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Violence, development and legitimacy: paramilitarism and the state in Colombia 1989-2016

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What is paramilitarism? They are often referred to as mercenaries, death squads, vigilantes and warlords, but paramilitaries encompass a variety of categories used to describe the activities of individuals who, despite their origins, ideological orientation and degree of coercive activity, are linked to the State. More than a general category, "paramilitarism is a system in which a State has relations with irregular armed organizations that exercise violence" (Ungor, 2020: 7). While the dictionary definition of paramilitarism is broad enough to encompass a variety of violent groups across the political spectrum, a more technical explanation tells us that paramilitary groups are not gangsters, 'mafiosi', militias, vigilantes or simple armies. private entities that carry out their own adjudication of criminal offenses. Unlike left-wing radicals who fight for social reforms or revolutions, "paramilitary groups can be conceptualized as a type of contentious politics that uses violence to protect the established order rather than overthrow it" (Mazzei, 2009:5). Paramilitaries have traditionally been associated with conservative ideology in a variety of expressions ranging from fascism, anti-communism, nationalism, right-wing libertarianism and ethno-cultural supremacist movements as seen in American paramilitary groups such as the Proud Boys and three-percenters. Historically, elites, governments and the private sector have relied on the deployment of paramilitary violence as a strategy to expand or maintain social, political and economic power. In other words, paramilitarism has been a state policy in many countries of the global south such as Uganda, Guatemala, Pakistan, Serbia, Thailand, and evidently in Colombia, where the definition, functions and structure of paramilitarism acquires unique characteristics.

Why is it important to study paramilitarism today? From the war in Ukraine featuring Wagner, to the civil war in Sudan between the army and the FAR or Rapid Support Forces, paramilitary groups are playing a central role in many of the largest war conflicts in the world. Although its presence has been ubiquitous throughout history, paradoxically academic literature has not shed enough light on this important phenomenon. There is an underlying assumption in public opinion and the vast literature on political violence, that non-state organized violent actors are almost by definition against the state. Much of this assumption arises from Weber's axiomatic conceptualization of the state as "a human community claiming a monopoly on the legitimate use of physical force within a given territory" (1968: 78). If organized military groups commit acts of violence in specifically defined territories, they are often classified as rebels devoid of any institutional legitimacy or, in other cases, as criminal gangs, whose violence is either teleological or implicitly depoliticized. Despite this, some studies have paid greater attention to the role of violent non-state political actors in the current process of decline of the Weberian axiom in the Global South (something we will explore later in the case of Colombia) (Friedman et al, 2003 ; Coronil et al, 2006; Wieviorka, 2014; Tugal 2017), but attention has remained on civil actors, guerrillas and national liberation groups. Thus, the binary conceptualization resulting from the differentiation between anti-state and state forces has effectively obscured the phenomenon of violent private groups whose objective has been to sustain, increase or in some cases co-opt the

power of the state. The most important change in our understanding of the state during this era of globalization is that the control of violence is no longer divided vertically between nations, and is instead fragmented horizontally, “between different levels of power, each of which it claims a certain legitimacy and therefore fragments the nature of the state” (Shaw: 123). Naturally, this horizontal fragmentation has been triggered by the increasing privatization of “legitimate” force. This not only demands a revision of Weber's definition of the state, but also a deeper exploration of the processes of legitimation and organization that emerge from these new dynamics.

Why Colombia? The most crucial contemporary example of paramilitarism in Latin America developed in the context of the asymmetric Colombian Civil War (1969-2016). Colombia's hypertrophic bellicosity in relation to its regional neighbors has been manifested in titles such as the country with 'the longest civil war in the Western Hemisphere', as well as an image of a violent society of which one of the main references in culture internationally popular remains the narcoterrorist Pablo Escobar. Colombia is credited with having exported certain types of violence such as the 'Colombian tie', motorcycle shootings, and more specifically it is one of the countries that produces the most mercenaries in the world. Recently, Colombia had the largest number of internally displaced people in the world, with an estimated 8 million (Syria and Ukraine rank first for externally displaced people) (UN Refugee Report, 2018). Paramilitaries were responsible for: 74% of all massacres that took place between 1982 and 2014 (548 of 741), according to some conservative estimates. According to the information collected in the truth commission report, between 1985 and 2018, at least 450,664 homicides were recorded in Colombia as a result of the internal armed conflict. However, when taking into account under-registration, this figure is estimated at around 800,000 victims. Paramilitaries were the main perpetrators of these murders, responsible for approximately 45% of the cases, while guerrilla groups and state agents accounted for 27% and 12%, respectively. 51% of the total 4.2 million cases of population displacement are attributed to the paramilitaries (25% attributed to the guerrillas). This constitutes approximately 2,600 square kilometers of territory abandoned by the displaced (National Center for Historical Memory, 2018; National Survey of Verification of the Rights of the Displaced Population, 2013). Furthermore, Colombia has the highest level of social inequality in South America with a Gini index of 0.54 (World Bank Report, 2020). Today, Colombia is the most dangerous country in the world for trade unionists, human rights activists and environmentalists (El País, 2021). Despite this, paramilitarism has received less academic attention than the guerrilla in analyzes of the Colombian civil war (1964-2016). Given this, a broader definition of paramilitarism is necessary in the Colombian context. According to Jasmin Hristov “Colombian paramilitary organizations are armed groups, created and financed by rich sectors of society, with military and logistical support provided unofficially by the State” (Hristov, 2014:4). In addition to this, as Francisco Gutiérrez-Sanin (2019) argues, “the Colombian paramilitaries combined four characteristics that are not easy to find elsewhere, at least not at the same level: size, autonomy, political voice and centrifugal forces” (2019: 14). Certainly, and not only for strategic reasons, until after the creation of the AUC in 1997, the paramilitaries themselves declared that they were not a puppet of the State, but rather a third actor in the conflict.

How is the state defined? The persistent Weberian definition of the State as a legitimate monopoly with coercive power over a territory (1968), and the Marxist conception of the State as a complement to the accumulation of capital (1978) merge in the implication that the State is a

sphere of conflict. The modern State is a field (Bourdieu, 2014:20) and, therefore, a locus of production, circulation, appropriation and exchange. Whether the state is economically determined or instrumentally driven by power or domination, it ultimately serves the function of providing a climax to a set of economic, political, and social struggles. At the heart of this conceptualization of the state are material property relations. It is the essential precondition for the historical mode of production, on the one hand, and, on the other, it is the basis for territorial control, autonomy and legitimacy. The driving principle of property relations is the production of spatial arrangements. As Lefebvre states, 'the secret of the state is space'. The state and the territory interact in such a way that they can be said to be mutually constitutive. The reason for the existence of the state is to replace a natural space with another space, first economic and social, and then political. This political space structures the three main factors with which social conflicts are disputed: coercion, class struggle, and legitimacy. The first two factors are integrated into Charles Tilly's general 'war' scheme, focused on the effects of wars between nations and his dictum "war makes the State, and the State makes war" (1992). Tilly's perspective integrates and expands neo-Marxist and Weberian explanations. As Tilly points out, his scheme responds to one of the basic axioms of historical materialism pointed out by Perry Anderson: “the secular struggle between social classes is ultimately resolved at the political—not economic or cultural—level within society. In other words, it is the construction and destruction of States that seals the basic changes in the relations of production, as long as classes persist” (Anderson, 2013:11). So while states are built through coercion, it is the economic class system that allows this process in the first place. Like Anderson's (1994) distinction that intercapitalist competition within and between nations is economic, while interfeudal rivalry was coercive and military, Tilly asserts that “where capital defines a realm of exploitation, coercion defines a realm.” of domination” (1990: 19). Thus, by embodying the axis of exploitation and domination, the State in its formation and development derives its capacity for action from the four sources of social power described by Michael Mann (1986): ideological, military, political and economic. Despite this, the fact that the modern State possesses these different forms of organized power does not fully explain the structuring of the third main factor with which social conflicts are disputed: legitimation. This last factor is essential to be able to begin to understand the modern state since it moves from materiality, space, and war to the non-material. Weber identified three types of domination and forms of legitimacy: traditional domination, charismatic domination, and legal-rational domination (Weber, 1968: 952-4). However, these types of legitimation do not fully explain the mechanism for the production of the belief and justification of the legitimacy required for the contractual ascription of the State (in the Hobbesian sense). Uniting Weber with his concept of symbolic capital to expand the ontological perimeters of the structure and function of the State, Bourdieu argues that the State “is defined by the possession of the monopoly of legitimate physical and symbolic violence” (2014: 4). Furthermore: “The State is the culmination of a process of concentration of different species of capital: capital of physical force or instruments of coercion (army, police), economic capital, cultural or (better) informational capital, and symbolic capital. It is this concentration as such that constitutes the State as possessor of a kind of metacapital that grants power over other species of capital and over their possessors” (Bourdieu, 1994: 4). The state can encompass this type of power because, correspondingly, symbolic capital precedes all other forms of capital. Symbolic power “derives from the recognition of authority as legitimate, whether authority originally based on political, economic, or cultural power” (Loveman, 2005: 1655). With the control of physical and symbolic coercion, the State defines the principle of “vision and division” (Bourdieu, 1994) of social

reality, which is the basis of the belief in any type of legitimate domination. Thus, symbolic violence sustains relations of domination by establishing de signification of language itself and, therefore, between the subjective and objective spectrum that produces legitimacy.

What does Colombia reveal to us about this definition of the state? It is impossible to understand the Colombian State without understanding paramilitarism. It is also impossible to understand paramilitarism without understanding the vicissitudes of the modern Colombian State. After all, paramilitarism is defined in relation to the State (para vs. official military). So far, the theoretical framework I have proposed combines the processes related to the monopoly of physical coercion, the structuring of class relations and the production of legitimacy through symbolic violence; a framework that incorporates the material and symbolic dimensions of the formation and deformation of the State. These factors operate through material, spatial and symbolic definition processes. Although this serves as a good starting point, this synthesis of the material and the symbolic is nothing more than a new thesis that must be confronted with the particularities of the Colombian State and the role of paramilitarism in the context of neoliberal expansion. First, coercion. The traditional conceptual foundations of the theory of state formation evolved from a Eurocentric perspective, lacking certain historical processes that complicate this panorama. The war perspective, especially, has been enriched by the analyzes of Latin American States. As Miguel Angel Centeno demonstrates, “Latin America does not necessarily contradict the first part of Tilly's famous saying” (2002: 263) (the war made the State). The main points of contention are, first, what type of war the state waged (internal versus external), and second, “whether we really have states (rigorously defined) on the continent” (2002: 264). Centeno argues that most Latin American wars were limited in scale and did not create strong central states; rather, national debts increased as governments financed them through external borrowing rather than domestic revenue. These limited wars created new dependencies that ultimately frustrated the establishment of strong central governments, as was the case in Colombia.

As a violent non-state entity, paramilitarism highlights the privatization of coercion, which alters the dynamics of negotiation between rulers and ruled, and restructures coercion. Although multiple forms of collective political violence fill the dense and complicated network of historical continuity and discontinuity of power relations in Colombia, paramilitarism has played a particularly important role in promoting the interests of the State over the market (Histrov, 2014). . As several analysts explain about the monopoly of violence in Colombia, the paramilitaries came to develop a “symbiotic relationship” (2013: 7) with the Colombian State because they help sustain the existing order. Paramilitarism was not only the manifestation of a collusive relationship between the economic and political elites, the military and the highest levels of the State; but it is also a manifestation of the logic of the Colombian State. Against Weber's conception that the state has a legitimate monopoly on coercion, Karl Schmitt's conceptualization of sovereign power as the exercise of authority over the suspension of legality (Schmitt, 2005) is a more appropriate theorization in this context. . For Schmitt, the essence of sovereignty is based on the monopoly of the ability to decide on exceptions to the law. The “state of exception,” according to Schmitt, refers to the suspension of judicial order; “sovereign is he who decided the exception” (ibid:5). During the second half of the 20th century, Colombia spent more time in a state of exception than under the rule of law. The sanctions and active encouragement of paramilitaries during most of the war is just one example of this. Legislative decree 3398 of 1965, law 48 of 1968, decree 1573 of 1974, decree 356 of 1994, and law 241 of

1995 are just some examples of the use of the constitutional exception of the state of siege and explicit sanction. or indirectly from the creation of anti-subversive groups as methods of irregular warfare. This underlines the paradox raised by Agamben (1995), that sovereignty consists of being “outside and inside the legal order” (ibid: 15). Parallel to Agamben's analysis of the bare life in the concentration camps where the state of exception ceased to be a temporary suspension of legality, paramilitarism in Colombia took on a similar character. If it was not permanent, it is a recurring continuation of its function of carrying out an internal “colonial occupation.” This echoes what Mbembe describes as a process of “seizing, delimiting and asserting control over a geographical area. —of writing a new set of social and spatial relations on the ground” (2019: 79).

Thus, the Colombian State claims its legitimacy not because of a monopoly on the means of violence, but because of the lack of this monopoly (2010). As Jenny Pearce explains, “it is this lack [of monopoly] that provides the State with social outcasts and sources of disorder (criminals, drug mafias, youth gangs, paramilitaries) to which it must respond with new forms of order, violently imposed to gain their authority” (ibid:289). In turn, these 'social outcasts', mainly paramilitaries, provided important political capital—at least in the case of Colombia—by giving votes to politicians with preferences relatively close to theirs. The paramilitaries effectively achieved this by replacing one space with another political space through massacres, land grabs and mass displacement, which consequently resulted in the physical transformation of social life, the suppression of dissent, the artificial change of electoral maps through the depopulation of municipalities, intimidation of voters and manipulation of politicians. Consequently, as Mbembe argues in his analysis of necropolitics as a system of social and political power that dictates how populations should live and die, “the [modern] security state thrives in a state of insecurity, in which it participates by fostering it.” and to those who contribute by saying they are the solution” (Mbembe, 2019: 54).

Secondly, we will focus on the class struggle. Through the types of spatial restructuring that enabled massacres and other forms of violence, paramilitaries also facilitated privatization and new cycles of capital expansion, restructuring class relations in both city and countryside to the benefit of the elite. economical. In theory, this process closely reflects what Marx identified as endemic to capitalist expansion. Hristov (2014) has demonstrated the intimate link between neoliberal capital accumulation and paramilitarism in Colombia in rural areas. But what exactly is meant by the notion of primitive accumulation? As Marx explains:

> “The so-called primitive accumulation, therefore, is nothing other than the historical process of divorcing the producer from the means of production... great masses of men are suddenly and forcibly torn from their means of subsistence and thrown as free and 'detached' proletarians in the labor market. The expropriation of the agricultural producer, of the peasant, of the soil, is the basis of the entire process” (Marx, 1978: 432-5)

Harvey's further elaboration of this concept adds that this primitive accumulation is produced by the dispossession of “barbarians, savages, and inferior people who had failed to adequately combine their labor with the land” (2003:45). Furthermore, the accumulation by dispossession included a wide range of processes, including:

> “…the commodification and privatization of land and the forced expulsion of peasant populations; the conversion of various forms of property rights (common, collective, state, etc.) into exclusive private property rights; the suppression of rights to common goods, the commodification of the workforce; the suppression

> of alternative (indigenous) forms of production and consumption; colonial, neocolonial and imperialist processes of asset appropriation (including natural resources)... the State with its monopoly on violence and its definitions of legality plays a crucial role in both supporting and promoting these processes... The development role of the State goes back a long way, maintaining the territorial and capitalist logics of power always intertwined although not necessarily concordant" (ibid: 145).

In practice, paramilitaries in Colombia carried out what Harvey claims is the state's push to reconfigure values already embedded in the land but not yet realized. They achieved this mainly through brute force. There is a clear link between paramilitary violence and primitive accumulation. As several scholars have shown, areas for large-scale plantations, mining operations, and megaprojects geographically coincided with areas of paramilitary expansion (Mingorance, 2009; Zuluaga 2012; Hristov, 2014). Hristov explains: "Paramilitaries have been largely responsible for the majority of forced displacement... Typically, when paramilitary forces engage in forced displacement, their goal is to displace all residents in a given area so that many individual neighboring plots are vacated and the resulting area can be converted into a single large property… At that point they [the paramilitaries] can sell the property at high prices to Colombian and foreign investors, ranchers, cash crop plantation owners, mining entrepreneurs and tourism companies" (Hristov, 2014: 35) Paramilitary massacres restructured property relations between small landowners/peasants and the national/transnational bourgeoisie. Previously, smallholdings had provided farmers with a degree of economic independence that ran counter to the consolidation of agricultural ownership driven by neoliberal structural adjustment policies. These small farms had provided peasants with their own means of production as well as relative control over profits, even in direct market competition with freely traded imports. However, the cases of massive displacement carried out by the barbarity of paramilitary violence, ended the means of subsistence of the peasantry, with their physical and social right to the land, and practically turned the displaced into competitors with large agricultural companies, in its employees (in the best of cases), in unemployed now part of a reserve army of labor that now subsists under severe conditions of poverty on the peripheries of urban centers.

Third, with the spatial replacement achieved through displacement and violence, particularly in remote areas of the conflict where isolation allowed for longer actions, there was a deployment of symbolic violence to give value and build legitimacy to this new economic capital and order. paramilitary. Symbolic violence inhabits the field of political power: the issuance of contracts, the formation of political alliances, new regulations and deregulations, the articulation of narratives and public imaginaries, the attribution of meaning to places and people, the uses of fear and hatred , and the production of refractions and hegemonic reflections. These processes created different orders of knowledge in both the objective and subjective phenomenologies of terror and authority. For example, right-wing propaganda generated different representations of victims, while increasing feelings of abandonment towards them. Once the violence occurred, the space was symbolically reconstituted first, in the public imagination as a place of infamy and trauma and then physically as an abandoned stage due to displacement. Paramilitary and military violence in Colombia used "visible signs of its passage as a communication strategy": destroyed houses, abandoned towns and graffiti (Oslender, 2008). Then, this spatial substitution culminated through the legal legitimation of confiscated lands and a recommodification of them by selling them to private companies or state officials. Ultimately, the space was symbolically sanitized

through concerted suppression of historical memory or convenient ignorance on the part of bona fide buyers. Paramilitary violence meant doing politics by subverting the institutional mechanisms of a "contained contentious politics" and practicing an unconventional application of "transgressive containment" (McAdam, Tarrow and Tilly, 2001). Certainly, massive displacements affected the electoral maps of hundreds of municipalities throughout the country, as depopulation translated into a reduction in political participation and representation through a loss of seats in Congress.

The political scandal that originated in the early 2000s known as 'parapolitics' took the paramilitary political offensive to a whole new level of state interpenetration and direct co-option. The term refers to the influence of paramilitary interests in the activity of State officials in public affairs. It is a form of particularistic social relations. It is an expression of clientelism, or what Gutiérrez-Sanín calls "clientelist war" (2019). Parapolitics emerged as a necessity and an opportunity for the paramilitaries. When the Uribe government put paramilitary demobilization on the table in 2000, paramilitary leaders needed to enter politics to increase their political influence in negotiating and obtaining soft demobilization and reintegration policies. In addition, they sought favorable changes in property laws that would ensure the legitimation of their stolen domains. At the same time, corrupt politicians looked to paramilitaries to ensure that areas under paramilitary control voted in their favor (Valencia, 2007) to revitalize the political power of traditional political elites. In 2001, a secret meeting known as the Ralito Pact sealed a pact between more than 100 politicians and paramilitaries to create "a new social pact to refound the country." Finally, more than forty congressmen, the vast majority associated with the Democratic Center party, were implicated in this scandal between 2006 and 2012. The parapoliticians agreed to support bills that would strike down any attempt to expose some of the most heinous crimes of the war. , as well as legalizing the expropriation of lands from displaced and murdered peasants and small landowners. The parapolitics scandal illustrated the close interaction between illegal armed organizations and legal actors to establish electoral majorities and normalize a state of impunity through the effective creation of pseudo-autonomous territories in the country with total criminal sovereignty. This period marks the apogee of the paramilitary system in Colombia through which these non-state armed actors effectively sought to capture the State through corruption, violence, and institutional parallelism. Parapolitics was the materialization of a hegemonic political project that articulated legal and illegal, local and regional sectors, obeying not only instrumental interests, but also an ideological project that sought to convert the main perpetrators into the true victims of the war (Rodriguez, 2002).

As Aldo Civico shows in his ethnographic analysis of the paramilitary State, these actors would effectively assume the functions of the State in occupied cities (2016). They would establish courts, tax systems, impose curfews, produce propaganda and normalize a state of cruel authoritarianism among peasant populations. In summary, this latest example of paramilitary activity closes the circle by demonstrating the exercise of symbolic violence to gain legitimacy through terror similar to the practices of a military dictatorship. Ultimately, paramilitarism has combined and continues to combine brute force, opportunism, necessity and ideology to develop new forms of social control that have sustained a system based on inequality. Most importantly, these processes potentially expose the mutually constitutive relationship between the Colombian state and paramilitarism. Thus, with this overview of the theory of the State and its relationship with development and paramilitarism, I have sought to demonstrate the complexity, peculiarities and contradictions of the phenomenon that I am currently exploring in my thesis project. The

historical lessons of what has happened in Colombia have very important implications at a global level.

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