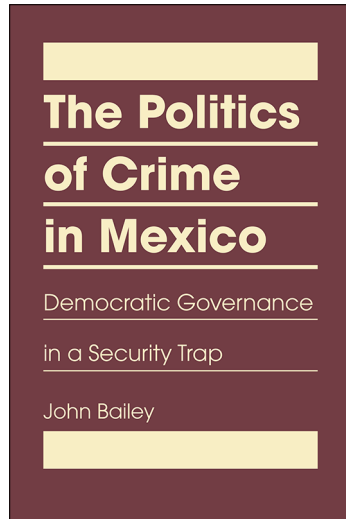


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The Politics of Crime
in Mexico:
Democratic Governance
in a Security Trap

John Bailey

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1

Security Traps and Mexico's Democracy

“We either sort this out or we’re screwed. Really screwed.” —Javier Sicilia, April 2011.¹

“May the Mexican politicians forgive me, but the very first thing is to construct a state policy. The fight against drugs can’t be politicized.”
—Former Colombian President Ernesto Samper, June 2011.²

The son of Javier Sicilia, a noted Mexican poet and journalist, was among seven young people found murdered in Cuernavaca, Morelos, in late March 2011. The scandal triggered mega-marches in 37 cities throughout Mexico to protest violence and insecurity. Like others before him, Sicilia vented his rage at the political class. “We’ve had legislators that do nothing more than collect their pay. . . . And that’s the real complaint of the people. They’re not just complaining to [the governor of Morelos], it’s to the entire political class, because they behave like a bunch of imbeciles. We’re completely fed up with this [*hasta la madre de eso*], because that’s the word. Fed up.”³ Sicilia laments the first part of the problem, the one that former-president Samper cites in the Chapter epigraph: Mexico’s political parties need to form a pact and stop using security for partisan advantage. With such a pact, the country could focus on the second challenge: the construction of an ethical, effective police-justice system. With these measures in place, Mexico might begin to find an exit strategy from its security trap.

Taking office on December 1, 2006, President Felipe Calderón (2006-2012) recognized that the Mexican federal government was losing control over significant pieces of national territory to drug-trafficking organizations (DTOs). Since the 1980s, some of the organizations had acquired enough money and political savvy to corrupt numerous local

governments, several state governments, and key federal agencies. Trafficking organizations also drew strength from the country's rapidly expanding internal drug markets and from diversifying into extortion and other criminal as well as licit activities. By the early 2000s, the strongest DTOs had amassed enough manpower, weaponry, mobility, and leadership to confront and intimidate local and state police forces, mainly in drug producing areas and along the principal smuggling corridors in Mexico's northern states. The ominous novelty was that some DTOs were increasingly willing to confront the army, the last wall of protection of the Mexican state.⁴

Gambling the success of his presidency, Calderón launched a major offensive against the trafficking organizations in his first days in office, sending some 25,000 federal soldiers and police to several border cities and rural areas embroiled in gang violence. The government's initiative exacerbated inter-gang violence. Some DTOs pushed back against the government, generating still more violence. After the midterm elections in July 2009, the president faced an increasingly difficult situation. According to Mexican government data, killings attributed to gang violence since Calderón's inauguration in December 2006 had surpassed more than 47,500 by September 2011 (Seelke and Finklea 2013, p. 1). Another estimate puts the number killed in gang violence in the range of 60,000 to 65,000 over Calderón's term (Molzahn et al. 2012, p. 15).

The violence escalated from vicious to bestial. In January 2008, for example, a gang fixed a "hit list" to a police monument in Ciudad Juárez (across from El Paso, Texas) and, by mid-May, had killed half of the 17 police officers on the list, despite the deployment of 3,000 troops and 500 federal police across Chihuahua state.⁵ In May 2008, hired gunmen (*sicarios*) struck at the top of federal law enforcement, murdering three of the top operational officers of the Federal Preventive Police.⁶ Mass media and innocent civilians were targeted for terrorist-type attacks as well.⁷ On September 16, 2008, two sicarios threw grenades into a crowd celebrating Mexico's Independence Day in the provincial capital of Morelia in the president's home state of Michoacán, killing seven and injuring scores of others.⁸ In December 2009, family members of a marine killed in an operation against a top trafficker were murdered in retaliation.⁹ Two employees of the US consulate in Juárez were murdered in March 2010, and explosive devices were detonated outside the US consulate in Nuevo Laredo the following month. A car bomb exploded in Juárez on July 15, killing two police officers and a paramedic.¹⁰ The leading gubernatorial candidate in Tamaulipas state was gunned down in a gangster "operation" (*operativo*) in June 2010, and the mayor of a town near Monterrey, Nuevo León, was abducted

and murdered in another operation two months later.¹¹ By October of that year, 11 mayors had been murdered. In April 2011, some 145 bodies were recovered from so-called “narco-graves” in Tamaulipas state.¹² In September 2011, 53 persons died in an arson attack on a gambling casino in the northern industrial city of Monterrey. In May 2012, 49 bodies, essentially butchered, were found in Nuevo León. Calderón’s declared “war on crime” was producing gruesome media images that sowed deep anxiety throughout the country.

Corruption accompanied the violence. High-level officials in the Ministry of Public Security and the Attorney General’s Office fell under investigation for collaborating with DTOs. Whether the accusations were valid or constituted disinformation planted by trafficking gangs added still more uncertainty to the fog of smoke and mirrors.¹³ Equally grave, four Army generals were detained in May 2012 and charged with collaborating with criminal organizations. In May 2008, an opinion poll question about whether the federal government “has the reins of the country, or are things getting out of hand” tipped into negative territory for the first time since Calderón’s inauguration.¹⁴ In the following four years, politicians both from the opposition and the president’s own party, as well as civic leaders, grew increasingly alarmed about the violence and called for a rethinking of the government’s anti-crime strategies.

Recovering control of territory demanded priority from the outset of the President’s term. Calderón understood well that the violent DTOs were but the most urgent symptom of systemic problems of corruption, criminality, and distrust of—if not contempt for—the state’s system of law enforcement and justice administration. As a matter of statecraft, the most the president could do in a single six-year term was to stave off the DTOs’ attacks on Mexico’s nascent democracy and lay the groundwork for reforms that would take years, if not decades, to show positive results.

In addition, Calderón faced a credibility problem. He had won the presidency in July 2006 by less than one percent of the popular vote. His main opponent, Andrés Manuel López Obrador, from the left-center Party of the Democratic Revolution (*Partido de la Revolución Democrática*, PRD), refused to concede defeat. An accomplished populist campaigner, López Obrador claimed the title of “Legitimate President” and mobilized his followers to occupy key sites in Mexico City. The tense stand-off lasted into December of 2006. Thereafter, López Obrador launched a nation-wide grassroots campaign as the “Legitimate President,” denouncing Calderón as illegitimate. In the view of many, Calderón had politicized the security issue to win popular

support, militarizing the war on crime as a tactical political maneuver to benefit from the armed forces' high prestige. Another recurring criticism was that Calderón launched a "war on drugs" without sufficient planning or consultation.

Inevitably, citizen security figured prominently in the July 2009 midterm congressional elections. After asserting that a broad consensus was necessary to combat insecurity, the head of President Calderón's National Action Party (*Partido Acción Nacional*, PAN) aggressively attacked both the PRD and the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI) as involved with organized crime. Two months before the election, the federal government intervened in the President's home state of Michoacán, arresting 10 city mayors and 25 other local officials for collusion with an important DTO. Of the mayors detained, eight were members of the PRI or PRD; two were of the PAN. The government claimed the arrests were aimed to pierce the political protection of organized crime. Michoacán was chosen because its problems were worse than those of other states. Skeptics, however, saw crude partisan maneuvering. Skepticism deepened as 34 of those arrested were eventually cleared by a judge due to lack of evidence. A subsequent opinion survey reported that 86 percent of those interviewed believed the officials arrested were indeed involved with drug traffickers but that the government lacked sufficient evidence to convict.¹⁵

President Calderón's party was routed in the midterm election of July 2009. PRI won nearly 37 percent of the vote and 237 of the 500 seats in the Chamber of Deputies, more than doubling its 2006 result.¹⁶ An alliance with the Green Party (*Partido Verde Ecologista de México*, PVEM), with 17 seats, gave PRI a working majority and thus effective control over legislative agenda and the budget. PRI also won five of six contested governorships, including the key industrial state of Nuevo León. PAN won 28 percent of the vote and 147 seats in the Chamber, a loss of 59 over 2006. PRD also lost ground, with 12 percent of the vote and 72 seats, a loss of 54 over 2006.¹⁷ The deteriorating economy and dissatisfaction with a perceived lack of progress against crime were key factors in the PAN's defeat.

With a fixed six-year term and no reelection, a Mexican president needs to build sufficient support and momentum by the midterm election to carry his programs into the fourth and fifth years, at which point the presidential succession dominates policy-making. By this calculation, President Calderón had become a lame duck with a weak economy and a floundering anti-crime program. Attorney General Eduardo Medina Mora, a key architect of the federal government's citizen security

strategy, resigned in September 2009. The following month, former PAN president Vicente Fox called for removing the army from anti-crime operations in order to reduce the violence. Fox was joined by a former president of the PAN, who was dismayed about the mayhem in Chihuahua. With its working majority in the Chamber of Deputies, PRI became more assertive, positioning itself to capture the presidency in 2012. Policy would be shaped more by calculations of partisan advantage than by devising a coherent strategy to exit the country's security trap. President Calderón confirmed the impression of a partisan agenda with the arrest of a former PRI mayor of Tijuana in May 2011, shortly before the gubernatorial election in the State of Mexico.¹⁸ Skeptics would note that the four army generals, under investigation since 2010, were detained just weeks before the July 2012 presidential election. Their skepticism was vindicated when charges against all four were dropped due to insufficient evidence a year later.¹⁹

By 2010, the main contours of the security debate were taking shape. In multiple speeches and press statements, the Calderón team argued that past administrations had not effectively confronted criminal organizations and that the threat had reached a tipping point in perhaps six or so of Mexico's 32 states. Armed criminal groups were overtly controlling pieces of national territory. If the government did not respond vigorously, the problems would escalate and the national capital would be threatened. Given the weakness—if not complicity—of police forces and intelligence services, the government needed to use the military on a short-term basis. With time, the government could reform the police-justice system and step up provision of social services to affected regions. In effect, the government sought to pulverize the larger, more aggressive DTOs and transform a national security threat into a citizen security problem to be dealt with by the police-justice system at the state and local levels. With sufficient effort, the government could make the “balloon effect” work to its advantage by pushing trafficking routes elsewhere, perhaps out into the Pacific Ocean. According to the government, record seizures of drug shipments, weapons, vehicles, and illicit profits, along with record levels of arrests and incarceration demonstrate that the policy is working.

Further, government spokesmen rejected notions of Mexico as a failed state, or of “Colombianization.” Violence is lamentable, they argued, but it is also a sign of decomposition of criminal gangs. The absence of violence, in contrast, too often means that criminal gangs have consolidated control and can rule through corruption and intimidation. Human rights abuses by government security forces are an important issue, they conceded, and the government is giving it priority

attention. Also, decriminalization of drugs is a worthwhile debate, but the issue will take time to resolve and to produce results. The country cannot wait.²⁰

Opponents of the government's policy were generally united in their criticism about violence and the use of the armed forces but were mute or divided about alternative policies. They argued that the costs of confrontation were unacceptable. Also, by 2010, signs were emerging of a "dirty war" involving paramilitary forces against criminal groups. Complaints were filed with human rights organizations that some persons apprehended by government security agencies had disappeared. Reliance on the armed forces appeared to them as open-ended, and the government was making little apparent progress in reforming the police-justice system. Hundreds of army officers, either retired or on leave from active duty, were filling law enforcement jobs at all levels across the country. In fact, the availability of the army appeared to take pressure off efforts to reform the police-justice system. Critics argued that tools other than repression are more effective against organized crime, such as better intelligence, tax administration, asset forfeiture, and the like. Human rights and decriminalization of drugs were immediate and top-priority issues.²¹

Both camps stuck to their respective positions throughout 2011. Politicians and the public looked toward the 2012 presidential succession as the likely chance for significant change. The presidential candidates emphasized reducing the violence. They spoke in general terms about partial measures, for example, to rely more on intelligence than force, to focus on crimes that most affect the public, such as kidnapping and extortion, or to promote job creation and education.

President Calderón's party suffered an even worse defeat in the July 2012 presidential elections. Enrique Peña Nieto, presidential candidate of a coalition of the PRI and PVEM, won with 38.2 percent of the vote, giving him a margin of 6.6 points over López Obrador, candidate of the PRD in a center-left coalition. Josefina Vázquez Mota of the PAN finished a distant third with 25.4 percent, continuing the party's slide downward from the 2006 presidential election (35.9 percent) and the 2009 midterms (28 percent). PAN's poor showing was due largely to public fatigue with criminal violence, continuing high unemployment, and a weak campaign. PRI fell short of a majority in congress, however, and would need to form a governing coalition or ad hoc policy coalitions. The stage was set for three more years of divided government.

What was really at stake in the debates about escalating violence and government anti-crime strategies? A complex and inefficient federal

system of government, further divided among competing parties and penetrated by criminal interests, was engaged in a contest with even more fragmented criminal groups for the support of civil society in various regions of the country. This ongoing process of competitive state-making will shape the nature of Mexico's emerging democracy.²² What will be the balance of influence between formal legality and an ethical, effective police-justice-regulatory system *versus* a corrupted and ineffective system manipulated by particular interests, especially criminal groups? Mexico is a large, complex country, and we should expect a variety of different patterns to emerge in different regions. But if the overall balance tips against legality, Mexico's security trap will deepen.

The Nature of Security Traps

This book is about the politics of crime in Mexico. Politics is about power and choice. Power consists of many different properties, including violence, intimidation, money, votes, knowledge, propaganda, and legitimacy, among others. Apart from violence and intimidation, criminal groups employ power in a variety of ways to influence government agencies and the public. Governments have numerous power capabilities that can be expressed in policies and programs. The consequences of those actions, in turn, shape decisions that guide the behavior of citizens as individuals and as members of groups in civil society. The struggle plays out in many arenas. Short term politics is highly uncertain, with clashes among armed groups, widespread criminal violence, and corruption. In the long term, the question is what kind of democracy will take shape in Mexico?

The focus is on "citizen security" as a subset of the broader notion of "human security." "While human security addresses forms of vulnerability that compromise the enjoyment of human rights in general, citizen security refers to specific types of vulnerability—those caused by violence and dispossession—and to the protection of a 'hard core' of fundamental rights" (Casas-Zamora 2013, p. 2). The main concern is the ways that crime and violence erode the bundle of rights that citizens ought to enjoy in a democracy.

In comparative perspective, Mexico in the early 21st century confronts a potent mix of crime, violence, and corruption, with an unusual degree of open confrontation among DTOs and between these groups and the government's security forces. But variations on the mix present significant challenges to countries throughout the region. The transitions toward markets and democracy in Latin America and the

Caribbean in the last quarter of the 20th century were accompanied by a third transition toward heightened public insecurity. With some notable exceptions, varieties of crime and criminal violence increased significantly in most of the countries in the region from the early 1980s into the 21st century. In terms of homicide rates as of 2010, Latin America and the Caribbean rank as the world's second most violent region.²³ Of the nineteen Latin American countries evaluated in Transparency International's 2009 Corruption Perception Index, sixteen ranked in the bottom two-thirds, with only Chile, Uruguay, and Costa Rica appearing in the top quarter.²⁴

My sense is that the citizen security situation in the region continued to deteriorate in the first decade of the 21st century. The widely-followed *Latinobarómetro*, an annual opinion survey, reports that two issues have dominated in the region since 1995: unemployment and crime (*delincuencia*). The 2007 *Latinobarómetro*, for example, reported that crime tied with unemployment as the public's leading concern (20 to 18 percent). The perception that crime was the principal problem in the region rose from nine percent in 2004 to a peak of 27 percent in 2010 (*Corporación Latinobarómetro* 2010, p. 12), reflecting perhaps the severity of the 2008-09 economic recession. With 35 percent citing crime as the most important problem, Mexico ranked sixth from the top among the 18 countries surveyed, below fifth-place Argentina (37 percent) and tied with Guatemala (*ibid.*, p. 17).

Vanderbilt University's Latin American Public Opinion Project series also suggests deterioration. Its crime victimization item asks, "Have you been the victim of a criminal act in the past twelve months?" With 25.9 percent responding affirmatively in the 2010 poll, Mexico stood as third-worst among the 18 countries surveyed, above only Peru and Venezuela (31.1 and 26.2 percent respectively) and slightly below El Salvador and Ecuador (24.1 and 24.5 percent respectively). Sixteen of the countries surveyed showed deterioration between 2008 and 2010. Only Chile and Uruguay showed improvement.²⁵ In the World Economic Forum's periodic global surveys of businesses conducted between 2008 and 2011, most of the Latin American countries ranked in the bottom one-third with respect to the cost burden imposed by ordinary crime and ranged between six and nine of the 10 lowest countries. A similar pattern appeared with respect to organized crime (mafia-oriented racketeering or extortion). Mexico consistently figured among the bottom 10 countries on both items, ranking 136th of the 139 countries surveyed in 2011 with respect to organized crime.

The central puzzle is: Why are many of the region's countries mired in "security traps" in which crime, violence, corruption, and impunity

become mutually reinforcing in civil society, state, and regime, and override efforts to build ethical democratic governance? Viewed in the regional context, in what respects do democracy and markets both ameliorate and reinforce the traps? Related questions include: Why is there such a strong inertial quality to security traps? That is, once caught in a trap, why do so few countries find escape routes while the majority do not?

What are some visible symptoms of a security trap?

- Young people join the police less to serve the public than to get opportunities for illegal incomes;
- Police cadets receive training in ethics and human rights but are socialized into corrupt, abusive behavior on the job;
- The public distrusts the police, which hampers the police's effectiveness, which further undermines public trust;
- Informal markets that sell stolen or counterfeit products are generally tolerated, even supported, by the public;
- Vehicles smuggled into a country on a large scale are "legalized" with license plates stolen from government inventories;
- Taxpayers evade taxes because of poor services, which undermines state capacity to improve services;
- Journalists wear ski masks at public presentations of alleged criminals for fear the criminals will be released and the government can't protect them;
- Journalists who expose corruption are silenced by violence or intimidation;
- Powerful politicians go unprosecuted even for egregious misconduct; and,
- US diplomats receive bonus payments to serve in a conflict zone and tend to validate the insecurity through their reporting.

I'll use a "map" to guide the analysis of the interactions of crime, violence, corruption, and impunity, and the links between these phenomena and democracy as a political regime and the state. I focus on Mexico, with comparisons drawn to other countries in the region to help identify what is distinctive and what is typical about the Mexican case. In capsule form, my argument is that the majority of the Latin American countries are trapped in a low-level equilibrium in which problems of insecurity interact with weak, inefficient—even predatory—judicial and regulatory institutions and constitute major causes of poor quality democracy. Of course, insecurity is not the only cause of poor quality

governance. Other factors include party-electoral arrangements that insulate policy-makers and disrupt policy continuity, inefficient bureaucracies, and clientelism.

In framing these issues, I try to explain the equilibrium between citizen security and democratic governance.²⁶ Each of the components that make up the equilibrium is also a complex set of variables. As with any analysis, we need to draw boundaries to make the scope of inquiry manageable. In the case of citizen security, I emphasize crime, corruption, violence, and impunity. With respect to democratic governance, I refer not only how power is achieved and the rules of the game (democratic regime) but also the exercise of power within a legal framework to address issues of priority concern to the citizenry (Mazucca 2010). Put positively by Mainwaring and Scully (2010, p.1), “Successful democratic governance is successful governance within a democracy; it refers to the government’s and state’s ability to deliver goods and guarantee rights that are important for citizen well-being, within the rules and institutions of a democracy.” Among the most important of these goods is citizen security.

These complex variables interact in an equilibrium in which causation flows both ways: crime, corruption, and violence affect behavior of regime and state; and, in reverse direction, regime and state behavior can both foster and deter crime, corruption, and violence. Mexico and most of the Latin American countries function at varying levels of a low equilibrium in which symptoms of insecurity operate on a comparatively large scale and interact with civil society, regime, and state to produce a degraded, poor quality democratic governance. Further, the low-level equilibrium is characterized by strong inertia. Once events start a country along a low-equilibrium path, a variety of mechanisms operate to reproduce negative behavior and to resist significant reforms.

Focusing on Mexico, the principal comparisons are drawn with “upper-end” cases in Latin America that have stronger institutions and a higher equilibrium of citizen security, such as Chile, Uruguay, and Costa Rica, and those at the lower end, a larger set including, for example, Guatemala, El Salvador, Honduras, Peru, Ecuador, and Paraguay. Mexico tends toward the middle on various measures. What sets it apart is comparatively low public confidence in the police-justice system, higher levels of perceived non-compliance with the law, and the destructive force of wealthy, savvy, hyper-violent DTOs.

My emphasis on crime and insecurity addresses the broader conversation about rule of law. As Larry Diamond (2008, p. 183) notes in his global survey of democracy, “More than anything else, democracy

in Latin America continues to be degraded and disfigured by weak rule of law.” Democratic rule of law includes various elements: government agents and institutions are bound by the law and held accountable by courts, regulatory agencies, and civil society; citizens have access to courts or arbitration mechanisms to resolve conflicts among themselves; a culture of lawfulness, in which citizens value legality and participate in making and implementing laws, holds. Above all, there is respect for the state’s law and a disposition to comply with it. “It is far from a tautology to say that the rule of law is the rule of rules, an equilibrium reached by players who accept governance by rule, regardless of their effects” (Bergman 2009a, p. 238).

Legal compliance is fundamental. But we should recognize as well that the state’s law is a product of politics and thus biased in favor of some groups over others. To some degree, the bias is written into the law itself. To an even greater extent, the bias emerges in the administration of justice, where the wealthy and powerful can manipulate justice for personal, partisan, or group purposes. Here, I underline the central importance of *impunity*, a term with two connotations. First, the wealthy, politically influential, military, and police-justice agents typically are above the law. Second, the justice system does not work. Only a tiny fraction of those who commit criminal acts are prosecuted and sanctioned; and the system also imprisons many who are awaiting trial and may be innocent.

Citizen security is central to democratic governance and rule of law because some minimal level of order and legality is required to promote trust among citizens that rules apply to all and are enforced universally. Without this threshold level of order and legality, the incentives to defect, that is, to evade taxes, ignore regulations, and break the law can easily override an ethic of compliance and civic virtue. Procedural democracy may function in the limited sense of elite competition in periodic elections that are run transparently. But as Diane Davis (2010, p. 36) bluntly puts it: “Forget big ideas about democracy and about how the electoral rules of the game will lead to improvement in people’s everyday lives.” Whole series of additional routines are played out in daily life that involve making a living, protecting family and friends, and navigating the labyrinths of public and private bureaucracies. In the absence of general rules that are perceived to be universally enforced by a competent police-justice system, these routines reward cheating and deceit. At some point, the gap between democratic ideal and daily life can reach a point that citizens may defect in a variety of ways or be willing to surrender something of the democratic ideal for promises of greater security.²⁷

Students of citizen security quickly find that the literatures on crime, corruption, and violence are unevenly developed and not systematically interconnected among themselves, or with democratic governance. Violence has long been of considerable scholarly interest, with excellent work on state formation, guerrilla movements, and authoritarian repression, for example.²⁸ Some recent scholarship offers useful analytical frameworks to understand more subtle uses of violence in everyday politics.²⁹ We also have a robust literature on corruption, with a new generation of scholarship on the region (Morris and Blake 2009). Crime in the mainstream is largely dealt with in the extensive work on “rule of law,” usually focused on judicial reform (Carothers 2006). However, we lack useful studies on the political effects of crime in the sense of widespread, diffuse acts or as organized enterprises, whether violent or nonviolent, in relation to civil society, regime, and state. The task remains to integrate aspects of these literatures in a systematic way with democracy as a regime embedded in state institutions and civil society.

Another challenge is scarcity of useful data. To paraphrase sociologist Marcelo Bergman: We don’t have a lot of information about these topics, and much of what we have is wrong.³⁰ By their nature, corrupt exchanges are typically hidden, although their consequences may be evident. Crime and violence may be hidden or visible, but their manifestations and measurement can be distorted, often deliberately. If definition and measurement of crime tendencies within a country is challenging, efforts to measure trends across countries is even more daunting. Legal definitions are inconsistent; governments manipulate their crime statistics; and media coverage distorts “real” trends. Ironically, however, if we lack good data on crime and criminals, we know arguably less about uniformed (preventive) police and next to nothing about investigative (plain clothes) police, prosecuting attorneys and judges, or criminal defense attorneys.³¹ The universe of private security agencies and personnel, typically more numerous than their public counterparts, is least explored. Apart from their appalling degree of overcrowding and violence, we also know little about prisons. Perversely, these institutions are often the best organized link in the criminal justice system due to inmate control. They play important roles in day-to-day criminal enterprises, and in socializing and networking prisoners to take up more “advanced” types of criminal pursuits upon their release. For these reasons and others, citizen security is problem-driven work; we lack sufficient data and mainstream theory to build on, and our “epistemic community” is only recently emerging.

The Argument Summarized

History matters. The story about security traps hardly begins with the rise of populism in the 1940s and 50s, or with the dual political and economic transitions in the 1970s and 80s. I locate the origins of low equilibrium at the founding of Latin American nation-states in the early 19th century. Furthermore, at certain critical junctures in their histories, it was reinforced by structural factors, such as extreme inequality of wealth and income, widespread poverty, unemployment and informality, and poor-quality or corrupt leadership. Weak formal institutions were penetrated by robust but negative informal institutions, especially personalism and clientelism, that undermined norms of citizenship and legality (O'Donnell 2001). Memories and attitudes that reinforce distrust in government have been reproduced across generations through childhood and adult socialization.

Path dependence helps explain the inertia of institutions and behavior (North 1990; Pierson 2000). In general terms, the new nation-states gained independence with low levels of what might be called democratic civic culture and engagement, and high levels of political instability and internal violence. These states were weak, with quite limited government penetration of civil society, high levels of corruption, and weak republican virtues in both civil society and political leadership. The region experienced limited interstate war but extensive internal violence. Also, by and large, the region played marginal roles in the major social revolutions: liberal, scientific, technological, industrial and financial. These eras marked significant transformations that shaped modern economies, bureaucracies, and state practices elsewhere in Asia, Europe, and the North Atlantic. Mexico, and most of the Latin American states, was unable to extract resources at sufficient rates to fund basic public functions: infrastructure investment, education, health, and welfare. Mine is not so much the too-familiar cultural argument, but rather a case in which varieties of institutional mechanisms reproduced learned ways of coping by diverse societal groups. In contrast to cultural arguments, my interest is to account for variations across countries in the security-democracy equilibrium.

Politics, markets, institutions, and values account for low equilibrium. Mexico benefits enormously from a general public commitment to democracy, a coherent party system, and a capable, experienced political class. Its broad populist consensus of the 1940s-70s, however, was shattered by the profound transitions of the 1980s and 90s, and a new consensus has not yet emerged. Crime and corruption appeared to escalate in the last years of the PRI-government hegemony

(roughly 1976-2000), and then to accelerate further in the democratic transition (Davis 2010). With respect to illicit drug markets, Mexico has been a major supplier of marijuana and opium to the United States since the 1930s. Beginning in the mid 1980s, it became the major transshipment route to the United States for cocaine from South America. In the 1990s, it became a principal supplier of synthetic drugs. The most important developments of the 1990s and 2000s are the rapid growth of Mexico's internal market for these substances, the penetration by DTOs into the formal and informal markets, and their diversification into other forms of criminality, such as kidnapping, extortion, and human trafficking. The power of the DTOs feeds on resources that grow out of this context, including enormous flows of money, weapons, and skilled specialists such as gunmen, communications experts, lawyers, and the like.

The key state institutions that confront criminality are the police and justice system. The police are indeed the "state on the streets" (Hinton 2006). They are the agents the public interacts with on a daily basis. They are charged with protecting citizens and maintaining legal order. The criminal justice system, taken as the interacting chain from police, prosecuting and defense attorneys, through judges, prison administrators, and rehabilitation workers, is the law in practice. If the public perceives the police and justice system as effective and law-regarding, a sense of confidence contributes to citizen security. If the system's "referees" do their job to detect and punish defectors, then citizens have greater incentives to play by the rules. In the case of Mexico, more than most other Latin American countries, the police and justice system are held in low esteem. The result is widespread attitudes of distrust and of weak compliance with the law.

The remainder of the introduction focuses on three core problems and on two central "deficits" that form the foundations of low equilibrium in the case of Mexico and other countries in the region. The first problem is that, in the wake of dual political-economic transition of the 1980s, Mexico lacks an effective "political settlement" or a social pact about the role of government in promoting economic development and distributing wealth and income. The lack of such fundamental agreement undermines government legitimacy. The second problem is that the party-electoral system effectively insulates governing elites from public pressures to address insecurity. The third is the slow pace of reform of the police-justice system. We shall find repeated cycles of citizen protest against violent crime—often on massive scale—that run up against an unresponsive party-electoral system. And even when

elected officials respond, they encounter an unresponsive police-justice system.

The two deficits are in compliance with the law and confidence in institutions, especially the police-justice system. The absence of a basic social pact undermines the public's voluntary compliance with the state's law and reinforces distrust of the police-justice system. These factors, in turn, create conditions in which armed criminal organizations can acquire the power to corrupt and confront state authorities.

Problem 1: The Missing Social Contract

Bresser Pereira and Nakano (1998, pp. 21-22) propose what they call the "missing-social-contract-hypothesis." They suggest that "in developing countries, where [the social contract] is weak and reflects limited social consensus, a development-oriented political pact is required as a substitute." Mexico, along with other countries in Latin America, is experiencing the trauma of a dual political-economic transition away from an authoritarian regime and closed economy toward political democracy and greater openness to external trade and investment. Mexican political elites have not succeeded in forging a neo-liberal political pact to replace the long-standing populist contract. The absence of a new contract contributes to limited public confidence in political institutions and to low compliance with the state's law. Limited confidence and compliance create incentives for aleuality (indifference toward the law) and illegality (intentional law-breaking).

With respect to a fragile political settlement, Mexico is typical of much of the region. Perry et al. (2007, pp. 12-13) suggest that a weak social contract in Latin America is seen in:

. . . the inability of the state to redress the long-standing high inequality, in the weak rule of law, in the sometimes large share of undocumented citizenry, or in the recurrent bouts of macroeconomic instability. For example, high inequality of incomes and power is correlated with informality and is often associated with weak institutions and state capture by both elites and organized segments of the middle class. State capture leads to the generalized perception that the state is run for the benefit of the few, and thus it reinforces a social norm of noncompliance with taxes and regulations, what might be dubbed a "culture of informality." Noncompliance is then further compounded by the suspicion that others are not complying either—an absence of what is termed "strong reciprocity"—which, in turn makes enforcement even more difficult.

In brief, from the 1930s into the 1970s, Mexico's political elites developed a potent form of populism in which a powerful presidency ruled through a hegemonic party, the PRI, and an extensive central government bureaucracy.³² The "state project," to put it that way, was to stabilize the political system and centralize rule in the aftermath of the catastrophic Revolution of 1910-29. Much simplified, the mechanics of rule involved presidential control over the PRI, which in turn monopolized access to elected and appointed offices through managed elections. The development strategy centered on import-substitution industrialization (ISI), through which the central government administered a lengthy menu of instruments, including tax incentives, import quotas, and subsidized credit, to promote domestic industry and commercial agriculture. The state project and development strategy delivered stability with robust growth from the mid 1940s into the mid 1970s. Success, in turn, bolstered a potent legitimacy formula of "revolutionary nationalism": economic growth, modernization, social justice, patriotism, and competent governance. The social contract was based on acceptance of authoritarian rule in exchange for progress and a better future in a viable, coherent country.

Beginning in the mid 1970s, Mexico—like other countries in the region—began to experience the limits of ISI. For example, due to population size and income inequality, the internal market was too small to support economies of scale in basic industries. This challenge, and the absence of a robust research and development capacity, led to inefficiencies, limited innovation and poor quality products, and the general inability of Mexico's industries to compete in global markets. In fiscal policy, light taxation—also part of the populist pact—meant that the central government was unable to finance ambitious development and welfare projects, and it relied increasingly on oil revenues and foreign borrowing. In effect, the populist project of revolutionary nationalism was unviable by the time the financial crisis of 1982 erupted and Mexico entered the "lost decade" of nearly zero annual GDP growth.

The tectonic shift to open Mexico's markets began under President Miguel de la Madrid (1982-88) and was accelerated under Carlos Salinas (1988-94). Countries that make the shift typically experience dislocations as protected industries are downsized or fail and as government workforces are pared and social subsidies reduced in order to bring fiscal deficits under control. Mexico's trauma was multiplied by the so-called "Tequila crisis" of 1994-96, in which the overall economy contracted by 6.2 percent and the 2009 recession, in which it contracted by 6.5 percent.

Mexico's transition to political democracy progressed more slowly than the market transition. Though its roots can be traced to limited electoral reforms in the late 1970s, the process gained momentum under Salinas, who was pressed by civil society and the specter of instability in 1994. That year witnessed the Zapatista rebellion in January and high-profile political assassinations in March and September. By good fortune, the creation of an independent Federal Electoral Institute and the administration of credible elections provided a political escape valve. An opposition party coalition won a majority in the Chamber of Deputies in 1997, and Vicente Fox of the PAN won the presidency in 2000.

Both the market and democratic transitions are incomplete. Change proceeds at different tempos in both realms, creating tensions and contradictions. Sales of state-owned enterprises, for example, transitioned in some cases into private sector monopolies or oligopolies. Education reform, essential to increase productivity, was blocked until 2013 by the massive teachers' union, itself a vestige of the old regime. Mass media scramble to compete for survival in the marketplace. With their new freedom, they report audacious corruption and horrific criminal violence. The police-justice system, however, lags far behind. The public perceives that scandals and crimes go uninvestigated or that cases crawl through the courts, often disappearing altogether.

In terms of a legitimacy formula or social pact, the old populist settlement that provided nationalism, growth, welfare, and the image of competent governance lingers strongly in some sectors of the population. The new credo of modernization and democracy appeals in the abstract, but broad and deep adherence requires effective leadership and performance, especially with respect to economic growth, job creation, and the provision of public safety. Nostalgia for strong leadership was a factor in Peña Nieto's victory in 2012. Also, the perception that the Fox administration had manipulated the 2006 elections reinforced alienation. As the frustrated loser, López Obrador could denounce the government as corrupt and decrepit (*caduco*) and tell his followers, "To hell with their institutions!"³³

Problem 2: The Party-Electoral System Disconnect

In principle, the party-electoral system in a democracy ought to serve as a kind of transmission belt to convey voters' concerns to elected officials and to hold them accountable. With the PAN, PRD, and PRI at the center of its strong three-plus party system, Mexico benefits from more coherent and stable arrangements than, for example, Ecuador,

Peru, or Bolivia. On the other hand, a number of legal-institutional and attitudinal factors act to distance policy-makers from the electorate.

At the legal-institutional level, the most important factor is no reelection for mayors, governors, the president, or members of assemblies. Those serving three-year terms (mayors, municipal and state assembly members, and federal deputies) face steep learning curves with uncertainty about their short-term futures; those with six-year terms (state governors, federal senators, and the president) fare slightly better. The effects of no-reelection at the municipal level are especially evident. Incoming mayors (*presidentes municipales*) typically install their own teams, including the head of the municipal police, usually disregarding the experience and reform attempts of their predecessors. New police chiefs, in turn, generally organize their departments on the basis of personal loyalty rather than professional merit (Sabet 2012). State governors operate with a similar logic and effect.

There is also a kind of “double disconnect” at the level of issue representation. Bruhn and Greene (2009, p. 110) report that the three main parties “. . . have been ideologically polarized since at least 1979, two years after electoral reforms helped intensify partisan competition.” Based on survey data, they found that in the run-up to the 2006 national elections, PAN and PRD candidates for the chamber of deputies were polarized along the same issue-dimensions as their respective presidential candidates and that their issue stances were important to their decision to run under one or the other party label. They also found that party elites are much more polarized than voters, whether measured by national-level differences or issue stances within congressional districts. They conclude that candidates for the chamber of deputies lack popular mandates for their issue positions (*ibid.*, pp. 110-111).

Three other factors help explain the weak connections between voters’ concerns and the policy-making machinery. First, until 2012, the parties held a legal monopoly on access to the ballot. They didn’t worry about a voter rebellion through write-in candidates or referendums. Voter discontent registered as abstention or blank ballots was not an obvious concern to elected officials. In the blunt words of Luis Rubio (2013, p. 20), “Once they are voted in, politicians feel neither obliged to cater to the voters nor do they care what happens to their constituents.” In principle, the political reforms of 2012 authorized independent candidates and referendums, but their implementation and adoption by the states remain to be seen.³⁴ Second, party leaders at the national and state levels wield considerable influence through control over the generous subsidies provided by national and state electoral institutes and over nominations to proportional representation seats.³⁵ Ambitious

politicians run a risk if they stray too far from the party line. Those elected by proportional representation, for example 200 of the 500 federal deputies, are even less accountable to their constituents than those elected from single-member districts. The effect is even greater at the municipal level, where the mayor and council members run as candidates on the same ballot. Third, Mexico's electoral calendar scatters state- and local-level elections throughout the *sexenio*, and the national-level leaders' focus on winning the next election frequently complicates negotiations on substantive policy. For example, a possible PAN-PRD alliance in a particular state to defeat a PRI gubernatorial candidate can block compromises on tax reforms in the national congress.

The overall effect is that party politics is less about problem-solving than about successful maneuvering to win elections to reward party loyalists. It remains a game run by party leaders largely for their own benefit. Efforts to elevate citizen security above party maneuvering by making it a "state policy" (*política de estado*), typically fail. And the capacity of government to act effectively without such a pact is substantially limited. An entrenched party-electoral system has the effect of reinforcing interest group and clientele support webs that link local-level actors to national party organs and these in turn to congressional and executive policy-makers. At least some of these webs reach into criminal organizations. Further, entrenched parties effectively block independent candidates who might have incentives to cultivate alternative bases of support in competition with existing clientele webs. Independent candidates in turn might have greater incentives and possibilities to pursue reform agendas (Moncada 2013).

Problem 3: Slow Reform of Police-Justice System

Police and justice officials are the front-line actors in citizen security. They're absolutely necessary, even if they aren't sufficient to address the problem. In a complex federal system, Mexico's 40,000 or so national-level police focus mainly on organized crime of various types, while the roughly 350,000 state and local police deal with the whole range of crime, from traffic infractions to homicide. Given the decades of neglect and impunity, the very scope of the challenge to create an ethical, competent, and reliable force is overwhelming. Setting aside all the technical complexities, the key challenges stem from institutional culture and market forces. Anthropologist María Eugenia Suárez de Garay (2006) uses the concept "parallel institutionalism" (*doble institucionalidad*) to contrast the informal culture that guides police

behavior as opposed to their public face. The informal culture promotes personal loyalty of officers to their superiors and tolerates illegality and corruption. That culture resists efforts toward professionalism. Thus, for example, police cadets may be adequately trained in techniques and proper ethics but typically are “resocialized” into the internal culture.³⁶ Market incentives toward corruption operate strongly as poorly paid officers with meager job benefits respond to bribes. But given the force of inertia, it’s not evident that even substantial salary increases would offset culture and markets.

Justice reform is a catch-all term to refer to chain of agencies that begins with the pivotal role of the prosecuting attorney (*ministerio público*). This executive branch official combines the functions of investigator and prosecutor and operates with considerable autonomy. Farther along the chain, and in its own constitutional branch, are judicial staff and judges, and technical specialists of various types. Prison administration and social rehabilitation are executive branch functions. It’s a vast understatement to say that the world of justice reform is dense, with lots of moving parts and varieties of deeply ingrained cultures.

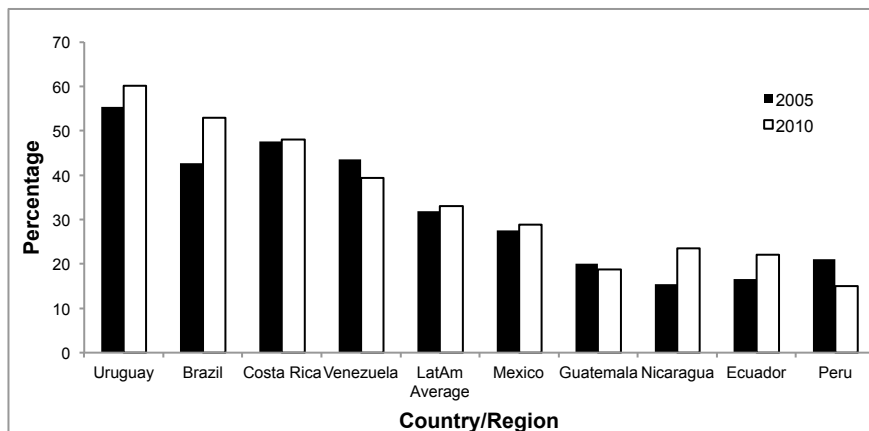
To attempt to reform selected pieces of the police-justice system in normal conditions in a few locales and on a pilot basis is a formidable task. To launch a whole-scale reform of the system in the midst of a security crisis, which the Calderón administration attempted after 2007, merits the term “perfect storm,” in the words of a supreme court justice.³⁷

Deficits in Trust and Compliance

Central to citizen security is the citizenry’s trust in the police and judiciary, as well as their overall compliance with the law. Figure 1.1 reports the percentage of respondents in the Latinobarómetro in 2005 and 2010 who indicate some or a lot of confidence in their country’s judicial system.³⁸ Uruguay and Costa Rica rank high, as we would expect; Venezuela is a surprise. On confidence in this institution, Mexico ranks just below the regional average but ahead of four other countries.

Confidence in the police, however, is a different matter. As Shown in Figure 1.2, Mexico ranks near the bottom, just ahead of Guatemala. Again, Uruguay fares well, as does Chile. Colombia’s high ranking probably reflects perceptions of the police reforms implemented there in the 1990s. Honduras is the surprise.

Figure 1.1 Confidence in the Judiciary in Selected Latin American Countries

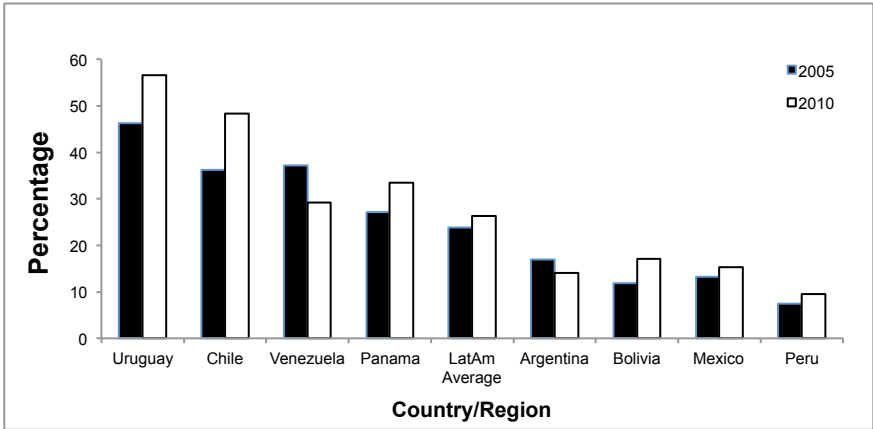


Would you say that you have a lot, some, a little, or no confidence in the (judicial power) in your country? Percentage who indicate "a lot" or "some." Source: Latinobarómetro 2005, 2010.

The point to underline is the critical role of the police and judiciary as arbiters of civil society and the political system. With a few notable exceptions, the region as a whole shows relatively little confidence in these two institutions, and Mexico scores toward the lower end of the countries surveyed. We may find that Mexicans' negative perceptions of their police and judiciary are at odds with other objective measures, but perceptions shape attitudes and behavior. Weak trust and confidence in the police and judiciary reinforce a civic culture of alegality, which, in turn, creates a context that tolerates illegality.³⁹

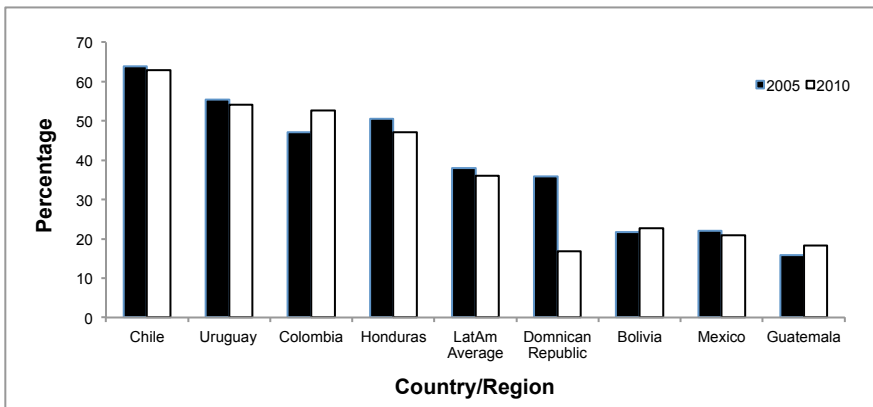
Weak trust in police and judiciary is consistent with Mexico's ranking near the bottom with regard to citizens' compliance with the law, as shown in Figure 1.3. Here again we're dealing with perceptions, and Mexicans were telling interviewers that they saw relatively little legal compliance by their fellow citizens. Uruguay and Chile again ranked at the top and showed substantial increases between 2005 and 2010.

Figure 1.2 Confidence in the Police in Selected Latin American Countries



Would you say that you have a lot, some, a little, or no confidence in the police? Percentage who indicate “a lot” or “some.” Source: Latinobarómetro 2005, 2010.

Figure 1.3 Citizen Compliance with the Law in Selected Latin American Countries



Do you comply with the law a lot, some, a little, or never? Percentage who indicated “a lot” or “some.” Source: Latinobarómetro 2005, 2010.

As we proceed to examine varieties of crime and their relationships to democratic governance, I would emphasize the negative attitudes in Mexico with respect to judiciary, police, and compliance with the law weigh upon governments that try to implement institutional reforms to improve citizen security. Institutions need to outperform citizens' expectations for some time in order to raise the equilibrium.

Plan of the Book

Table 1.1 is an analytical "map" of the book. It depicts linkages between types of crime and corruption (violence is implied in many of these) and the society and political system. The horizontal axis left to right depicts the political nature of the criminal act. The act may affect civil and economic society (e.g., blue-collar offenses such as auto repair fraud, violent crimes such as armed robbery) with little apparent political relevance. An act becomes "political" as it affects behavior by public officials in terms of specific decisions or applications of a policy (e.g., bribery). Political salience increases as the act affects the regime and state. Thus, in successive levels, crime can affect the individual state agent or agency and a particular decision or policy; at a higher level, crime can damage the regime through its effects on the procedural guarantees; and in its most serious forms, it can undermine the state through its effects on basic state institutions and functions.⁴⁰

The vertical axis depicts the organizational complexity of the act, from simple-individual to complex-organized. Note that Table 1.1 refers to criminal *acts* and not to specific actors. Further, I have in mind here the intended target of the act and not possible wider effects of the act. We shall find a rough correspondence between the nature of acts and types of actors that commit them. Organizationally, simple acts are typically carried out by single individuals or by small, spontaneous groups. Diffuse crime, however, should not be considered somehow less important for the polity. If the behavior is widespread, e.g., tax or regulatory evasion, their cumulative effects can be quite significant. Criminal acts at the middle range of complexity tend to be committed by larger and better-coordinated, continuous groups, taking us into the terrain of organized crime. The most complex crimes, in the sense of extension of organization, occur at the national and transnational levels. Also, the figure is composed to differentiate between nonviolent financial and regulatory offenses (far left column) and those that suggest violence against persons or institutions (the second column).

Table 1.1: Crime, Regime, and State

POLITICAL NATURE OF CRIMINAL ACT						
	Economic	Civil Society	Public Official/ Public Party	Democratic Regime	State	
ORGANIZATIONAL COMPLEXITY OF CRIMINAL ACT	Simple	Informal / Underground, Tax & Regulatory Evasion, White Collar, Blue Collar, Capital Flight	Domestic Violence, Homicide, Assault, Rape, Armed Robbery, Theft, Traffic Violations	Simple Bribery, Intimidation, Police Regulatory Extortion, Agent Corruption	Intimidation, Corruption, Election Violation, Individual Civil Disobedience	Terrorism, Treason, Assassination, Individual Intimidation / Corruption of Judiciary, Army, Police
	Complex	Informal / Underground, Tax & Regulatory Evasion, Money Laundering, Corporate Crime, Capital Flight	Gambling, Prostitution, Drug Distribution, Cargo Hijacking, Carjacking, Kidnapping, Armed Robbery, Extortion / Protection	Complex Bribery, Intimidation, Civil Disobedience, Police Regulatory Extortion	Intimidation, Corruption, Election Violation, Group Civil Disobedience	Terrorism, Sedition / Treason, Regional Rebellion, Vigilantism, Corruption / Intimidation of Regional Judiciary, Army, Police

Source: Author's elaboration

In a security trap, problems of crime, violence, and corruption originate both in civil society and in state and regime. Thus, we need to read Table 1.1 in both directions: from left to right to consider criminality that originates in economic and civil society and affects state actors; then in reverse direction to consider how regime and state actors might affect civil society. To illustrate, we might differentiate among three main clusters of criminal acts: (1) crimes that “cross the line” and directly target regime and state; (2) crimes that imply strongly corruptive or intimidating effects on elected or appointed officials or on police, regulators and judiciary; and, (3) crimes that do not attack regime and state directly, nor seek to bribe or intimidate, but whose cumulative effects undermine democratic governance.

Crimes against the regime attack the logic and mechanics of electoral competition, responsiveness of governments to electorates, and protection of essential rights. The acts, running from simple through complex, are the corruption and/or intimidation of elected or appointed officials with respect to electoral processes, rule-making, and the policy-relevant levels of rule-implementation, the level of administrative appointees that connects elected officials to the administrative apparatus.⁴¹ The most common problems are intimidation and/or corruption, which can take multiple forms and can be carried out by single individuals or by continuous and coherent groups of widely varying dimensions. The corruption can be technically illegal or fall in some ethical gray zone. Their common targets are voters, candidates for office, election processes, legislators and legislative procedures, and higher-level elected or appointed officials. The targets can range from villages and special districts to the national government.

Civil disobedience is particularly interesting and complex, as we'll see in Chapter 3. Where formal political institutions lack strong legitimacy, compliance with the law is low, and governments fail to “deliver the goods” in terms of economic growth, employment, and the like, citizens routinely disobey in a variety of ways. They take to the streets, stage sit-ins, throw rocks, block highways, burn buses, and take public officials hostage. Governments routinely define these acts as criminal, and some quarters of civil society might agree with their governments. But those who engage in disobedience typically view it as normal politics by other means. Votes and petitions don't produce the desired results, so direct action is justified. In effect, if the city won't supply water to our neighborhood, let's block the main highway or bathe our kids in the fountains of the central plaza. Civil disobedience becomes highly contested terrain where a variety of claims with varying validity are registered. Further, civil disobedience can easily become

connected to other forms of criminality. Street thugs can be useful rock-throwers in the front ranks of a protest march; criminal organizations can finance human rights protests in order to impede repression by military and police forces; and politicians typically maneuver to manipulate civic protests to the disadvantage of their adversaries.

Crimes against the state involve acts aimed to undermine or destroy state attributes (e.g., national boundaries, sovereignty) or functions (e.g., monopoly of internal coercion; administration of justice). Terrorism is a repertoire of acts intended to undermine or destroy the state; sedition is the encouragement of rebellion and treason is its commission. The crimes can be directed to support enemy states or to mobilize violent oppositions internally. They can be authored by single individuals or complex-continuous groups, be these citizens, foreigners, or transnational combinations. Corruption and/or intimidation can be crimes against the state when they target the state's coercive forces (army, police, and intelligence) or its agents of justice (regulators, prosecutors, courts, public defenders, and the like). Vigilantism is a special case of extra-legal coercion. It can be spontaneous or organized and can take various forms: "popular justice" meted out in shantytowns or hinterlands, death squads that target political or social "undesirables," or private armies of varying size and strength. Rebellion concerns concerted violence against the state. This can take the form of spontaneous resistance, e.g., urban riots, or irregular warfare, such as guerrilla movements. Finally, mutiny is the special case of rebellion by the state's armed forces.

The second category, crimes that imply strongly corruptive or intimidating effects on elected or appointed officials or on police, regulators and judiciary, differ from crimes against regime and state. The purpose of these second-category crimes is not to affect regime or state but to protect or promote informal, underground or illegal activities. Simple exchanges suggest single individuals or small, spontaneous groups who bribe or intimidate police or regulators. The category also includes rogue police and regulators who extort civil and economic activity, be this legal, informal, underground or illegal (in the terms discussed above).

Due to its greater corrupting capacity, the category becomes more significant at the intermediate and complex levels. Informal and underground activities become larger, more visible, and more attractive targets of exploitation by police and regulators. Illegal activities become better organized, more continuous, and more profitable. Since they are larger-scale and continuous, the bribery or intimidation affects police and regulatory agencies more broadly. At this level, law-breakers who

are arrested or cited have greater potential to corrupt the successive stages of judicial or regulatory administration.

The third category of interest from Table 1.1 is crimes that do not attack regime or state directly, nor seek to bribe or intimidate, but whose cumulative effects undermine governability. Here I have in mind the disregard for law by large numbers of citizens in the course of the ordinary activities of their daily lives. Among the cumulative effects, governments may be chronically underfunded due to tax evasion, buildings collapse due to code violations, forests are harvested regardless of environmental restrictions, and traffic is snarled and hazardous. This category of behavior takes us back to civic culture, with its focus on socialization and values, and to perceptions of the regulatory capacity of the state.

Table 1.1 is our guide through discussions of specific themes in subsequent chapters. Beginning in the “upper northwest,” Chapter 2 examines two “foundational” types of diffuse, nonviolent crime at the grassroots: informality and tax evasion. They are foundational because they distort the formal market economy, limit the capacity of government to implement significant reforms, and promote citizen indifference to the state’s law. Chapter 3 takes up diffuse violent crime, especially homicide, robbery, and assault, and examines civil society responses. By diffuse, I mean crimes committed mostly by individuals or by groups of two or three. Citizens can defect from the political system in different ways or they can pitch in to press for constructive change. Moving toward the south and east on the map, Chapters 4 and 5 analyze organized crime, which interacts with diffuse crime but is a different social creature that poses special threat to democratic governance. Chapter 4 covers basic analytical issues about the interactions between criminal organizations and the government, and then focuses on kidnapping as a particularly high-impact form of criminality. Chapter 5 analyzes DTOs as significant political actors. Rather than a detailed narrative of multiple trafficking gangs, I undertake a functional analysis of how trafficking works and the resulting implications for the political system. Mexico, like virtually all the countries in the region, attempts various responses to improve security, usually involving civil society in one way or another. In some cases, civil society takes the initiative, but it quickly confronts the poor-quality police-justice system as the key obstacle to progress. The main reform strategies with respect to organized crime are analyzed in Chapter 6. Chapter 7 identifies key variables that will promote or hinder change, considers Colombia as a model, and discusses strategies to exit Mexico’s security trap. The connecting thread through the discussion is

competitive state-making. Can state and civil society actors construct an ethical-effective police-justice system to contain the dynamic evolution of crime and corruption?

Notes

¹ “O replanteamos esto o nos va a llevar a la chingada; verdaderamente la chingada.” Javier Sicilia, quoted in “Es un pleito contra la clase política,” *ElUniversal.com.mx*, April 8, 2011.

² Former President Ernesto Samper, quoted in “Lucha anti-drogas no debe politizarse,” *ElUniversal.com.mx*, June 23, 2011.

³ “Hemos tenido legisladores que no han hecho nada más que cobrarnos y hay que mantenerlos. Y ahí está el reclamo de la gente. No nada más le reclamaban a Adame, a toda la clase política, porque se comportan como verdaderos imbéciles. Y ya estamos hasta la madre de eso, porque esa es la palabra. Estamos hasta la madre,” *ElUniversal.com.mx*, April 8, 2011.

⁴ In late December 2008, for example, the decapitated bodies of eight soldiers were discovered on the outskirts of the provincial capital of Guerrero. The “narco-sign” left behind read: “For each one [of ours] that you kill I’m going to kill 10 soldiers.” (“Decapitan en Guerrero a 9 personas,” *ElUniversal.com.mx*, December 22, 2008).

⁵ “Drug Gangs Pin Up Police Hit List in Northern Mexico,” *NYTimes.com*, May 27, 2008.

⁶ *ElUniversal.com.mx*, May 9, 2008.

⁷ In a commando-style raid, hooded gunmen fired at the front doors of the Televisa affiliate in Monterrey and lobbed a hand grenade into the parking lot. No one was injured; the point was to leave a message: “Stop reporting only about us, also report about the narco-officials. This is a warning.” (“Gunmen Attack TV Offices in Mexico,” *The Washington Post*, January 8, 2009, p. A9)

⁸ “Iban contra funcionarios, dice hipótesis,” *ElUniversal.com.mx*, September 20, 2008.

⁹ “El narco mata a familia de marino,” *Informador.com*, November 25, 2011.

¹⁰ “Cae autor de coche bomba en Juárez,” *ElUniversal.com.mx*, October 21, 2010.

¹¹ An *operativo* usually means a group of armed men in one or several vehicles carry out a planned action in a coordinated manner. The men and vehicles may be disguised in police or military uniforms and markings.

¹² “Suman ya 145 cadáveres hallados en Tamaulipas,” *ElUniversal.com.mx*, April 15, 2011.

¹³ The top anti-organized crime official of the Attorney General’s office was charged in November 2008 for aiding a DTO run by the Beltrán Leyva brothers (“Detienen a Noé Ramírez por supuestos nexos con el cártel de los Beltrán Leyva,” *Jornada.unam.mx*, November 21, 2008), and the Federal Preventive Police’s top crime investigator was charged a month later with aiding the Sinaloa Cartel (“Amplían arraigo contra ex subdirector de la PFP,” *ElUniversal.com.mx*, December 4, 2008”).

¹⁴ In December 2006 the balance was 47/26 percent that the government had the reins; the May 11, 2008, response showed a 41/47 balance that things were getting out of control. BGC telephone survey (www.bgc.com.mx) reported in ZEMI Communications, "Mexico, Politics, and Policy," May 20-27, 2008 (www.zemi.com).

¹⁵ *Carta Paramétrica*, November 2010, available at: <http://www.parametria.com.mx/DetalleEstudio.php?E=4252> (last accessed on November 19, 2010).

¹⁶ National-level elections are held every six years for the presidency and senate and every three years for the chamber of deputies.

¹⁷ Results from the Federal Electoral Institute reported by the Georgetown University Political Database of the Americas, <http://pdba.georgetown.edu/Elecdata/Mexico/leg09.html> (last accessed on October 14, 2009).

¹⁸ President Calderón emphatically denied that he authorized or even knew about army's operation to arrest Jorge Hank Rhon in Tijuana in May 2011. "Entrevista a Felipe Calderón por Ciro Gómez Leyva," *Milenio.com*, June 28, 2011.

¹⁹ "PGR se desiste de acusar al general Tomás Ángeles," *ElUniversal.com.mx*, April 17, 2013.

²⁰ The government's position is elaborated in Chapter 6.

²¹ The main points of the debate are covered in de la Concha and Pina (2010) vs. Villalobos (2010).

²² See Felbab-Brown (2010) on competitive state-making.

²³ According to the UNODC (2011, p. 9) "The homicide rate in Africa and the Americas (at 17 and 16 per 100,000 population respectively) is more than double the global average (6.9 per 100,000), whereas in Asia, Europe, and Oceania (between 3 and 4 per 100,000) it is roughly half. By the year 2000, the region's homicide rate reached 27.5 (per 100,000), which is more than three times the world average of 8.8, and even higher than that of war-torn countries of Africa (22.2). Casas-Zamora (2013, p. 16) cites homicide data from 2004 that show Central and South America as slightly behind Southern Africa.

²⁴ Transparency International, "Corruption Perceptions Index 2009." (http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table) (last accessed on November 18, 2009).

²⁵ The wording was changed in the 2010 survey, as noted in Chapter 3.

²⁶ Bailey (2009) is an extended discussion of these issues.

²⁷ This is the essence of Bo Rothstein's argument (2005).

²⁸ On state formation, see Centeno (2002), López-Alves (2000); on guerrilla movements, Wickham-Crowley (1992); and on authoritarianism, Linz (2000).

²⁹ Ayero (2007); Arias and Goldstein (2010).

³⁰ Conference held at the US-Mexico Center, University of California-San Diego, October 2009.

³¹ Dammert et al. (2007) is an important exception in providing cross-national data on the security sector of the Latin American countries.

³² Garretón et al. (2003) provide a useful general discussion of what they call the "statist-national-popular" socio-political matrix of the 1930s-1980s in Latin America.

³³ "¡Que se vayan al diablo con sus instituciones!" "AMLO: Era trampa para justificar la represión," *ElUniversal.com.mx*, September 2, 2006.

³⁴ The Supreme Court subsequently ruled that congress had passed a technically flawed law. “Señalan falta en candidaturas ciudadanas,” *Reforma.com*, November 26, 2012.

³⁵ At the national level, 200 of the 500 members in the chamber of deputies are elected from five multi-state districts on a closed-ballot, proportional representation basis. The 32 states and Mexico City are uni-cameral systems that use hybrid single-member districts and proportional representation. Party leaders determine the placement of candidates on the PR ballots.

³⁶ I recall in June 2008 in Monterrey, Mexico, hearing a young police cadet comment that he understood and supported legal ethics but he wondered whether his supervisors would support those ethics on the street.

³⁷ “La tormenta (judicial) perfecta?” *EIUniversal.com.mx*, July 12, 2011.

³⁸ The question asks, “Please look at this card and tell me how much confidence you have in each of the following groups, institutions or persons mentioned on the list: a lot, some, a little or no confidence?”

³⁹ As discussed in Chapter 2, a legality refers to citizen indifference toward the state’s law.

⁴⁰ Once again we confront difficult boundary issues. One can argue that virtually all crimes have political implications. Rape can be about power; theft can be about capitalism and property; tax evasion can be civil disobedience. Ultimately the boundary rests on findings from interviews with law-breakers: What was the motivation and target of the act? Another type of boundary issue concerns the exclusion of private life (family and friendship groups) from our scope of inquiry. Caldeira (2000) makes a plausible argument that one must include, indeed emphasize, private life (e.g., domestic violence) to understand the nature of crime and violence in civil and economic society.

⁴¹ For the sake of argument, let’s assume that there is a policy-administration gradation (if not dichotomy) and that there is an identifiable layer of policy-level officers who connect the bureaucracy to the elected officials.