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ANDREAS SCHEDLER

## Mexico's Civil War Democracy

Importante

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## Abstract

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*Threats to the integrity of electoral democracy are manifold. The democratic quality of electoral contests can suffer damage from self-serving manipulation by central or subnational governments, foul play by contending parties and candidates, or the administrative incapacity or incompetence of election authorities. This paper focuses on a distinct form of threat that has received scant attention in the comparative literature: the societal subversion of democratic elections by criminal violence. Conceptually, the paper presents criminal violence as a form of horizontal threat against the integrity of liberal democratic elections. Empirically, it analyzes the ongoing civil war in Mexico (the so-called drug war) to illustrate the chilling effects criminal violence has on electoral democracy.*

## Resumen

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*La democracia electoral se puede socavar de muchas maneras. La literatura comparada sobre el autoritarismo electoral se ha centrado en la "subversión vertical" de la democracia en manos de gobiernos centrales manipulativos. En contraste, este ensayo dirige la atención hacia su "subversión horizontal" en manos de actores privados violentos. Conceptualmente, presenta la violencia criminal como una forma de amenaza societal a la integridad de elecciones democráticas. Empíricamente, analiza la nueva guerra civil mexicana (la llamada guerra de las drogas) para ilustrar los daños que la violencia organizada privada inflinge a la integridad electoral.*

## Introduction

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Threats to the integrity of electoral democracy are manifold. The democratic quality of electoral contests can suffer damage from self-serving manipulation by central or subnational governments, foul play by contending parties and candidates, or the administrative incapacity or incompetence of election authorities. This paper focuses on a distinct form of threat that has received scant attention in the comparative literature: the societal subversion of democratic elections by criminal violence.

We all know that in and by themselves formal institutions guarantee nothing. Their effectiveness may always be put in jeopardy by the factual powers in place. Formal representative institutions in particular, as they divide and constrain power, are highly vulnerable to subversion. In the comparative study of regimes, we have tended to look for the sources of institutional subversion *above*, at the top of the state. In the so-called new institutionalism in the comparative study of authoritarianism (see Schedler 2013: Ch. 2), we have been examining dictatorial strategies of institutional manipulation, which are devised centrally at the heights of state power and backed by public coercion. By comparison, we have tended to overlook the subversive powers *below* that arise in a decentralized manner from armed actors within society. Planned and executed outside the reach of state power, they are backed by private violence. While the “vertical” or “state-sponsored” subversion of democratic institutions by coercive governments has motivated an entire subdiscipline of comparative research, we know much less about the “horizontal” or “societal” subversion of representative institutions by coercive non-state actors.

Conceptually, the paper presents criminal violence as a form of societal threat against the integrity of liberal democratic elections. Empirically, it analyzes the ongoing civil war in Mexico (the so-called drug war) to illustrate the chilling effects criminal violence has on elections. After laying out the contours of organized violence in contemporary Mexico, the paper outlines four broadly corrosive consequences societal violence has on democratic integrity: the subversion of (1) human rights, (2) electoral competition, (3) liberty, and (4) electoral divisiveness.

### ***The New Mexican Civil War***

Once in a century, some say, Mexico stumbles into dramatic encounters with collective violence. The war of independence between 1810 and 1821 left around 200 thousand dead, the Mexican revolution from 1910 to 1917 no less than one million (see Krauze 2012: 15). Today, after decades of relative

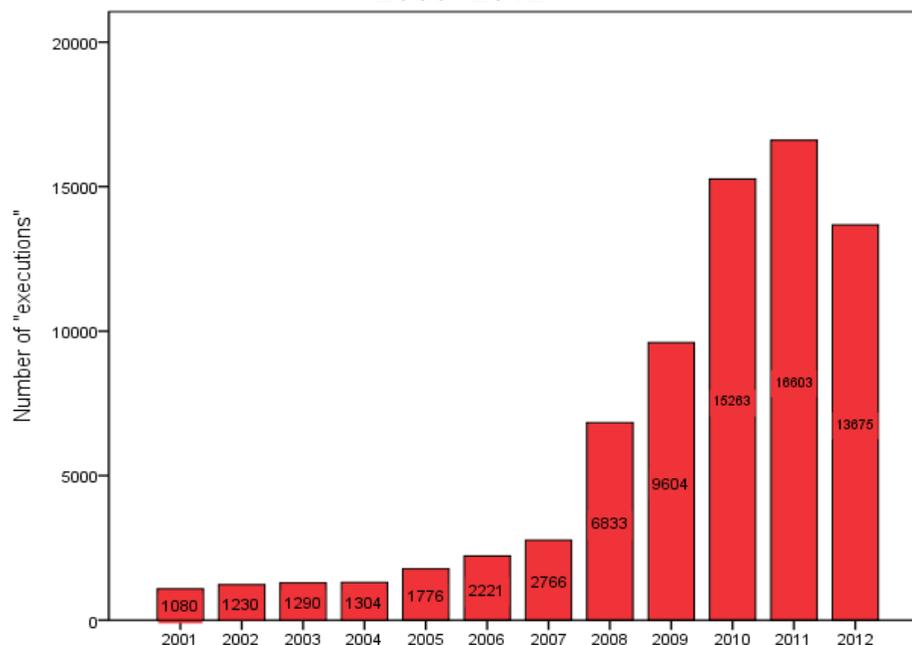
authoritarian peace and only two democratic presidencies, the country finds itself immersed in yet another civil war. In the presidential elections of 2000, the victory of conservative opposition candidate Vicente Fox sealed the end of seven decades of uninterrupted hegemonic-party rule. It culminated a protracted process of democratization by elections (see Schedler 2000). Yet, as its fledgling democracy was struggling to find its way, Mexico slid, first imperceptibly, then dramatically, into a situation of civil strife. It suffered a pandemic escalation of violence related to organized crime.

### *The Escalation of Violence*

In 2006, after a close and contentious election, conservative Felipe Calderón assumed the Mexican presidency amidst a lingering security crisis. During the Fox government, violent competition between drug-trafficking organizations (so-called cartels) had been provoking over one thousand homicides per year, with rising tendency (see Figure 1). This is where conventional definitions of civil war set their numerical threshold. In the academic literature, we speak of civil war when confrontations between armed groups within a state cost a minimum of one thousand “battle-related deaths” per year (the locus classicus is [www.correlatesofwar.org](http://www.correlatesofwar.org)).

Although it had not been an issue during the election campaign, president Calderón decided to make the combat against drug cartels the defining policy of his presidency. It was to turn into its defining failure. Heavily relying on military support, Calderón essentially escalated one-sided strategies already pursued by his predecessors: bolstering the security apparatus without strengthening the justice system, drawing the military into police functions without subjecting it to oversight, chasing down cartel leaders without dismantling cartel networks, pursuing drug trafficking while giving traffickers a license to kill each other, conducting massive arrests of suspected criminals while lacking the capacity of subjecting them to fair and effective trials, seeking mass confiscations of drug money and arms while lacking serious strategies against money laundering and the importation of arms.

**FIGURE 1 ANNUAL NUMBER OF HOMICIDES ATTRIBUTED TO ORGANIZED CRIME IN MEXICO, 2000–2012**



Sources: For 2001–2006: General Attorney’s Office, cited in Marcos Pablo Moloeznik, “Militarying Mexico’s Public Security” (Washington, DC: National Defense University, Center for Hemispheric Defense Studies), CHDS Regional Insights 11 (15 February 2009). For 2007–2010: Presidency of the Republic, “Dataset of Deaths by Presumptive Criminal Rivalry.” For January–September 2011: General Attorney’s Office, “Dataset of Deaths by Presumptive Criminal Rivalry” (<http://www.pgr.gob.mx>). For October 2011–December 2012: Lantia Consultores, “Dataset of Violence of Organized Crime” (<http://www.lantiaconsultores.com/>).

Policy incoherence permitted the creeping civil war to escalate, qualitatively as well as quantitatively. In qualitative terms, modes of assassination moved towards demonstrative cruelty, routinized and ritualized. In certain parts of the country, the public display of tortured, dismembered, and decapitated bodies became part of ordinary life. In quantitative terms, the number of annual homicides attributed to criminal organizations shot up from over 2,000 in 2006 to over 15,000 in 2010. In 2011, these figures reached a peak. In the subsequent year, they declined for the first time (see Figure 1). We do not know yet whether this constitutes the beginning of a trend. Besides, data problems are massive. Thousands of persons have “disappeared” after forced abductions. According to official figures, over 26,000 individuals have been reported “missing” during the Calderón administration.<sup>1</sup>

<sup>1</sup> See “El Gobierno mexicano reconoce hasta 26.000 denuncias de desaparecidos,” *El País* (27 February 2013, p. 9). On disappearances and mass graves related to organized crime (“narcofosas”), see also Molzahn, Rodríguez, and Shirk (2013: 18–19). A previous, non-official version of the dataset assembled by Mexican authorities was filtered to Tracy Wilkinson of the LA Times. It was subsequently published and analyzed by CIC Centro de Investigación y

### *The Morphology of Violence*

Societal violence wears many faces (and many masks). To bring some order into its multiform appearances, we may distinguish four fundamental dimensions: its main targets (citizens or state agents), its degree of organization (individual or collective), its location within social hierarchies of power (domination, competition, and rebellion), and its motives (political or criminal).

- *Organization*: Violent citizens may act as lone wolves, form part of loose cooperative networks, or build longstanding, complex, hierarchical organizations.<sup>2</sup>
- *Targets*: Violent non-state actors differ in their primary targets. They may direct their violent acts either against state agents or against co-citizens or both.
- *Power relations*: In terms of established structures of social power, private actors may turn to violence against adversaries who are weaker than themselves, equal to themselves, or stronger than themselves. When the rich and powerful unleash violence against lower classes, private coercion serves a tool of *domination*. When social groups resort to violence against other groups of similar standing, it serves as an instrument of *competition*. When the poor and powerless exercise violence against members of the upper class, it serves as a weapon of *rebellion*.
- *Motives*: When acts of violence appear to be motivated by general concerns about public policies, the structure of state institutions, or the composition of the political community, we speak of *political* violence. When they appear to be motivated by particularistic concerns of private material gain, we speak of *criminal* violence. In common parlance, political violence is driven by the morals of injustice (“grievance”), criminal violence by personal interest (“greed”) (see Collier and Hoeffler 2004). Attributing motives is always hazardous and the boundary between the two sources of motivation is often contested, blurred, and shifting. Even when societal actors claim high ideological ground for their violent campaigns, their exercise of violence on the ground is inevitably contaminated by private motives.<sup>3</sup>

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Capacitación Propuesta Cívica, “Informe sobre las personas desaparecidas en el sexenio 2006–2012” (Mexico City: CIC, 2013). Both the report and the data are available at <http://desaparecidosenmexico.wordpress.com/> (accessed 18 May 2013).

<sup>2</sup> Disorganized violence is not necessarily more benign than organized violence. For instance, the estimated 100 million “missing women” in the world, “the terrible deficit of women in substantial parts of Asia and north Africa which arises from sex bias in relative care” (Sen 2003: 1297) appear to have their roots in so-called structural violence as well as in personal violence against women. In India, for example, an estimated 25,000 females are “harmed or killed” each year in acts of “bride-burning and dowry-death” (Anderson and Ray 2010: 1291).

<sup>3</sup> On the systemic interplay between political and private motives in civil war, see Kalyvas (2001 and 2006).

**table 1 organized societal violence: power relations and motives  
(with examples)**

		<b>POLITICAL VIOLENCE</b>	<b>CRIMINAL VIOLENCE</b>
↓	Domination	Labor repression, pogroms, gender violence	Oligarchic wealth defense, predation
↔	Competition	Ethnic warfare, military-electoral competition	Illicit market competition, warlord competition
↑	Rebellion	Political insurgency, terrorism	Criminal insurgency, redistributive expropriation

Table 1 combines the latter two dimensions of power dynamics and motives and adds some generic examples. How does contemporary Mexico fit into the picture? In organizational terms, the so-called drug cartels that wage war among themselves and against the state in contemporary Mexico may be less bureaucratic and cohesive than the notion of “organized crime” suggests (see e.g. Escalante 2012: Ch. 3). They mix principles of hierarchical organization with social network structures and market mechanisms. Still, we are not talking about isolated individuals who torture, murder, and decapitate their fellow citizens in their leisure time, but powerful collective actors. In terms of targets, most victims of organized violence have been non-state actors.<sup>4</sup>

In terms of motivation, the driving motives of violence are not ideology, but material gain. The new Mexican civil war is not a classical civil war in which ideological insurgencies strive to topple state power. It is a prototypical “new” civil war, fought for material gain not social justice.<sup>5</sup> Its societal protagonists strive to evade or capture the state as much as to confront it. It is a war without even the pretense of ideological justification.

In terms of power balances, the so-called drug war in Mexico spans the whole spectrum. The war is not one but many. Its core dynamics are competitive. Its major lines of conflict run between criminal enterprises. Many, perhaps most, acts of private coercion are hostile acts within a multilateral war among competing criminal organizations. The Calderón

<sup>4</sup> Over the past decade, security agents and military personnel have accounted for about four percent of all homicide victims in Mexico (Aguayo and Benítez 2012: 170).

<sup>5</sup> For a critical discussion of the distinction between ideological “old” civil wars based on grievances and non-ideological “new” wars based on greed, see Kalyvas (2001).

administration routinely attributed 90 percent of drug-related assassinations to informal justice (“the settling of scores”) between criminal organizations. This figure was merely impressionistic, not to say propagandistic. Only ten percent of victims are innocent, it said, the rest are guilty. As a rule, their cases have not been prosecuted.<sup>6</sup>

While the war involves various interacting “non-state” conflicts, it also contains elements of “one-sided” violence criminals unleash against civilian actors. Profit-oriented participation in illicit markets forms only part of the activities of organized crime, though. The so-called drug cartels are also massively involved in predatory crimes which are sustained not by competitive but unilateral violence against civilians. Organized homicides have only been the tip of the violent iceberg. As criminal organizations have diversified their activities, the country has seen the dramatic expansion of violent crimes like kidnapping, human trafficking, and extortion (mafia-like protection rackets).<sup>7</sup>

In addition, insofar as they wage a guerrilla war against state agents, they participate in a kind of criminal insurgency. Over the past years, we have seen a constant stream of attacks against the state, such as the kidnapping, torture, and murder of security officials and the assault of police stations with hand grenades and heavy weaponry.

Thus, as it cannot be otherwise, the Mexican state is a warring party, too. In theory, it is the monopoly holder of legitimate violence. In practice, it commits criminal violence at a large scale. International human rights associations coincide in diagnosing “widespread” human rights violations perpetrated by security agents. In part, these violations are expression of state *abuse*. They are the non-intended but inevitable consequence of acting with brute force, little intelligence, and no oversight in an “irregular war” characterized by endemic problems of information (see Kalyvas 2006). In part, illegal state violence is a symptom of state *collusion*. In countless episodes, public officials have been collaborating with criminal organizations.<sup>8</sup>

Not the entire state apparatus is at the service of criminal organizations, of course. During the last four years of the Calderón administration (January 2008 through November 2012), more than 2,500 police officers and over 200 military personnel have been murdered by criminal organizations (Molzahn, Rodríguez, and Shirk 2013: 30).

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<sup>6</sup> On the methodology of homicide data in Mexico, see Molzahn, Rodríguez, and Shirk (2013: 6–10, 22–26). On the pervasive information and data problems in México’s “drug war,” see Aguilar et al. (2012: 250–252), Escalante (2012: Ch. 2).

<sup>7</sup> See e.g. Aguilar Camín et al. (2012: 91–93), Olson (2012: 5–7), Ortega Sánchez (2010).

<sup>8</sup> See note 20 below.

## The Explanation of Violence

This is a paper on the consequences of organized violence, not on its causes. Still, some notes on its origins are in order to better understand its current dynamics. How comes that Mexico has turned within a few short years into a “violent democracy” (Arias and Goldstein 2010), a democracy besieged by civil war?

Some might say there is no puzzle to be explained. Mexico’s plunge into societal violence has been a process of Latin American “normalization.” Today, the country’s homicide rate of 18.6 per 100.000 inhabitants lies close to the regional average of 15.6 (data for 2010 by OAS 2012). Many conclude that the current security crisis is bad, but not that bad. In comparative perspective, it’s a medium-sized problem, not a big one: “una crisis delictiva de rango medio” (Aguilar et al. 2012: 95).<sup>9</sup> Accordingly, officials as well as citizens often complain the crisis has drawn “a disproportionate amount of attention” from the international community, which they find “excessive and frustrating” (Molzahn, Rodríguez, and Shirk 2012: 3 and 4).

This tranquilizing reading depends, however, on what we are prepared to accept as “normal.” According to one estimate, “42% of all homicides in the world take place in Latin America where only 8% of the world population lives.”<sup>10</sup> By widening the comparative frame from region to globe we can better appreciate the extraordinary quality of societal violence, in Mexico as well as in other countries of the region, such as Brazil, Colombia, Honduras, and Venezuela. And even if we were prepared to habituate ourselves to a new level of “structural” violence, we would still want to explain its recent surge. Most explanations rely on two bundles of causes: material resources and actor dynamics.

(a) *Material foundations.* One set of arguments points to the expanding availability of material resources necessary to wage a civil war:

- *Money:* The trade with illegal drugs is a lucrative business. It creates the wealth that permits criminal “oligarchs” (Winters 2011) to organize their violent self-defense. While the tradition of drug production and trade in Mexico reaches back to the late 19<sup>th</sup> century, the market received a massive expansionary shock in the closing decades of the 20<sup>th</sup> century when cocaine trafficking routes shifted from the Caribbean to Mexico.<sup>11</sup> Illicit wealth sustains the organization of violence. Yet the private organization of violence also produces wealth. According to estimates, less than half of the income of so-called drug cartels derives from actual drug sales. The rest comes from other violence-based illicit activities, some market-oriented, others predatory (see e.g. Buscaglia 2010).

<sup>9</sup> See also Azaola (2012: 16), Bergman (2012: 67), and Escalante (2012: Ch. 6).

<sup>10</sup> Moisés Naím, “La gente más asesina del mundo,” *El País* (15 December 2012).

<sup>11</sup> See e.g. Bergman (2013: 19), Grillo (2011: Chapter 4). For a critical revision of commonsensical stories and figures on transnational drug trade, see Escalante (2012: Ch. 5).

- *Arms*: Since the late 1990s, Mexican drug cartels have been engaged in a kind of subnational armament race, expanding and professionalizing their structures of defense and repression. Given the porousness of the border and the free availability of small weapons on the us market (even more so since the ban on assault weapons was lifted in 2004), they have enjoyed unlimited access to means of destruction.
- *Personnel*: The Mexican drug industry is estimated to employ about half a million people.<sup>12</sup> An estimated 30.000 professionals of violence work in the paramilitary branches of criminal organizations: as bodyguards, street fighters, kidnappers, torturers, killers.<sup>13</sup> Common clichés of poor young men who have nothing to lose suggest that the cartels' proletarian reserve army is unlimited. Which may or may not be true. We know little about the identity and recruitment of killers. Up to now, though, labor supply for the Mexican killing field has been abundant - even while rumors about forced recruitment abound (e.g. Carrión 2012: 176 and 190) and some foresee labor shortages in the near future (e.g. Guerrero 2012c).

(b) *Actor dynamics*. A second set of explanations points to the field of actors. Both the state and organized crime have gone through processes of *fragmentation*. In the "good old times" of hegemonic peace, state officials and criminal organizations institutionalized corrupt exchanges. The former agreed to tolerate illicit enterprises, the latter to pay for official protection and follow certain rules of conduct. These "state-sponsored protection rackets" (Snyder and Durán-Martínez 2009) have broken down. Both sides have been destabilized by the multiplication of actors. On the one side, the spread of electoral competition replaced hegemonic party discipline by party pluralism at all levels of the political system.

On the other s

ide, the governmental strategy of leadership decapitation destabilized the entire system of criminal actors. It fractured all relationships: within cartels, among cartels, and between cartels and the state. It provoked the "disorganization" of organized crime. In 2006, six major transnational drug cartels were operating in Mexico. Four years later, it were twice as many (see Figure 2). In addition, over 60 local criminal organizations had sprung up, developing any kind of activity organized violence can render profitable, from mass kidnapping to private protection. The destabilization and multiplication of violent actors intensified violence within cartels (succession crises), among

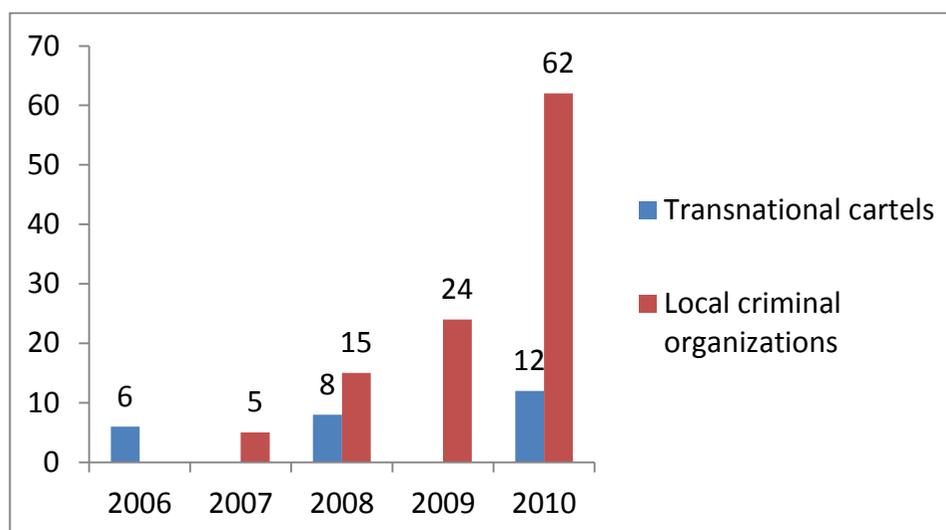
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<sup>12</sup> Rodríguez, José Roberto, "Narcotráfico: Fuente de ingresos?" *Solo Opiniones* (30 March 2011), <http://www.solo-opiniones.com/2011/03/narcotrafico-fuente-ingresos/> (accessed 17 September 2012). See also "Narco da empleo a 450,000 personas en México: EU," *El Economista* (10 March 2009). Overall, one million Mexicans are estimated to work in illegal markets (Bergman 2012: 73).

<sup>13</sup> [Add source]. Alejandro Hope offers a lower estimate: around 4.500–9000 multi-homicidal sicarios (although with high rates mortality and turnover). See Alejandro Hope, "La milagrosa multiplicación de los sicarios," *Blog Animal Político* (23 October 2011), <http://www.animalpolitico.com/blogueros-plata-o-plomo/2011/10/23/la-milagrosa-multiplicacion-de-los-sicarios/> (accessed 3 February 2013).

cartels (market competition), against the state (self-defense), and against society (predation).<sup>14</sup>

**FIGURE 2 THE DISORGANIZATION OF CRIME IN MEXICO, 2006–2010**



Source: Guerrero (2011: Tables 1 and 2).

In sum, the demand shock of the cocaine boom explains what made the war ignite; the structural availability of money, arms, and personnel what has made it feasible; and the fragmentation of actors what made it escalate. Together, these bundles of factors explain why the war is likely to go for the long haul.

### *The Framing of Violence*

The vocabulary of violence has been unstable and contested. Mexican politics and society have been struggling with how to talk about “the hell” it found itself dragged into.<sup>15</sup> The Fox administration talked dramatically about “narcoterrorism,” the Calderón administration euphemistically about “thug rivalry” (*rivalidad delincuencia*), and the Peña Nieto administration prefers not to talk at all. Academics commonly refer to “drug violence,” “organized crime,” or “organized violence.” In the media and within civil society, the language of war abounds. People habitually speak and write about “the war,”

<sup>14</sup> On the “decapitation” strategy and the fragmentation and proliferation of criminal organizations, see Guerrero (2011, 2012a, and 2012c), Molzahn, Rodríguez, and Shirk (2013: 37–8), Osorio (2012), and Ríos (2012a). For recent (rather positive) empirical re-assessments of the effectiveness of leadership decapitation in the fight against terrorism, see Johnston (2012) and Price (2012).

<sup>15</sup> I am alluding to the movie “El infierno” by Luis Estrada (Mexico, 2010).

“the war against drugs,” “the war of drugs,” or “the war among cartels.”<sup>16</sup> Some describe it as “a war of the poor against the poor” (Rea 2012: 320), others refer to multiple “parallel wars” (Hernández 2012: 13).

External observers often concord. For instance, in its 2010 report, the Heidelberg Institute for International Conflict Studies ascertains that the “regional predominance conflict between the main drug cartels [...], on the one hand, and the government, on the other, escalated to a full scale war” - “the first war in the Americas since 2003” (HIIK 2010: 48 and 42).<sup>17</sup> Similarly, the Conflict Encyclopedia of the Uppsala Conflict Data Program (UCDP) registers twelve ongoing “non-state conflicts” in Mexico since 1989 (eleven of them among cartels) and two cases of “one-sided violence” - the paramilitary group Paz y Justicia against civilians in Chiapas and the predatory Zetas against civilians.<sup>18</sup>

By logic and definition, “since the conflict in question is not an external conflict, if it is to be considered a war, it must be a civil war” (Waldmann 2012: 17). Many, perhaps most, domestic observers would object. Many object the language of war, as it involves the construction of external enemies (see e.g. Escalante 2012: Ch. 1, Madrazo 2012). It also evokes images of symmetrical warfare among regular armies (see Ovalle 2010), while the Mexican war has been unfolding as a typical “irregular” war in which most of the violence is perpetrated against defenseless unarmed individuals. Irregular civil wars see many “more executions than battles” (Antoine de Saint-Exupéry, cited in Kalyvas 2006: 334).<sup>19</sup>

Classic conceptions of civil war require that the parties in conflict are “politically and militarily organized, and ... have publicly stated political objectives” (Sambanis 2004: 829). Prototypical civil wars are “fought by well-organized groups with political agendas, challenging the sovereign authority” (ibidem: 820). The new Mexican civil war is different. Rather than challenging the political status quo, its protagonists struggle to preserve the economic status quo (see Osorio 2012: 5). They are indifferent to the form of the political regime in place. They have no troubles with democracy. Their troubles are with the state, whose law enforcement activities they try to neutralize.

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<sup>16</sup> See e.g. Aguilar Camín et al. (2012), Escalante (2012: Ch. 1 and 2), EmergenciaMx, “Llamado global a frenar la guerra en México,” <http://emergenciamx.org/blog/Llamado-global-a-frenar-la-guerra-en-Mexico> (accessed 17 May 2013).

<sup>17</sup> According to the HIIK definition, “A war is a violent conflict in which violent force is used with a certain continuity in an organized and systematic way. The conflict parties exercise extensive measures, depending on the situation. The extent of destruction is massive and of long duration” (2010: 88).

<sup>18</sup> See [http://www.ucdp.uu.se/gpdata/gpcountry.php?id=107&regionSelect=4-Central\\_Americas](http://www.ucdp.uu.se/gpdata/gpcountry.php?id=107&regionSelect=4-Central_Americas) (accessed 17 May 2013).

<sup>19</sup> On the distinction between regular and irregular civil war, and between symmetric and asymmetric warfare, see Kalyvas (2009).

## *The Societal Subversion of Electoral Democracy*

On the shiny surface of Mexico's democracy, everything seems ok. By and large. Regular elections take place at all levels of state power, multiple parties compete in a peaceful manner, plural media and a polyphonic civil society mold public debate, all democratic institutions are in place, gleaming and bustling, including election management bodies and access to information institutions of global reputation. There is no dictatorship, no anti-system party, and no insurgency battling to conquest state power. And yet. There is civil war. A war whose strategists and combatants do not design electoral institutions, rig the vote, bribe electoral authorities, or shave voting rolls. They do not have the *means*, nor the *intention*, of shaping formal democratic institutions of electoral governance. But in their practical *effects*, the criminal violence they employ is no less subversive, no less damaging to the democratic integrity of elections, than the political violence ideological anti-democratic actors exercise.

### *Civil War Democracy*

Since the hegemonic party that had governed the country for most of the power peacefully abandoned the presidency after electoral defeat in 2000, Mexico counts as electoral democracy. If it still counts as such, and if it is indeed a civil war that is going on within its borders, Mexico must be considered a "civil war democracy." The underlying conceptual idea is simple. What I propose to call "civil war democracies" are political systems that are democratic (above a certain threshold), yet unable to contain organized violence (above a certain threshold). In set-theoretic terms, they inhabit the intersection of democracy and civil war:

$$\text{Civil war democracies} = \text{democracies} \cap \text{civil wars}$$

Of course, the exact shape and size of this intersection depends on how we conceive and classify both democracies and civil wars. A simple cross-tabulation of the dichotomous democracy-dictatorship data by Cheibub, Gandhi, and Vreeland (2010) and the trichotomous UCDP/PRI data on the intensity of internal armed conflict<sup>20</sup> gives a rough idea of the approximate universe of civil war democracies. From the results shown in Table 2 two facts stand out: Firstly, civil wars are rare phenomena. Only five percent of all regime-years register civil wars with more than 1000 battle-related deaths.

<sup>20</sup> Dataset "Onset of Intrastate Armed Conflict, 1946-2001"

([http://www.pcr.uu.se/research/ucdp/datasets/onset\\_of\\_intrastate\\_armed\\_conflict/](http://www.pcr.uu.se/research/ucdp/datasets/onset_of_intrastate_armed_conflict/)). I employed variable maxintyearv412 which indicates the intensity of internal armed conflict in each country-year by two levels: minor armed conflict (>25 deaths) and war (>1000 deaths).

However, secondly, though civil wars are much less frequent in democracies than in autocracies, over a quarter take place in democratic contexts (26.5 percent). Prominent examples, according to these data, are Colombia (2001-2005), Greece (1946-49), India (1988-93 and 1999-2005), Peru (1983-89), Sri Lanka (1989-2008), and Turkey (1992-99).

TABLE 2 DEMOCRACY AND INTERNAL ARMED CONFLICT, 1946-2008

		NO ARMED CONFLICT	INTERNAL ARMED CONFLICT (< 25 DEATHS)	INTERNAL WAR (> 1000 DEATHS)	TOTAL
Dictatorship	N	4043	498	299	4840
	Row %	83.5%	10.3%	6.2%	100.0%
	Column %	57.2%	60.4%	73.5%	58.3%
Democracy	N	3024	327	108	3459
	Row %	87.4%	9.5%	3.1%	100.0%
	Column %	42.8%	39.6%	<b>26.5%</b>	41.7%
All regimes	N	7067	825	407	8299
	Row %	<b>85.2%</b>	9.9%	4.9%	100.0%
	Column %	100.0%	100.0%	100.0%	100.0%

Sources: Regime-year data from Cheibub, Gandhi, and Vreeland (2010), armed conflict data from UCDP, "Onset of Intrastate Armed Conflict, 1946-2011" (<http://www.pcr.uu.se>)

Why should the intersection between these two sets, a set of regimes and a set of conflicts, be relevant? For one, it expresses a normative irritation. In theory, democracy carries the promise of peace. Insofar as they are effective states, democracies ban violence as a means of private conflict settlement. Insofar as they are effective regimes, they ban violence as a means of public conflict settlement. Effective democracies establish both civility and tolerance. However. In practice, democracies vary dramatically in the extent to which control either private or political violence.

Some democracies fail to impose the democratic accord of peaceful conflict settlement among political actors. They are challenged by organized violence from religious ideologues, as in Pakistan and Tunisia, left-wing insurgents, as in Colombia and India, or secessionists movements, as in Mali and Sri Lanka (until the military annihilation of the Tamil Tigers in 2009). Other democracies fail to impose the civil the civil accord of peaceful conflict resolution among private actors. They are challenged by criminal violence from organized actors, such as the Red Command (Comando Vermelho) and the First Capital Command (PCC) en Brazil, the Mara Salvatrucha (M-13) and Barrio

18 in El Salvador, and the Illegal Clandestine Security Forces (Cuerpos Ilegales y Aparatos Clandestinos de Seguridad CIACS) in Guatemala.

Democracies' failures in pacifying either their societies or their politics (or both) constitute normative irritations. But they are also likely to be causally important. The notion of "civil war democracies" is motivated by two causal intuitions. On the one hand, it rests upon the assumption that the presence of democracy changes the inner dynamics of civil wars. Citizens are likely to be more powerful players under democratic than under authoritarian conditions. On the other hand, the concept rests upon the assumption that the presence of civil war changes the inner dynamics of democracy. Here, I focus on the latter: the effects organized societal violence has on democratic regimes.

Civil wars tend to drag democracies into vicious cycles of societal violence and state violence. As a matter of fact, they tend not just to *subvert* democratic regimes, but to *convert* them into *less than democratic* regimes. During the years they battled political insurgencies, nominally democratic countries like Colombia and Sri Lanka were repeatedly crisscrossing the borderlines of democratic minimum requirements. Most countries that run competitive elections while fighting a political insurgency, like contemporary Nigeria or Pakistan, are not electoral democracies, but electoral autocracies. When conflict-ridden democracies fail to end civil war, civil wars are likely to succeed in ending democracy.

In the comparative study of politics, we have been cognizant of the direct as well as indirect threats organized *political* violence poses to the integrity of democracy. Political insurgents often articulate direct threats against democracy. They wage explicit campaigns against democratic institutions or personnel. They murder candidates to local or national elections, threaten voters into abstention, or destroy polling stations. Often they also inflict indirect damage on democracy. By creating a climate of fear they encourage counter-insurgency politics that tolerate violations of liberties and human rights in the name of public security. By contrast, we have tended to conceive organized *criminal* violence as a problem of security, rather than liberty. Just like the citizens and politicians of the new "violent democracies" (Arias and Goldstein 2010) around the world, we are only beginning to recognize the structural threats it poses for the quality of democracy. Even though criminal entrepreneurs of violence do not care about democracy and do not target it for destruction, they end up damaging it to its core.

### The Criminal Subversion of Electoral Integrity

In the comparative study of regimes, we have tended to look for the sources of democratic subversion *above*, at the top of the state. In research on authoritarianism, we have been examining dictatorial strategies of institutional manipulation, which are devised centrally at the heights of state power and backed by public coercion (see Schedler 2013). By comparison, we have tended to overlook the subversive powers *below* that arise in a decentralized manner from armed actors within society. Planned and executed outside the reach of state power, they are backed by private violence. While the “vertical” or “state-sponsored” subversion of democratic institutions by coercive governments has motivated an entire subdiscipline of comparative research, we know much less about the “horizontal” or “societal” subversion of representative institutions by coercive non-state actors.

On the shiny surface of Mexico’s democracy, everything seems ok. By and large. Regular elections take place at all levels of state power, multiple parties compete in a peaceful manner, plural media and a polyphonic civil society mold public debate, all democratic institutions are in place, gleaming and bustling, including election management bodies and access to information institutions of global reputation. There is no dictatorship, no anti-system party, and no insurgency battling to conquest state power. And yet. There is internal warfare by private criminal organizations.

The strategists and combatants of this criminal war do not design electoral institutions, rig the vote, bribe electoral authorities, or shave voting rolls. They do not have the *means*, nor the *intention*, of shaping formal democratic institutions of electoral governance. But in their practical *effects*, the criminal violence they employ can be just as damaging to the democratic integrity of elections as the political violence ideological anti-democratic actors exercise.

Here, I focus on the damage criminal violence does to democracy in the electoral arena. Free and fair elections are the defining institutions of minimal democracy. Modern representative democracy offers more than elections with adjectives: inclusive, free, clean, competitive, and fair contests for highest public office. But it cannot offer less. So, which is the damage criminal warfare does to democratic elections in Mexico? In essence, it does two things: it constrains the wider rights and liberties that nourish and protect democratic elections; and it limits electoral rights and liberties more narrowly.

## The Subversion of Human Rights

The commission of violent crime on a massive scale by private organizations, including murder, torture, and disappearance, involves a massive failure by the Mexican state to protect its citizens. Here as in other places, whenever states are unable to prevent some of their citizens from exercising systematic violence against other citizens, their failure tends to be two-sided: they are *incapable* of protecting the victims and they are *unwilling* to do so. The iron law of lawlessness: when citizens oppress fellow citizens, the state is an active participant in the oppressive arrangement, be it by commission or omission. In the face of systematic societal violence, state agents often show systematic indifference. They are complacent or even complicit with the criminal abuses non-state actors commit. Contemporary Mexico is no different. Countless pieces of evidence point to a syndrome of state abuse, state collusion with crime, and state indifference towards its victims. In addition, of course, to state weakness, incapacity, incompetence.<sup>21</sup>

The country rates accordingly high on the 5-point Political Terror Scale by Reed M. Wood and Mark Gibney. In 2008 to 2010, it obtained a consistent score of 4, implying that “[c]ivil and political rights violations have expanded to large numbers of the population. Murders, disappearances, and torture are a common part of life.”<sup>22</sup> Perhaps the most significant symptom of state failure has been the systemic *impunity* of criminal violence. According to figures collected by Human Rights Watch, between December 2006 and January 2011, Mexican authorities counted 35,000 homicides they attributed to organized crime. Of these, 997 led to formal criminal investigations (2.8 percent), of which 343 led to formal criminal accusations (0.9 percent), of which 22 led to firm convictions (0.06 percent) (see HRW 2011: 15). For all practical reasons, the rate of successful persecution is zero, which amounts to something we have seen at other places in Latin America: the *de facto* privatization of the death penalty. The states grants private actors (as well as its own agents) a license to kill.<sup>23</sup>

According to classic philosophical debates, criminal violations of physical integrity are a problem of security, not liberty. However, when non-state criminal actors erect themselves into private sovereigns, playful masters over life and death, they may be persecuting, kidnapping, torturing, killing, and dismembering their victims for purely private reasons, such as profit, predation, passion, or diversion. Their motives may be clinically unrelated to societal cleavages, political conflict, party competition, policy debates, or electoral dynamics. They may not kill or torture anybody to prevent her from

<sup>21</sup> See, for instance, Anaya (2012), Rojo-Mendoza (2013:9–10), and the reports by human rights organizations like Amnesty International (2009 and 2012) and Human Rights Watch (2009, 2011, and 2013).

<sup>22</sup> See <http://www.politicalterroryscale.org/countries.php?region=NorthAmerica&country=Mexico> (accessed 21 May 2013).

<sup>23</sup> See Brinks (2008), Rivera (2010), Stanley (2010: L 1942 and 2157).

exercising her political rights. Nevertheless, it is hard to oversee that citizens find their enjoyment of political rights and civil liberties significantly impaired once they are forced to take permanent residence six feet under the ground. Private disenfranchisement by murder, though apolitical and arbitrary, is no less malign than political murder or ideologically motivated disenfranchisement.<sup>24</sup>

### The Subversion of Electoral Competition

Even though the primary goals of criminal enterprises are non-political, their secondary goals do include political concerns. Just as violent political movements easily slide into criminal activities, violent criminal organizations easily move into political activities. The political concerns of private violent enterprises are rather narrow. They are (usually) not interested in educational reform, environmental protection, abortion or gay marriage. As illegal actors, their overriding concern is the law and its enforcement. Whether their primary economic activity is market-oriented or predatory, violent private enterprises can only thrive and survive when law enforcement is ineffective or incomplete.<sup>25</sup> In this sense, they do not resemble (armed) political parties who pursue broad policy agendas, but single-issue movements whose concerns are limited to one policy domain (see also Bailey and Taylor 2009: 4 and 12, Ley 2013: 5-6).

In the ideal criminal world, criminal enterprises build enduring monopolies of crime that are tolerated and even protected by the state. In a world of simultaneous criminal and political competition (at various territorial levels), as in Mexico today, they have a hard time constructing long-term cooperative relationship with state officials. Aside from building “crime-sponsored protection rackets,” they need to mobilize a broader arsenal of criminal survival strategies.<sup>26</sup> To neutralize law enforcement, they can strive to hide and escape the reach of the state (“concealment”), colonize parts of it through intimidation or corruption (“capture”), or confront it through irregular warfare (“confrontation”).<sup>27</sup>

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<sup>24</sup> Forcing citizens into international exile has been another form of de facto disenfranchisement by criminal violence. Mexico’s current security crisis has been producing forced displacements, internal migration, and emigration on a large scale. No reliable figures exist. The “epidemic of violence” that swept over Ciudad Juárez in 2008–2009 is estimated to have provoked the exodus of about 90 thousand residents of the city (Guerrero 2012c). The Internal Displacement Monitoring Center (IDMC) puts “the total number of people displaced by all forms of violence and armed conflict at about 160,000” (<http://www.internal-displacement.org/countries/mexico>) (accessed 24 May 2013). Note, though, that this figure also include victims of inter-communal and religious violence.

<sup>25</sup> On the distinction between the exploitation of illicit markets (profit orientation) and the expropriation of private actors (predation), see Escalante (2012: 133–50) and Naylor (2009: 234).

<sup>26</sup> Snyder and Duran (2009) introduce the notion of “state-sponsored protection rackets” to describe collusive relations between criminal organizations and state agents. Their terminology suggests a hierarchy of power: it attributes active sponsorship to the state. The term “crime-sponsored protection rackets” suggests an inversion of power and initiative. To avoid connotations of hierarchy, we could speak of “public-private protection rackets.”

<sup>27</sup> In a similar manner, John Bailey and Matthew Taylor distinguish between evasion, corruption, and confrontation (2009). Note, though, that I classify the intimidation of state officials as a strategy of control, not confrontation.

The commanders of armed criminal enterprises are “warring oligarchs” (Winters 2011) whose wealth grants them the means of private wealth defense by military means. Their wealth sustains their violence that sustains their wealth. *Vis-à-vis* the state, they act like an armed lobby group, with a narrow, but real, interest in shaping the *exercise* of state power - and thus in influencing *access* to state power. Under democratic conditions, that means they have an interest in shaping the dynamics of electoral competition. They have a *positive* interest in making sure that cooperative candidates win elections. And they have a *negative* interest in making sure uncomfortable candidates are prevented from winning elections. The best candidates for a criminal group are those who offer the prospect of discriminatory law enforcement, the prospect of tolerating the group while combating its competitors. As a matter of course, the best candidates for one group are the worst for its adversaries. Criminal competition is thus likely to translate into political competition.

Luckily, Mexico has not seen yet the levels of political violence that shook Colombia in the 1990s.<sup>28</sup> However, episodic (and some systematic) evidence on the interference of criminal actors in electoral competition abounds:

- *Candidate capture*: Electoral processes at all levels in Mexico are now systematically contaminated by the suspicion that drug cartels coopt parties and candidates through campaign funding or personal corruption. The assumption is widespread, and even inevitable, that criminal organizations regularly succeed in fielding friendly candidates. Some hold that prevailing practices of centralized candidate nomination by party leaders are “designed to be captured by criminal groups.”<sup>29</sup> Naturally, hard facts are hard to come by. Only very few candidates or elected officials have been prosecuted and sentenced for their ties with organized crime.<sup>30</sup> It is unclear how voters would be able to discern captured candidates, as they are likely to disguise their proximity to criminal actors by adopting aggressive “mano dura” stances on law enforcement. Anyhow, a quarter of the electoral declares itself willing to “vote for candidates related to drug trafficking in order to establish peace and security” (Benítez 2012: 57).
- *Candidate cleansing*: If the cooptation of candidates is difficult to detect, attempts to exclude candidates from electoral competition through violence leave deplorable traces of observables. Innumerable candidates and their

<sup>28</sup> For a synthesis, see Bejarano and Pizarro (2005: 254).

<sup>29</sup> Edgardo Buscaglia, “No hay estrategia en la política de seguridad de Enrique Peña Nieto” *Nuestra Aparente Rendición* (22 April 2013) (<http://nuestraaparenterendicion.com/index.php/blogs-ok/lecturas-de/item/1744-no-hay-estrategia-en-la-pol%C3%ADtica-de-seguridad-de-enrique-pe%C3%B1a-nieto#.UZZyFaKmj4Y>) (accessed 17 May 2013).

<sup>30</sup> In one embarrassing episode colloquially known as the “Michoacanazo,” federal police and military detained eleven mayors (plus 16 high-level officials and one judge) in the state of Michoacán under charges of collusion with organized crime. Two years later, all had been released for lack of evidence. See e.g. “Michoacanazo,” *Wikipedia* (<http://es.wikipedia.org/wiki/Michoacanazo>), and Rubén Torres, “Liberan a último involucrado del ‘michoacanazo,’” *El Economista*, 12 April 2011 (<http://eleconomista.com.mx/michoacanazo>) (accessed 24 May 2013).

circles of family and collaborators have received threatening messages or suffered from violent attacks. Some have been assassinated, most prominently the leading candidate to the 2010 gubernatorial elections in Tamaulipas, Rodolfo Torres Cantú, who was murdered just days before the election he was headed to win.<sup>31</sup> On the eve of the 2011 local elections in Michoacán, 51 candidates withdrew before election day (see Ley 2013: 10). We do not know how many more candidates have withdrawn from electoral processes in Mexico's civil war democracy. And naturally we will never know how many have been dissuaded from running due to diffuse or specific threats of criminal violence.

- *Agenda setting*: The climate of violence shapes the electoral arena by distorting the field of competitors. In addition, it distorts the agenda of electoral competition. For independent candidates, that is, for candidates who are independent not of political parties but organized crime, the safest course of action is to remain silent. Since any public mention of crimes and criminals can have lethal consequences, silence is the best insurance strategy of candidates who care for their physical integrity. At many places, the omertà, the criminal law of silence, delimits the bounds of permissible political discourse in electoral campaigns. You can talk about anything but them. It is common to hear local candidates and office holders follow a simple rule of survival: "not to touch them so that they wouldn't touch us" (Bravo and Maldonado 2013: 5).
- *Voter intimidation*: Violent criminals constrain the range of choice voters face in political elections. But they also constrain the choices voters themselves take among given electoral offers. Just as violence may prevent potential candidates from running, and actual candidates from making programmatic statements on crime, it may also keep voters from voting. Emergent empirical studies on the impact of violence on voter participation tend to confirm that organized violence has depressive effects on voter turnout (see Bravo and Hernández 2013, Ley 2013, Trelles and Carreras 2012). Aside from deterring participation, at various occasions, criminal organizations have made public efforts to influence electoral choices, by telling voters whom to vote for or whom not to vote for (see Ley 2013: 11-12). Their violence-based electoral campaigns may fail to determine electoral outcomes. When the electorate is large, electoral competitiveness low, and violent groups exert cross-cutting pressures, their impact on electoral outcomes is likely to be non-decisive (see Guerrero 2012b). Regardless of its consequences on electoral results, however, the open intrusion of criminal violence into the electoral arena jeopardizes the democratic spirit of peaceful competition.

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<sup>31</sup> For a collection of news reports on the assassination, see "Claves: Del asesinato Rodolfo Torres Cantú," *El Economista* (<http://eleconomista.com.mx/elecciones-2010/2010/06/28/claves-rodolfo-torre-cantu-0>) (accessed 28 May 2013).

## The Subversion of Liberty

In addition to interfering with democratic supply and demand on the electoral market, criminal violence corrodes the “surrounding liberties” that make elections democratic. In particular, it subverts the freedom of expression and association.

(a) *The subversion of media freedom.* If democracy rests on the principle of popular sovereignty, and if the public space is the institutional locus of popular sovereignty (Jürgen Habermas), then democracy appears feeble and frightened in vast parts of the vast Mexican territory. For some years now, analysts habitually describe the country as “one of the world’s most dangerous places for journalists” (Molzahn, Rodríguez, and Shirk 2013: 29). At least 74 journalists and media-support workers have been killed between 2007 and 2012 (ibid.: 30).<sup>32</sup> Yet murder is only the tip of the iceberg of violations of media freedom. In the year 2012, for instance, the ngo Article 19 documented 207 “aggressions” against journalists, media workers, and media facilities, including acts of intimidation, physical assault, forced abductions, the sequestration of entire editions of print media, and the attack on media headquarters with hand grenades and machine guns (2013: 10-15).<sup>33</sup>

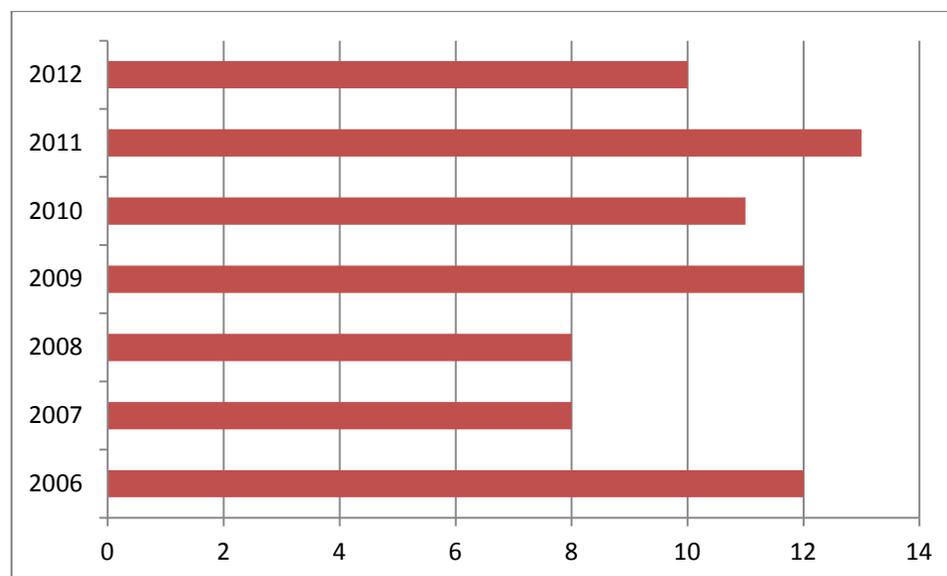
Although criminal organizations are assumed to be responsible for the most brutal violations, Article 19 attributes 43 percent of all recorded aggressions in 2012 to state agents, thus identifying the state as the “main aggressor” against media freedom (2013: 15-17). In its 2012 report on media freedom in the world, Freedom House describes the involvement of state agents in somewhat lighter terms. As it writes, drug cartels are behind the majority of the violence, but local political authorities and police forces appear to be involved in some cases, creating an environment where journalists do not know where threats are coming from or how to avoid the violence (Freedom House 2012a).<sup>34</sup>

<sup>32</sup> Article 13 (2012 and 2013) and Ríos (2012: Figure 4) report similar figures. The website “The two of us met that terrible night” (Tú y yo coincidimos en la noche terrible) by the NGO “Our apparent surrender” (Nuestra aparente rendición) brings the statistics of death to life. It contains photographs and biographical notes of “the journalists and media workers who were murdered or disappeared in Mexico since 2 July 2000 when democratic alternation began” (<http://nuestraaparenterendicion.com/tuyocoincidimosenlanocheterrible/>) (accessed 17 May 2021).

<sup>33</sup> On Mexican journalism under conditions of civil war, see also Gibler (2011 and 2012), Rivera Garza (2012), Villoro (2012).

<sup>34</sup> Reporters without Borders (RSF) reach a similar conclusion: “Organized crime alone is not responsible for the collapse in the rule of law. The blame must also be shared by authorities who are either complicit or negligent” (<http://en.rsf.org/report-mexico,184.html>, accessed 25 May 2013).

**FIGURE 3 ASSASSINATIONS OF JOURNALISTS AND MEDIA WORKERS IN MEXICO, 2006–2010**



Source: Molzahn, Rodríguez, and Shirk (2013: 30).

In more general terms, the New York think tank has held since 2011 that “violence and impunity ... pushed Mexico into the ranks of Not Free nations” (Freedom House 2012a). “Violence is widespread throughout the country, with rival groups staging attacks and murders on journalists and media workers to prove a point and encourage an environment of fear” (ibid.).<sup>35</sup>

In the face of crisscrossing pressures from multiple armed actors, many media, in particular at the subnational level, have resigned themselves to self-censorship and silence. To avoid serving either as instruments of criminal propaganda or as objects of criminal retaliation, numerous outlets have decided “to abstain from publishing any information related to the violent disputes” among criminal groups (Article 13 2013: 13). Moreover, by the judgment of Freedom House, various regions have seen an “extension of drug traffickers’ influence over the media ... from imposed silence to active control of the news agenda” (Freedom House 2012a). Criminal organizations maneuver to capture, not just the state, but civil society too.

In the face of gagged media and opaque governments, social media have tried to fill the void. Yet, even when they try to operate in anonymity, cyberactivists have been subjected to similar pressures as the representatives

<sup>35</sup> In its 2013 World Press Freedom Index, Reporters without Borders ranks Mexico 153<sup>rd</sup> among 179 countries in the world. Its situation is classified as “difficult” for journalists, the second-worst category RSF uses to rate global media liberties (2013, available at <http://en.rsf.org/press-freedom-index-2013,1054.html>). The organization also offers a continuous stream of news on Mexican media on its website (<http://en.rsf.org/mexico.html>).

of traditional media outlets: intimidation, assault, disappearance, murder - plus the cherry on the cake: harassment by public officials (see Job 2012).

(b) *The subversion of associational freedom.* During its first four years, the Calderón presidency treated the victims of Mexico's new civil war with a mixture of indifference and disdain. In response to criminal violence as well as to official neglect and abuse, a wide array of local movements in defense of the victims of violence have emerged over the past years. In 2011, the Movement for Peace with Justice and Dignity headed by poet Javier Sicilia worked as a prism for the multicolored spectrum of local and regional movements, lending them national voice and visibility (<http://movimientoporlapaz.mx/>).<sup>36</sup> The movements biggest success was discursive. It changed the terms of public discourse on violence. It shattered the generalized presumption of guilt the government as well as state agents had been cultivating towards victims. It achieved the formal recognition of victims as victims. However. The strength civil society has acquired in many places across Mexico should not blind us to the fact that it works under manifold threats from both private and public agents. Its vibrancy does not reflect the force of civil liberties in Mexico. Rather, it is a testimony to the resilience of citizens in the face of radical violations of their rights and liberties. As Freedom House drily stated in its 2012 Report on Freedom in the World, "[n]ongovernmental organizations, though highly active, sometimes face violent resistance, including threats and murders" (2012b).

### The Subversion of Electoral Decisiveness

In political elections, citizens select the most powerful decision-makers in the state. For their choices to be democratic, they need to be decisive. They need to lead to effective transfers of authority to the winners. Factual power wielders within state or society violate this condition when they remove certain policy areas from the effective decision-making power of elected authorities (tutelage) or else, when they prevent winners from taking office or dislodge elected officials from office (reversal). Criminal organizations in Mexico's civil war do both:

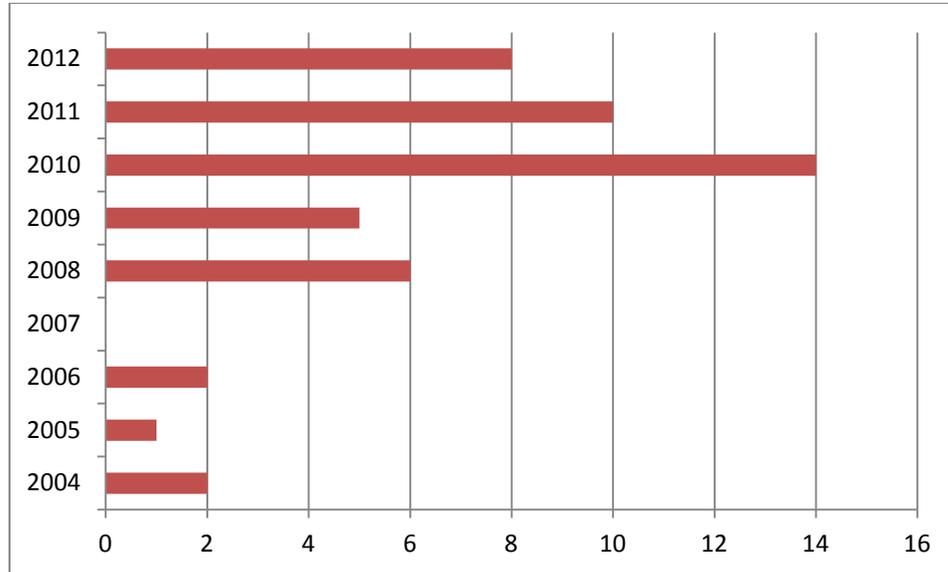
- In many places, criminal enterprises exercise effective tutelage over local authorities. They impose gag-rules not just on candidates, but on elected officials as well. At many places, local authorities know that they can only govern (and stay alive) as long as they keep their hands off the business of violent private actors.
- The shadow of violence extends beyond political decision making. It reaches decision-makers themselves. Between 2004 and 2012, 48 active or former mayors are believed to have been assassinated by killers at the

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<sup>36</sup> Under "websites for peace" (sitios por la paz), the movement's webpage offers links to like-minded movements.

service of criminal organizations (see Figure 4).<sup>37</sup> At least at the municipal level, organized criminals have proven their capacity to revert electoral outcomes they find displeasing.

**FIGURE 4 ASSASSINATIONS OF (ACTIVE AND FORMER) MAYORS IN MEXICO, 2004–2010**



Sources: For 2004-2010: Drug Violence Dataset, Justice in Mexico Project, Trans-Border Institute, University of San Diego, <http://justiceinmexico.org/data-portal/narco-killings/> (accessed 19 May 2013). For 2011-2012: Molzahn, Rodríguez, and Shirk (2013: 29).

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<sup>37</sup> The news-based count by Viridiana Rios (2012b: Figure 2) yields very similar figures

## Conclusion

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Classical liberalism fought for the two-fold liberation of individuals. It strove to free citizens from violent impositions by their communities as well as by their authorities. When societal actors build private organizations of violence and wage private wars against rival organizations, against the state, and against noncombatant citizens, we are forcefully reminded that the liberal agenda requires more than the domestication of the state. It also requires the pacification of society. Otherwise the formal democratic promise of individual liberty risks suffocation, not by authoritarian state agents, but by authoritarian citizens.

The massive intrusion of free-wheeling criminal violence into ordinary life and ordinary politics destroys the weight, autonomy, and integrity of democratic politics and representative institutions. By choking citizen rights and liberties and by curtailing the powers of elected authorities it damages "the spirit of democracy" (Diamond 2008) to its core. Two simple questions demand complex answers.

One: How bad is it? How much does it matter for the overall quality of Mexican democracy? How extensive and how deep are the democratic damages criminal violence causes? Are they limited to the subnational level? Should we think of criminal organizations as creating societal authoritarian enclaves at the local level while national democracy is still intact? If national democracy is affected, how much so? Are we talking about problems of democratic quality or problems of democratic essence? Does it make sense to speak of democracy in the midst of "anomic violence" (Waldmann 2012) violence by multiple private armies? In the first instance as well as in the last, it is Mexican citizens who will have to struggle for answers.

Two: Have we seen the worst? Perhaps, perhaps not at all. Organized criminal violence is a resource many actors can mobilize for their purposes, be they private or political. We may very well see a further diffusion of violence as well as its further politicization. The downward trend in homicides attributed to organized crime that began in 2012 apparently continued through 2013. Organized violence essentially seems to be stabilizing - at a level though we would have considered shocking, even unimaginable, only a few years before.

In his first year in office, President Peña Nieto has been adjusting his policies against organized violence in subtle ways. He has been keeping up some policy adjustments his predecessor began, in particular, a shift of priorities from prosecuting petty crime (the possession of drugs) to containing violent crime (homicide, kidnapping and extortion). The new president has also been centralizing the civil security apparatus and like most of his predecessors plans to create a new federal police corps. He has signaled

greater commitment to respecting human rights and the rights of victims. He has promised to investigate the thousands of disappearances that have been left unresolved over the past years and to reform the Pandemonium of corruption in the penal justice system, the office of the public prosecutor.

Overall, though, there has been much talk about strategy, but little clarity about its content. The biggest change is discursive: the new government has largely stopped talking about crime and violence. It's off its public agenda. The president announces positive goals, invokes peace, security, and justice, and otherwise tries to focus on social and economic policies, like energy, education, and tax reform. It looks like a magic formula: make the problem disappear by making it disappear from public debate. But it is actually a technocratic formula: trust me and my generals, we know what to do and take care of the problem. By substituting the law of silence for public debate, and by entrusting peace and justice to military and civil experts, the new president is deciding not to tap a civilizing force that may be the only long-term remedy to Mexico's ailments: civil society.

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## References

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- Aguayo Quezada, Sergio and Raúl Benítez Manaut, with Malgorzata Polanska and Armando Rodríguez Luna (eds) (2012), *Atlas de la Seguridad y la Defensa de México 2012* (Mexico City: casede).
- Aguilar Camín, Héctor, Eduardo Guerrero, Alejandro Madrazo, Andrés Lajous, Jorge Hernández Tinajero, Joel Chávez, and Dante Haro (2012), *Informe Jalisco: Más allá de la guerra de las drogas* (Guadalajara and Mexico City: Government of the State of Jalisco and Cal y Arena).
- Amnesty International (2009), *Nuevos Informes de Violaciones a Derechos Humanos de parte del Ejército* (London: ai).
- (2012), *Known Abusers, but Victims Ignored: Torture and Ill-Treatment in Mexico* (London: ai).
- Anderson, Siwan and Debraj Ray (2010), "Missing Women: Age and Disease," *Review of Economic Studies* 77: 1262-1300.
- Anaya, Alejandro (2012), *El país bajo presión. Debatando el papel del escrutinio internacional de derechos humanos sobre México* (Mexico City: cide).
- Arias, Enrique Desmond and Daniel M. Goldstein (eds) (2010a), *Violent Democracies in Latin America* (Durham: Duke University Press), Mobilereference e-book.
- (2010b), "Violent Pluralism: Understanding the New Democracies of Latin America," *Violent Democracies in Latin America*, eds. Enrique Desmond Arias and Daniel M. Goldstein (Durham: Duke University Press), Mobilereference e-book.
- Article 19 (2012), *Silencio forzado: El Estado, cómplice de la violencia contra la prensa en México: Informe 2011* (México City: Article 19) (<http://articulo19.org/>).
- (2013), *Doble asesinato: La prensa entre la violencia y la impunidad: Informe 2012* (México City: Article 19) (<http://articulo19.org/>).
- Azaola, Elena (2012), "La violencia de hoy, las violencias de siempre," *Desacatos* 40 (September-December): 13-32.
- Bailey, John and Matthew M. Taylor (2009), "Evade, Corrupt, or Confront? Organized Crime and the State in Brazil and Mexico," *Journal of Politics in Latin America* 1/2: 3-29.
- Bejarano, Ana María and Eduardo Pizarro (2005), "From 'Restricted' to 'Besieged': The Changing Nature of the Limits to Democracy in Colombia," *The Third Wave of Democratization in Latin America: Advances and Setbacks*, eds. Frances Hagopian and Scott P. Mainwaring (Cambridge, uk: Cambridge University Press), pp. 235-260.
- Benítez Manaut, Raúl (ed.) (2012), *Encuesta Ciudadanía, Democracia y Narcoviencia (ciden) 2011* (Mexico City: cegi, simo, and casede).
- Bergman, Marcelo (2012), "La violencia en México: algunas aproximaciones académicas," *Desacatos* 40 (September-December): 65-76.
- (2013), "El Crecimiento del Delito en América Latina: Apuntes para un Nuevo Marco Teórico," *Research Seminar, Department of Judicial Studies, Center for Economic Research and Teaching (cide)*, Mexico City, 7 March.

- Brinks, Daniel (2008), *The Judicial Response to Police Killings in Latin America: Inequality and the Rule of Law* (New York: Cambridge University Press).
- Buscaglia, Edgardo (2010), "México pierde la guerra," *Esquire* (March): 95-110.
- Carrión, Lydiette (2012), "El barrio bajo acecho," *Entre las cenizas: Historias de vida en tiempos de muerte*, eds. Marcela Turati and Daniela Rea (Oaxaca de Juárez: Sur+ ediciones), pp. 171-193.
- Cheibub, José Antonio, Jennifer Gandhi, and James Raymond Vreeland (2010), "Democracy and dictatorship revisited," *Public Choice* 142: 67-101.
- Collier, Paul and Anke Hoeffler (2004), "Greed and grievance in civil war," *Oxford Economic Papers* 56: 563-595.
- Diamond, Larry (2008), *The Spirit of Democracy: The Struggle to Build Free Societies throughout the World* (New York: Holt).
- Escalante Gonzalbo, Fernando (2012), *El crimen como realidad y representación* (México City: Colegio de México).
- Freedom House (2012a), "Mexico," *Freedom of the Press 2012*, Freedom House (New York: Freedom House), <http://www.freedomhouse.org/report/freedom-press/2012/mexico> (accessed 17 September 2012).
- (2012b), "Mexico," *Freedom in the World 2012*, Freedom House (New York: Freedom House), <http://www.freedomhouse.org/report/freedom-world/2012/mexico> (accessed 17 September 2012).
- Gibler, John (2011), *To die in Mexico: Dispatches from inside the drug war* (San Francisco: City Light Books).
- (2012), "Tinta contra el silencio," *Entre las cenizas: Historias de vida en tiempos de muerte*, eds. Marcela Turati and Daniela Rea (Oaxaca de Juárez: Sur+ ediciones), pp. 127-146.
- Grillo, Ioan (2011), *El Narco: Inside Mexico's Criminal Insurgency* (New York: Bloomsbury Press).
- Guerrero Gutiérrez, Eduardo (2011), "La raíz de la violencia," *Nexos* (June).
- (2012a), "2011: La dispersión de la violencia," *Nexos* (February).
- (2012b), "El crimen organizado en las elecciones," *Nexos* (June).
- (2012c), "La estrategia fallida," *Nexos* (December).
- Heidelberg Institute for International Conflict Research (2010), *Conflict Barometer 2010* (Heidelberg: University of Heidelberg, hiik).
- Hernández, Anabel (2012), *México en llamas: El legado de Calderón* (México City: Grijalbo).
- Human Rights Watch (2009), *Uniform Impunity: Mexico's Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations* (New York: hrw).
- (2011), *Neither Rights Nor Security: Killings, Torture, and Disappearances in Mexico's 'War on Drugs'* (New York: hrw).
- (2013), *Mexico's Disappeared: The Enduring Cost of a Crisis Ignored* (New York: hrw).
- Job, Vanessa (2012), "La resistencia cibernética," *Entre las cenizas: Historias de vida en tiempos de muerte*, eds. Marcela Turati and Daniela Rea (Oaxaca de Juárez: Sur+ ediciones), pp. 147-69.

- Johnston, Patrick B. (2012), "Does Decapitation Work? Assessing the Effectiveness of Leadership Targeting in Counterinsurgency Campaigns," *International Security* 36/4 (spring): 47-79.
- Kalyvas, Stathis N. (2001), "'New' and 'Old' Civil Wars: A Valid Distinction?" *World Politics* 54 (October 2001): 99-118.
- (2006), *The Logic of Violence in Civil War* (New York: Cambridge University Press).
- (2009), "Civil Wars," *Oxford Handbook of Comparative Politics*, eds. Carles Boix and Susan Stokes (Oxford: Oxford University Press), pp. 416-434.
- Krauze, Enrique (2012), "México: La tormenta perfecta," *Letras libres* 167 (November): 14-21.
- Lantia Consultores (2013), "Reporte del Crimen Organizado, Segundo Semestre 2012" (Mexico City: Lantia).
- Ley, Sandra (2013), "To Vote or Not to Vote: Elections in the Midst of Violence," 71st Annual Conference, Midwest Political Science Association (mps), 11-14 April.
- Madrazo Lajous, Alejandro (2012), "¿Criminales y enemigos? El narcotraficante mexicano en el discurso oficial y en el narcocorrido" (Aguascalientes: cide), unpublished typescript.
- Maldonado Hernández, Gerardo and Carlos Bravo Regidor (2013), "Las balas y los votos: ¿Qué efecto tiene la violencia sobre las elecciones?" Mexico City: cide, unpublished typescript.
- Molzahn, Cory, Octavio Rodríguez, and David A. Shirk (2013), *Drug Violence in Mexico: Data and Analysis through 2012* (San Diego: University of San Diego, Joan B. Kroc School of Peace Studies, Trans-Border Institute).
- Naylor, R. Thomas (2009), "Violence and illegal economic activity: a deconstruction," *Crime, Law, and Social Change* 52: 231-242.
- Olson, Eric L. (2012), *Considering New Strategies for Confronting Organized Crime in Mexico* (Washington, dc: Mexico Institute, Woodrow Wilson International Center for Scholars).
- oas Hemispheric Security Observatory (2012), *Report on Citizen Security in the Americas 2012* (Washington, dc: Organization of American States).
- Ortega Sánchez, José Antonio (2010), "Atrapados en el secuestro," *Colección Multidisciplinaria sobre Víctimas del Delito*, ed. Comisión Nacional de los Derechos Humanos (Mexico City: cndh), pp. 29-43.
- Osorio, Javier (2012), "Democratization and Drug Violence in Mexico" (Notre Dame: University of Notre Dame), unpublished typescript.
- Ovalle, Lilian Paola (2010), "Imágenes abyectas e invisibilidad de las víctimas: Narrativas visuales de la violencia en México," *El Cotidiano* 164: 103-115.
- Price, Bryan C. (2012), "Targeting Top Terrorists: How Leadership Decapitation Contributes to Counterterrorism," *International Security* 36/4 (spring): 9-46.
- Rea, Daniela (2012), "La justicia de todos," *Entre las cenizas: Historias de vida en tiempos de muerte*, eds. Marcela Turati and Daniela Rea (Oaxaca de Juárez: Sur+ ediciones), pp. 217-39.
- Reporters without Borders (2013), *World Press Freedom Index 2013* (Paris: Reporters sans Frontiers).

- Ríos, Viridiana (2012a), "Why did Mexico become so violent? A self-reinforcing violent equilibrium caused by competition and enforcement," *Trends in Organized Crime* (August 2012).
- (2012b), "Tendencias y explicaciones al asesinato de periodistas y alcaldes en México: El crimen organizado y la violencia de alto perfil" (Cambridge: Harvard University), unpublished typescript (<http://www.gov.harvard.edu/people/viridiana-rios-contreras>).
- Rivera, Mauricio (2010), *Los Determinantes de la Violencia Estatal en América Latina* (Mexico City: Facultad Latinoamericana de Ciencias Sociales).
- Rivera Garza, Cristina (2012), "Todos nosotros, fogatas," *Entre las cenizas: Historias de vida en tiempos de muerte*, eds. Marcela Turati and Daniela Rea (Oaxaca de Juárez: Sur+ ediciones), pp. 13-23.
- Rojó-Mendoza, Reynaldo T. (2013), "From Victims to Activists: Social Influence and Prosocial Behavior in Mexico's Violent Drug War," Pittsburgh: University of Pittsburgh, unpublished typescript.
- Sambanis, Nicholas, "What Is Civil War? Conceptual and Empirical Complexities of an Operational Definition," *Journal of Conflict Resolution* 48/6 (2004): 814-858.
- Schedler, Andreas (2000), "Mexico's Victory: The Democratic Revelation," *Journal of Democracy* 11/4 (October): 5-19.
- (2002), "Elections Without Democracy: The Menu of Manipulation," *Journal of Democracy* 13/2 (April): 36-50.
- (2013), *The Politics of Uncertainty: Sustaining and Subverting Electoral Authoritarianism* (Oxford, UK: Oxford University Press).
- Sen, Amartya (2003), "Missing Women - Revisited," *British Medical Journal* 327 (6 December): 1297-1298.
- Snyder, Richard and Angélica Durán-Martínez (2009), "Does illegality breed violence? Drug trafficking and state-sponsored protection rackets," *Crime, Law, and Social Change* 52/3 (September), 253-273.
- Stanley, Ruth (2010), "Living in a Jungle: State Violence and Perceptions of Democracy in Buenos Aires," *Violent Democracies in Latin America*, eds. Enrique Desmond Arias and Daniel M. Goldstein (Durham: Duke University Press), Mobilereference e-book.
- Trelles, Alejandro and Miguel Carreras (2012), "Bullets and Votes: Violence and Electoral Participation in Mexico," *Journal of Politics in Latin America* 4/2: 89-123.
- Villoro, Juan (2012), "Prólogo: El clan de la última letra," *La Guerra de los Zetas*, Diego Enrique Osorno (Mexico City: Grijalbo), pp. 11-22.
- Waldmann, Peter (2012), "El narcotráfico en México: Una escalada de violencia anómica," Puebla: Benemérita Universidad Autónoma de Puebla, Instituto de Ciencias de Gobierno y Desarrollo Estratégico (icgde), Working Paper 3.
- Winters, Jeffrey A. (2011), *Oligarchy* (New York: Cambridge University Press).



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