbarism, crime. From the point of view of religious discourses, such as Christianity and its variants, it is a clear configuration. From the conceptual or philosophical point of view, it has always resisted this simplification, this dichotomy because it does not consider that it solves anything; Hitler was human, paramilitaries are human, as are drug traffickers, even though they commit certain crimes. They are human and they commit them just the same.

In humanity there is that ambivalence, or that duplicitous character, of being able to construct and deconstruct; to affirm or deny. Many of the affirmative things in the background have a negative or destructive or domination purpose.

The utilitarian conception of punishment appears as a negative example, in the sense of illustrating what should not be done; deterrence as fear of punishment or inhibition of criminal tendencies is configured as a judicial pattern. Security statutes or anti-terrorist laws will not pass - as long as impunity subsists, impulses of the will to do, "automated" manifestations of defenselessness. What really counts is the effective capacity, the real possibilities of deterrence, which have to do with the defeat of impunity and the decrease of legal tolerance. As long as this does not happen, there is a double path, a dilemma. First, a shift of the spheres of punishment from the jurisdictional system to the State security forces, mainly in the form of the militarization of justice.

In many industrialized countries there are still non-negligible remnants of these phenomena. But the transition from the acceptance of abuse as a legitimate use of parental rights (mores) to its legal recusal and sanction is a legal tool that tends to democratize family life and to corner authoritarianism in one of the deter-

mining facets of the socialization process. And all this is linked to economic transformations, with the overcoming of primitivism. Take the example of criminality in the middle and upper sectors: the cases of multiple murders in the circles constituted by members of wealthy families to confirm that these variants of criminality no longer correspond to direct economic causes. It is, at a certain level, the price of postmodernity, urban alienation and alienation, the crisis of values of large groups of the population confronted with addiction to narcotics (their trafficking and commercialization), the increase in criminality derived from motives of passion, the appearance of psychopaths who act as “instruments” of collective guilt, etc.

Conclusions: alternatives in public policies for control and citizen security.

Many of the technologies of domination are not the result of express decisions of a voluntary or intentional order; they are the fruit of systemic interactions and of the very logics of functioning of organized, expert and complex social systems. This is where computerization and cybernetics play a major role, as fields of design of human actions. Mega organizations increasingly rely on sophisticated and widespread robotic systems; these artifacts reshape the places and new trans-spatial relations of the so-called organizational policies of strategic management. Numerous exceptionalities fragment the so-called monopoly of the use of force. Even today, armament in the hands of civilians, and the right of civilians to make use of self-defense, is a constitutional principle that even goes as far as the Charter of the United Nations. These companies practically have private armies with limitations in the use of their legal competences, but which, with escorts, security guards, criminal investigation areas, are parallel to the State’s own infrastructure; with intelligence, with cyber-intelligence, in order to prevent terrorism from cyber anti-terrorism.

This has become a business, since the security business is one of the most important in contemporary societies and is growing every day, not diminishing. Today, it is articulated with artificial intelligence, with drones for military use that are not exclusively for the exclusive use of the military forces, or of the coercive structures of the territorial structures. This is not a minor issue, only that residually iusnaturalism is in society not only incarnated in the State, but also in society. The internet between people, which allows an interaction in which we digitize communications and social relations, social interaction, it is a world that seems to eliminate them from dynamics such as labor (Cifuentes, 2016). There is also talk of the internet of things (Evans, 2011), from digitalized communication and information schemes that allow things to transmit information between them⁶. The internet of things takes a strong stage of robotics and generates impacts on governance, i.e., on the sphere that we humans have traditionally had to decide. Rhodes (1996) mentioned that humanity was heading towards schemes in which automated systems, cyborization, informatics and biotechnology would transform the governance of complex organizations. In this sense, the tasks that human beings perform in organizations, especially those of a mechanical nature, will not be decided and carried out by human beings but by machinic systems.

The humanity - inhumanity dilemma is therefore an ill-posed dilemma. This does not mean that a humanist preaching cannot be promoted. As a duty to be and as a normative political ideal, in order to seek and achieve much better institutional arrangements. The crisis of the human is the crisis of the project of modernity, and of its main meta-narratives. In particular, of reason as a guideline of rationality. When we speak of contemporary utilitarian rationalism,

⁶ Mobility of a city, security camera systems, refrigerators that report the number of products and the need for them, that produce information that goes not only to human eyes but to command centers with computerized systems that integrate, parameterize and also act according to data that machines give to other machines, are processes that practically, without any human intervention.

we are referring to contractual rationalism, conventionalism and other aspects and variations of the political as civilizing constructions. This is the tension that human beings always face and that cannot be resolved simply by drawing boundaries between the ethical and the political. Between realist versus normative visions, an integrating perspective is required, which, without eclectically adding these paradigms together, resolves them, conflictually of course, in political thought and action.

The higher forms of civility; the growing capacity of control over the natural environment; the complex process of naturalization of the social (which surpasses the old Schopenhauerian correlate) are the spaces for defining the ambivalent drive, between agency and fatality. The problem of the historical forms of civility - the modern content of the relationship between politics and culture - is consequently the immediate space of struggle against social and state authoritarianism, and the key to overcoming violence as a mechanism for resolving social conflicts.

The transition from modernity to postmodernity has implied a new guarantee of rights. In this direction, the sense of civility, must state that institutional arrangements are better than the pure reign of force. Pacifism as a strong slogan has only been possible in the last century. What is happening today is that instead of total war, total control of individuals, groups, organizations, etc., is being used. Total control is also exercised from these instances and from states and large corporations. But this does not rule out, but assumes as a subsequent instance the use of force. This relaunches humanism in a new realistic and viable perspective, since situations of war and states of exception continue to be a reality and an option, based on the reason of State.

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