

“The Democratic Paradox: Increasing Governability and Declining Trust in Democratic
Institutions”

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When the Institutional Revolutionary Party (PRI) ensured an electoral victory in the presidential elections of July, 2012, reestablishing its control over the executive branch, pundits and politicians alike wondered aloud what it would mean for democratic politics. The most extreme positions appearing in the media in response to this event suggested implicitly or explicitly that the PRI would reintroduce some of its pre-democratic behaviors, or that the country would witness a dramatic rise in political corruption. Instead, the day after taking office on December 2nd, President Enrique Peña Nieto announced an extraordinary agreement among the three major parties. Labeled the Pact for Mexico, this agreement dominated congressional policy making for the first fourteen months of his administration. Indeed, I would argue that it is the most significant achievement of PRI to date, having initiated the passage of policy reforms that may contribute to major alterations in social, economic and political conditions. In fact, depending on the extent to which such reforms are actually implemented, it may well become the most influential political achievement since an opposition party won the presidency in 2000.

The Pact and Prior Reforms

The Pact for Mexico is a nineteen page agreement signed by the presidents of the PRI, the National Action Party (PAN), and the Party of the Democratic Revolution (PRD), as well as the president of Mexico. It is a concrete document proposing major changes in all aspects of public

policy. Among the most important reforms are those addressing leading economic obstacles such as breaking up monopolies, increasing economic competition, expanding the pace of anti-poverty programs, and opening up petroleum exploration and extraction to domestic and foreign private investment. It also highlights the need for major alterations to public education, increasing access to education at the elementary level, improving the quality of teaching, and increasing the percentage of Mexicans who complete secondary and higher education. The Pact also includes such difficult political issues as expanding and clarifying the state's role in human rights, removing special legal privileges for the armed forces, a tradition extending back to the colonial era, and reforming the national legal system with a unified code. Finally, it incorporates proposals focused directly on democratic structural issues such as eliminating the prohibition against reelection in the legislative branch at both the federal and state levels and eliminating the five month lag in time between the presidential election in July and the victor's inauguration in December. For each of the proposed changes in the Pact, specific, concrete goals were included.¹

To what extent does Mexico have a well-established track record of major reforms, and is this truly a ground-breaking approach to achieving legislative consensus? A brief look back at the last two decades alone suggests the extent to which the legislation passed by mid-2014 was unique in content. Several path-breaking political reforms in the 1990s, under the last two PRI presidents in the party's 71 year reign, illustrate some revealing precedents.

A strong case can be made that the most challenging political reform introduced under President Carlos Salinas (1988-1994), which has not received the attention it deserves, was his decision to introduce major alterations in Article 130 of the 1917 Constitution, which focused on the lengthy and deeply conflictive history of the Church-State relationship. Provisions in that

¹ "Pacto por Mexico, Acuerdos," www.pactopormexico.org for the complete agreement as well as for discussion of the initial five reforms in 2013. For a complete English version, see: <http://mexcc.files.wordpress.com/2013/03/pacto-por-mc3a9xico.pdf>.

article imposed severe restrictions on the Catholic Church and other religious institutions, a heritage of the 1910 Revolution as well as a nineteenth century conflict between Liberals and Conservatives represented in the 1857 Constitution. The president initiated these reforms in 1992, which for the first time in seven decades allowed religious institutions to have legal standing, thus they could own property, and permitted priests and ministers to vote. It removed other outdated limitations as well.²

Salinas's motives have been debated, ranging from self-interest in creating a new political alliance for his party that included the Catholic Church, to bringing Mexican law into the late 20th century, making it compatible with human rights treaties to which Mexico was a signatory. The fact is, however, that many influential members from his own party were not in favor of these reforms. I can personally confirm that in interviewing President Miguel de la Madrid, his predecessor, before the bill was passed, that he believed such revisions might be necessary, but it was too politically risky to introduce them.³ One of the influential, long-term consequences of this bill was to reinforce the Church's active role as a leading voice favoring democratic elections, eventually contributing to the dramatic change in control over the executive branch achieved in 2000.⁴ The Church again repeated its role in supporting democratic institutions in 2006.⁵ Salinas, unlike the current president, had a much easier task given the fact that his party controlled 64 percent of the seats in Congress, just a few seats short of the necessary two-thirds to alter the Constitution.

² Conferencia de Episcopado Mexicano, *La Iglesia católica en el nuevo marco jurídico de México* (Mexico: CEM, 1992).

³ Roderic Ai Camp, *Crossing Swords, Politics and Religion in Mexico* (New York: Oxford University Press, 1997), 32-34.

⁴ Roderic Ai Camp, "Citizen Attitudes toward Democracy and Vicente Fox's Victory in 2000," in Jorge Domínguez and Chappell Lawson, eds., *Mexico's Pivotal Democratic Election, Candidates, Voters, and the Presidential Campaign of 2000* (Stanford: Stanford University Press, 2004), 34-35.

⁵ Roderic Ai Camp, "Exercising Political Influence, Religion, Democracy, and the Mexican 2006 Presidential Race," *Journal of Church and State*, 50, no. 1 (Winter, 2008), 101-122.

An equally significant political reform occurred under his successor, Ernesto Zedillo (1994-2000), when his administration passed a major bill altering many structural aspects of Mexico's electoral mechanisms, dramatically increasing the separation and therefore the independence of the Federal Electoral Institute to oversee electoral procedures. The changes included expanding the electoral council, removing partisan party members from the council, and appointing an independent as the chair. Most important, the law increased public funding for elections, including free television and radio advertising, which was translated into increased financial support for smaller parties. The new legislation also implemented adjustments in the boundaries of the 300 majority districts to reflect, in many cases, significant demographic changes. The law required constitutional changes to Article 41, thus PRI, which alone controlled three-fifths of the seats, could easily achieve its passage in 1996 with additional, limited support.⁶ Most analysts, myself included, believe that the new law played a fundamental role in determining the outcome of the 2000 presidential election, which brought the National Action Party (PAN), and Vicente Fox, into power, ending the long reign of PRI.

President Fox's victory increased the expectations of Mexican citizens generally, and especially those who supported his election, that democratic governance would result in numerous, positive developments for Mexico. While those expectations, by most accounts, were not fulfilled, Fox passed a significant political reform of Article 6, involving citizen rights to information, known as the transparency law, which received little attention compared to the two previous pieces of legislation. His party controlled only 218 seats out of 500, thus it required considerable support from other parties to achieve passage. This legislation went into effect in the summer of 2003. While it does not rank in importance with the previous two examples, it is

⁶ Jacqueline Peschard, "Control over Party and Campaign Finance in Mexico," *Mexican Studies* 22, no. 1 (Winter 2006): 83-105.

influential for several reasons, and similar to the two prior reforms, contributed significantly to an evolving democratic model. The law required all federal agencies to provide information, on request, regarding most aspects of each agency's responsibilities. The law was designed to increase accountability, an essential ingredient in a functioning democracy. It has strengthened the press and media in Mexico, as journalists have used the law widely to seek out relevant material. As a scholar who has been engaged in research on Mexican politics since the 1970s, I can personally attest to the dramatic difference between the level of information that can be obtained today using the transparency law, compared to what could be obtained previously, even from such cabinet departments as national defense and navy, with well-deserved reputations for secrecy. While it remains an imperfect tool, and accessibility though the law both has increased and decreased since going into effect, it was strengthened in 2013, and complements those reforms which go beyond simple electoral democracy in Mexico, thus reinforcing long-term political consequences of the religious and electoral reforms in the 1990s.⁷

Peña Nieto already has passed some extraordinary legislation identified in the Pact. The most prominent to date include penetrating educational reforms, which if fully implemented would exercise a decisive influence on the quality of education, the level of poverty, and on economic growth;⁸ relaxing the state's control over subsoil, mineral rights, specifically the petroleum industry, traditionally the most widely supported principle in the 1917 Constitution, thus allowing domestic private and international investment in the exploration and extraction of

⁷The president signed the reforms into law in February, 2014, making the Instituto Federal de Acceso a la Información y Protección de Datos (IFAI) an autonomous agency, requiring states to amend their own constitutions to increase its authority for state level agencies, and to increase the standardization of criteria and procedures for requests. The commissioners will be appointed by the senate, but the president may challenge any appointee. *Justice in Mexico*, Vol. 9, No. 2, February, 2014, 7-8.

⁸These reforms received widespread support from the public, Carta Paramétrica, "Mexicanos apoyan los puntos de la reforma educativa," April 2013, and "Mexicanos estancados por la educación que se ofrece," February, 2013.

oil, a major source of revenue to the federal government;⁹ and reversing another constitutional heritage, the concept of no consecutive reelection in the legislative branch at both the national and state levels, in addition to a more radical provision, which allows mayors, that is, an elected, executive, public office-holder, to be reelected for another term.¹⁰

The latter legislation is particularly noteworthy in terms of Mexico's ability to increase its potential for achieving democratic consolidation.¹¹ Specifically, the law would allow members of the Chamber of Deputies, Mexico's lower house, to be re-elected three consecutive times, thus allowing members of congress, if elected, to serve through two complete presidential terms (12 years). For members of the Senate, who currently serve a six year term, the law would allow them also to repeat that tenure for another six years. These regulations go into effect in 2018.¹² These tenure changes are essential to strengthen the legislative branch, which historically has been weak in initiating legislative proposals, and dominated by a powerful executive branch.¹³ In the eyes of most Mexicans, and elsewhere in Latin America, there exists little confidence in the legislative branch of government, and Mexicans actually rank third among Latin American political systems in their support for presidential decision-making *without* a legislature. Those countries which are comparable to Mexico in their disdain for the legislative role in the policy

⁹ For a careful analysis of why reforms to the oil industry were needed, see the Instituto Tecnológico Autónomo de México and the Mexico Institute, Woodrow Wilson International Center for Scholars, *A New Beginning for Mexican Oil*, November, 2012.

¹⁰ Legislative re-election, contrary to public opinion, was not a principle which emerged from the 1910 Revolution, expressed in the mantra "Effective Suffrage, No Re-election." Instead, it was a constitutional amendment introduced by President Cárdenas, and went into effect with the 1934-37 congressional session. However, the change in allowing a mayor to be re-elected one additional term does fit in with the broader principle of no re-election of the president or a state governor. A specific justification for making that change is that a mayor serves only half as long as governors or presidents, just three years.

¹¹ Critics have rightly noted that two other political reforms, replacing the Federal Electoral Institute with a new, untested federal agency, some of whose responsibilities are unclear, as well as allowing election results to be overturned for violations of spending rules, are likely to open the doors to greater post-electoral rather than decreasing conflict. Pamela Starr, "Mexico's Problematic Reforms," *Current History*, February 2014, 54.

¹² These involve changes to Article 59 of the Constitution.

¹³ María Amparo Casar. "Executive-Legislative Relations: Continuity or Change,?" in Andrew Selee and Jacqueline Peschard, eds., in *Mexico's Democratic Challenges, Politics, Government, and Society* (Washington, D.C.: Woodrow Wilson Center, 2010), 117-120.

process include Ecuador, Colombia, Chile, and Guatemala. In 2008, Ecuadoreans elected Rafael Correa president, based on a campaign focused on social and political change. In that same year, nearly two-thirds of citizens voted to strongly expand presidential powers in a new constitution.¹⁴

To place the Mexican experience in a larger, regional context, it is valuable to dispel some commonly-held assumptions about the presidency and its relationship to the other branches of government, but especially in the policy-making realm, with the legislative branch. Contrary to what most observers believe, constitutionally, the Mexican presidency ranks among the weakest in Latin America. As a leading expert on the legislative branch has argued, Mexico's president has only a partial, veto power, thus the presidency is on par with such countries as Honduras and Costa Rica.¹⁵ During the reign of PRI, although in decline under Ernesto Zedillo's administration, prior executives exercised what legal experts have described as meta-constitutional powers, powers that relied on the PRI's control over public leadership in both legislative and judicial branches. Since 2000, with the strengthening of legislative opposition, and the legislative decision-making process reflecting the constitutional limitations, Mexican presidents have had to rely on weak or non-existent constitutional provisions, while their counterparts in Argentina, Brazil and Colombia could actually decree new legislation.¹⁶ In Chile, the development of what has been labelled "coalitional presidentialism," collaborating parties have been described in language that is familiar to any Mexicanist examining the pre-democratic era. "The authority of coalition leaders over nominations is effectively the authority to control the political careers of rank and file legislators. The result is that the Chilean Congress is

¹⁴ Diana Orces, "Popular Support for a Government without Legislatures," *AmericasBarometer Insights: 2009*, No. 25, 2009, 1-2.

¹⁵ Benito Nacif, "The Fall of the Dominant Presidency: Lawmaking under Divided Government in Mexico," in Roderic Ai Camp, ed., *The Oxford Handbook of Mexican Politics* (New York: Oxford University Press, 2012), 235-237.

¹⁶ Matthew Shugart and Stephen Haggard, "Institutions and Public Policy in Presidential Systems," in Stephen Haggard and Matthew D. McCubbins, eds., *Presidents, Parliaments and Policies* (Cambridge: Cambridge University Press, 2001), 73.

organized around two major coalitions the members of which regularly vote on budgetary issues as well as well as broader platforms.”¹⁷ Thus, what one witnesses in this statement is a “democratic” version of the control PRI exercised during its long-standing, semi-authoritarian era.

What is different about the Mexican experience in the first two years of Peña Nieto’s from that of coalition presidentialism in such countries as Chile and Brazil? These and other countries boast their own peculiarities which explain why those coalitions have developed and how they are controlled. In Brazil, David Samuels notes that Lula used cabinet appointments from numerous parties to achieve a consensus, indeed, his government was the most extensive multi-party representation in Brazilian history. However, the level of fragmentation in the Mexican case pales before that which Lula faced.¹⁸ In Argentina, control over the legislators is in the hands of local political bosses and party leaders, not the national party leadership, thus complicating significantly national coalition behavior.¹⁹ Finally, a just published study comparing most of the Latin American countries which have experimented with presidential coalitions concluded that choosing cabinet members from other parties is a two edge sword because the evidence clearly suggests that a president risks losing control over those cabinet agencies led by other party members. Indeed, they found that in many cases, such presidents in Latin America, including recent Mexican chief executives, have relied on non-partisan

¹⁷Lisa Baldez and John M. Carey, “Budget Procedure and Fiscal Strength in Post-Transition Chile,” in Stephen Haggard and Matthew D. McCubbins, eds., *Presidents, Parliaments and Policies* (Cambridge: Cambridge University Press, 2001), 118.

¹⁸David J. Samuels, “Brazilian Democracy under Lula and the PT,” in Jorge Domínguez and Michael J. Shifter, eds., *Constructing Democratic Governance in Latin America*, 3rd edit. (Baltimore: John Hopkins University Press, 2008), 152-176.

¹⁹ Mark P. Jones, “The Recruitment and Selection of Legislative Candidates in Argentina,” in Peter M. Siavelis and Scott Morgenstern, *Pathways to Power, Political Recruitment and Candidate Selection in Latin America* (University Park: Pennsylvania State University Press, 2008), 73-75.

leadership to minimize these risks in specific agencies.²⁰ It can also be argued that generally, Latin American citizens have little faith in political parties, thus giving chief executives more lee-way in establishing coalitions. Surprisingly, in 2014, 42 percent of Mexicans said democracy could function **without** democracy, while the exact same percentage believed that democracy required the involvement of political parties!²¹ But what most sets the Mexican experience apart from these other cases is the breadth, depth, and significance of the proposed policy reforms, their formal announcement in a public document, and the extent to which objective, non-partisan analysts agreed on their importance for developing Mexico socially and economically, in addition to addressing the major issues confronting its ability to achieve a more complete democratic model and stimulate change.

The reelection revisions for mayors is equally important for local politics, given the fact that it was the only elected, executive position.²² Allowing mayors to run again reinforces the importance of accountability by allowing voters to make judgments about an official's performance, and consequently reject or support that person's candidacy. In the past, the lack of any linkage between the mayor and a local constituency opened the door further for abuses by mayors, some of whom viewed holding this position as their only opportunity for self-enrichment. As Andrew Selee has suggested in his thorough examination of local governance, although many cities "have competitive elections, representative institutions do not appear to be

²⁰ The countries studied were: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Uruguay, and Venezuela. See Cecilia Martínez-Gallardo and Petra Schleiter, "Choosing Whom to Trust: Agency Risks and Cabinet Partisanship in Presidential Democracies," *Comparative Political Studies*, September 4, 2014, 23-24, online.

²¹ Carta Paramétrica, "Opiniones sobre los nuevos Partidos en México," August, 2014.

²² The re-election of mayors and local deputies (state legislators) will apply to the next individual who holds those positions, since local elections occur in different years. This affects article 115 (mayors) and article 116 (state deputies). For the best current explanation of how the laws will be implemented, and the restrictions against their abuse, see "Reelection Issues in New Mexico's Electoral Reform: <http://alejandrodiazd.wordpress.com/?s=reelection+issues>.

the primary means for making demands, nor do they ensure accountability at the local level in any of them.”²³

The political path Peña Nieto has taken differs greatly from that of his PRI predecessors, or for that matter, President Fox, because unlike his PRI counterparts, he leads a party with only a plurality of votes in Congress. Consequently, he chose an imaginative and original strategy to achieve success with such a controversial reform. Similar to President Salinas’s experience with his religious reform bill, numerous individual members of his party oppose the petroleum reform even though he officially achieved his party’s complete backing on this issue at a national assembly in March, 2014.²⁴ However, unlike the religious reforms, where surveys suggested overwhelming public support for modifying some of the restrictions on the church, at least a third to as many as two-thirds of Mexicans were opposed to petroleum reforms,²⁵ linked in the minds of many citizens to the mythology of the 1910 Revolution, the legitimacy of the 1917 Constitution, and perhaps most important of all, to national sovereignty inherent in President Lázaro Cárdenas’ dramatic 1938 nationalization of the oil industry, the most unifying political decision in Mexico since 1920.²⁶ If Peña Nieto succeeds in effectively implementing each of these reforms, in addition to other legislation already passed, it not only will produce a dramatic

²³ *Decentralization, Democratization, and Informal Power in Mexico* (University Park: Pennsylvania State University Press, 2011), 165.

²⁴ PRI’s own bylaws prohibited its members from voting on any changes in the management of the state oil company, Pemex. After Peña Nieto requested the party to alter its internal regulations, the assembled party membership (several thousand) at its annual meeting voted unanimously to make those changes. “Mexico President Wins Key Party Vote on Reform of National Oil Company,” *Los Angeles Times*, March 4, 2013.

²⁵ “La expropiación petrolera,” *Carta Paramétrica*, August 22, 2013.

²⁶ Forty-four percent of Mexicans were still opposed to the petroleum reform in June, 2014. See *Carta Paramétrica*, “¿Por qué están a favor o en contra de la reforma energética?” June, 2014. In a survey completed in July, 2014, two-thirds or more of Mexicans indicated that the PRI supported the six major reforms to date, and fewer than half, with the exception of the energy bill, believed PAN supported these reforms (it supported all six), and except for the education reform, only 21-25% of Mexican believed PRD supported any of the bills. *Carta Paramétrica*, “El saldo del proceso legislativo,” August 28, 2014.

impact on Mexico's political and economic development, but introduces and legitimizes a revolutionary political strategy and methodology for passing such legislation.

The president's participation in a collective agreement is a significant demarcation from PRI's previous behavior as an opposition party in 2003 and 2009, when it succeeded in defeating the National Action Party in the congressional elections mid-way during Fox's and Calderon's administrations, becoming the leading plurality party in the 2003-2006 and 2009-2012. Flush with its electoral comeback victory in 2003, instead of pursuing a collaborative approach with the executive branch and the PAN Deputies in congress, it watered down important legislative proposals rather than cooperating to achieve the significant structural changes which Mexico required on most policy fronts.²⁷ Six years later, after again winning the largest plurality (223 seats), it repeated the same behavior.

After winning the presidential election in 2012 with a small plurality of the vote, therefore achieving an unclear mandate, and the largest plurality of seats in congress (213), unlike their predecessors Peña Nieto and his advisers wisely pursued a new, collaborative strategy. The way in which the Pact was negotiated, before the president took office, marked a striking change from focusing solely on what policies needed attention, to an entirely new strategy for achieving these policy goals. In other words, one could make the argument that the methodology was more significant than the Pact's content, or at the very least, as significant, because without it, it is unlikely that any of the major reforms, in their present delineation, would have been achieved.

²⁷ The representatives of the PRI in congress, under the leadership of then secretary general of PRI, Elba Gordillo, the powerful teacher's union leader, invited me to speak to the 224 PRI members of that body on democracy and legislative responsibilities, entitled "Walking the Democratic Line in Mexico, Whose Democratic Anyway?" I urged the audience to pursue a statesman like strategy, placing the interests of the country above their partisan interests. To their credit, the then PRI congressional leadership wanted to collaborate with President Fox, but Gordillo and her group were forced out of their leadership positions shortly thereafter, ending any real possibility of such cooperation ensuing. This presentation was published in *Este País*, one of Mexico's leading intellectual magazines, as "Paseando la línea democrática en México, quién es democrático?," November, 2003, 4-10.

Moreover, the average Mexican already has absorbed this shift in political behavior, demonstrated by comparative survey results. Half of all Mexicans in 2000 viewed the PRI as opposing Fox's legislation; while 61 percent viewed the PRD as opposing Calderón's legislation; but in 2013 only a fourth and one-tenth of Mexicans respectively viewed the PRD or PAN as opposing Peña Nieto's legislation. In effect, Mexico's political leadership created a technique from which all parties could take credit, making it possible for government, as distinct from presidents, to meet citizen expectations.

The Pact as a Source of Policy Reforms and Democratic Change

Why place so much emphasis on the methodological aspect of Mexican politics? Every political analyst I know believes Mexico achieved an electoral democracy in 2000, reinforced again in the 2012 election in the most widely used component by theorists in defining democracy: an opposition party victory in a national election. There exists equal agreement among scholars that Mexico has not achieved a consolidated democracy, that is, the commonly assumed functions of a democratic political model. For example, it lacks a culture of law,²⁸ adequate transparency,²⁹ and sufficient accountability.³⁰

²⁸ In a survey by Parametria in December, 2013, 73 percent of Mexicans believed that laws in their country were not applied equally, two-thirds disagreed that the rights of those accused were respected during the entire legal process, and that honesty and justice prevailed in the courts. *Carta Paramétrica*, "Mexicanos confían en el Código Nacional de Procedimientos Penales mejorará la impartición de justicia," March, 2014. Moreover, the World Justice Project's "Rule of Law Index 2014," which ranked the pervasiveness of each country's rule of law, quality of governance, and criminal justice system, ranked Mexico 79th out of 99 countries surveyed: www.worldjusticeproject.org/rule-of-law-index, March 2014.

²⁹ For example, in the early discussion of the transparency reforms in the fall of 2012, three-quarters of Mexicans did not know what IFAI, the agency responsible for access to government agency information, was. Moreover, six out of ten citizens considered such information as government expenditures and the salaries of officials to be opaque and difficult to find out. "Qué es el IFAI?," Parametría, 500 interviews, national sample, September 22-26, +/- margin of error, 4.4%. For an insightful analysis on how an organization, the Citizen's Movement, has been able to achieve far greater transparency in some ninety municipalities in Mexico, see Duncan Tucker, "Mexico's New Level of Transparency," Aljazeera, December 23, 2013.

As noted above, wild speculation in the media since the 2000 presidential election suggested that PRI's victory would be tantamount to a return to a pre-2000 PRI dominated model. Such an expectation is understandable given most Mexican citizens' prior experience with PRI governance, but the implementation of the Pact by the PRI and the other parties in no way suggests a return to its pre-democratic patterns. What it does suggest, however, is a leading quality which long has characterized PRI leadership, the importance of pragmatism versus ideological extremes. It is clear that Peña Nieto and his closest collaborators recognize they are in control of the executive branch with a bare plurality of the votes, and that Mexico has evolved since 2000 into a highly fluid, three-party system, in which all three parties have demonstrated their ability to either win the presidency or to come within less than 1 percent of the vote in accomplishing such an electoral victory. Fox won with 43 percent of the vote, Calderon with 36 percent, and Peña Nieto with 39 percent. PRI was the second strongest party in 2000, and the PRD filled that role in 2006 and 2012. The leadership of all three parties recognized that given this electoral context, the only way reform legislation was going to pass was through strong political alliances and policy agreements.

The argument also can be made that an analysis of Peña Nieto's initial cabinet leadership suggests several qualities which reinforce this attitude of collaboration in 2013. Most important is the fact that this remains the most bi-partisan cabinet in Mexican political history in the last 80 years. It included a former president of the PRD, Rosario Robles,³¹ a leader of the Green Party,

³⁰ The most comprehensive account of accountability in government agencies, is Mauricio Merino's "The Second Democratic Transition in Mexico: Efforts, Obstacles and Challenges to Mexico in the Quest for a Comprehensive, Coordinated Form of Accountability," Mexico Institute, Woodrow Wilson Center, 2013.

³¹ To his credit, Vicente Fox attempted to incorporate representatives of the PRD in his cabinet, but the party refused to allow its members to join Fox's government. It is also important to note that both PAN administrations included individuals who has served in Zedillo's cabinet, such as Luis Téllez Kuenzler, a former secretary of energy and chief of staff, as Calderón's communication and transportation secretary; or Francisco Gil Díaz, former assistant secretary of the treasury under Salinas, and Fox's secretary of the treasury. Most of these individuals could be identified as technocrats, rather than politicians.

and former mentor of the president in the state of México, which has often formed a legislative alliance with the PRI, a secretary of foreign relations, José Antonio Meade Kuribreña, who served as the treasury and energy secretary under President Calderón;³² and the former PAN secretary of Public Security and Attorney General under Fox and Calderón respectively, Eduardo Medina Mora, as his ambassador to the United States. His cabinet also reflects breadth and diversity among prominent PRI figures. It includes choices attached to prominent figures including the former PRI president and candidate for the PRI presidential nomination in 2012, Beatriz Paredes. It continues a hybrid cabinet between technocrats and party militants extending back to the Miguel de la Madrid and Carlos Salinas administrations. Financial leadership remains in the hands of technocrats, whose mentors can be traced back to the economic leadership since 1988, especially that of Pedro Aspe, Salinas' treasury secretary. Appointees in the politically-oriented cabinet posts can be traced to former presidents and presidential contenders including de la Madrid and Salinas, Alfredo del Mazo, Francisco Labastida, and Cuauhtémoc Cárdenas.³³

Despite these positive initial policy and political achievements, Peña Nieto faces important contextual challenges which seriously impact on the ability of his administration and that of governors and mayors, to strengthen democratic governance, and assure that Mexico continues on a path pointed toward a consolidated democratic model. Based on a survey taken by Consulta Mitofsky since Fox became president, in May of 2014, 59 percent of Mexicans believe the

³² Although considered a political independent, his father, Dionisio Alfredo Meade García de León, pursued a distinguish career in public service, finishing it as the assistant secretary of legislative liaison in Government at the end of the Fox administration. His wife, Lucia Kuri Breña Orvaños, is the niece of Daniel Kuri Breña Gordoa, a co-founder of PAN, and a member of the National Executive Committee from 1939 to 1949. Moreover, he served as the first Rector of ITAM in 1946 and was a student leader in the historic movement supporting José Vasconcelos' 1929 opposition candidacy for the presidency. Rafael Pérez Franco, *Quiénes son el PAN* (Mexico: Imprenta Unión, 1979), 197-98. He also is the grandson of the distinguished sculptor and artist, José Kuri Breña.

³³ For a detailed analysis of the composition politically and demographically, and its significance, see my "Peña Nieto's Cabinet, What Does it Tell Us About Mexican Leadership," *Democracy and Election Series*, Mexico Institute, Woodrow Wilson Center for International Scholars, Smithsonian Institution, Washington, D.C., March, 2013.

country's economic situation is the most important issue, followed by the security situation, which 37 percent consider to be the most critical issue. For the last fourteen years, these two issues overwhelmingly have been the most important to the vast majority of Mexicans, and the importance of the security situation actually took precedence over that of the economy in several periods, most recently in 2011 and 2012. Strikingly, these principle problems have remained the same for Mexicans in the last 14 years, more than half believe economic issues to be the most important (unemployment, poverty, growth) followed by security and crime. Equally important, as of May, 2014, seven out of ten Mexicans believe the economic, security, and political situation was worse, rather than better.³⁴

Importantly, Mexicans see Peña Nieto's electoral victory similarly to that of President Fox in 2000, when 60 percent of citizens actually viewed his incoming administration as a change in the political system. That path-breaking election can be reasonably viewed in such a light given that it marked such a significant change in governance after seven decades of PRI rule. Yet, twelve years later, half of Mexicans again viewed Peña Nieto's victory as representing a change in the political system, rather than a mere opposition victory bringing a new administration into power. Thus, not surprisingly, Mexicans most want Peña Nieto to address important problems with policies that reinforce an anti-drug strategy, generate employment and combat poverty, and build schools.

How do the reforms identified in the Pact for Mexico relate to these overriding economic and security concerns, and address citizens' three expectations. The most significant aspect of the Pact is that as a grand strategy it links all of these issues together. In other words, one cannot be solved without making progress in the related policy areas. Furthermore, the nature of the proposed reforms makes it clear that the signatories recognize that Mexico requires underlying

³⁴ Consulta Mitofsky, "Percepción del país: economía, política, seguridad," May, 2014.

structural changes in these and other policy arenas. What are some of the linkages between the issues of economic growth and the lack of security?

One of the reasons the Pact focuses on economic growth, as well as other obstacles that can be identified as contributing to prior growth patterns, is the link between unemployment and organized crime. In a conversation organized by David Shirk, Director of the Trans-border Institute at the University of San Diego, between the chief of police in Tijuana and a small group of scholars during the latter years of the Calderón administration, we asked the chief to characterize the typical cartel member which he and his officers encountered. He described them as young men, with low levels of formal education, who typically were unemployed. The police chief's description replicates other sources in the academic literature. For example, our own intelligence community has suggested that some 450,000 Mexicans are employed directly or indirectly in organized, criminal activities, prompted in part by the high rates of unemployment in the past two administrations.³⁵ One of the most important explanations why Mexico's economic growth and productivity has lagged behind comparable economies is the country's educational system and persistent levels of poverty among a large minority of families, particularly as measured by low income levels. Using more sophisticated measures of poverty, based on inadequate income to achieve certain capacities, the 2010 census also reported that 19 percent of Mexicans were suffering from nutritional poverty; 27 percent from health and educational poverty; and 50 percent from housing and transportation poverty. Each of these percentages nearly equaled those reported in 2002.³⁶ Organized crime in Mexico recognizes the

³⁵ In addition, "Official estimates suggest that drug trafficking activities now account for 3 percent to 4 percent of Mexico's more than \$1 trillion GDP." David Shirk, *The Drug War in Mexico Confronting a Shared Threat* (New York: Council on Foreign Relations, 2011), p. 7.

³⁶ www.coneval.gob.mx, 2014.

lack of employment opportunities by openly advertizing for new recruits, and often emphasizes economic benefits, including life insurance policies!³⁷

The Mexican government has attempted to address poverty in several ways. Beginning with Ernesto Zedillo's administration (1994-2000), increases in social expenditures began to increase significantly, and were continued by his two PAN successors. Fox, by the end of his administration, was actually able to reduce some of the poverty percentages in each of the three census categories, but those figures increased during the global recession.³⁸ In the last year of Calderón's administration, 57 percent of his government expenditures fell into the social category, with 91 percent going to social and economic expenditures combined. Despite less than 10 percent of the budget being devoted to administrative costs, Peña Nieto in his first year in office, increased social expenditures to 60 percent, and combined expenditures to 93 percent.³⁹

Economists universally have argued that Mexico's unemployment, low rates of productivity, lack of global competitiveness, and slower economic growth, can be attributed in part to the deficiencies in public education. Thus, the first major reform passed under the auspices of the Pact for Mexico focused on education. An essential component of that reform was encapsulated in a 2013 bill creating the Professional Teaching Service, an agency which would control the hiring, promotion, and continued employment of teachers, who are viewed as public employees, designed to remove these decisions from the powerful National Teachers Union (SNTE). For a

³⁷ Manuel Roig-Franzia, "Mexican Drug Cartels Making Audacious Pitch for Recruits," *Washington Post*, May 7, 2008. Other benefits included support for families, loans, etc.

³⁸The first dramatic increases in social expenditures actually increased under Gustavo Díaz Ordaz (1964-1970), whose administration's social expenditures averaged 32 percent, compared to only 19 percent for his predecessor. This percentage did not change significantly until Miguel de la Madrid's tenure (1982-1988), when it reached a new peak of 41 percent, followed by Salinas who again increased it significantly to half of the total expenditures. The next three administrations all have assigned 56 percent of more to the social category. Since 2000, 90 percent of federal expenditures fall into the combined economic and social categories. *Este País* (December 1999), 16; and México, Presidencia de la República, *Quinto informe de gobierno, anexo estadístico*, September 1, 2011, 127-28.

³⁹Presidencia de la República, *Primer informe de gobierno, anexo estadístico*, September 1, 2013, 366.

number of years the government has recognized the relationship between poverty and access to education, and has attempted to address the level of poverty with specific anti-poverty programs, including the Oportunidades program, which requires low income families to keep their children under the age of 22 in school between the third grade and the third year of high school in order to receive the program's economic supplements.⁴⁰

Such efforts by the federal government extend well beyond the long term benefits of decreasing the percentage of Mexicans living in poverty, regardless of which of the three general categories they may fall into. One of the consequences of poverty which the drug cartels' highly sophisticated strategy takes advantage of is investing in local communities. They have contributed to constructing local municipal buildings, baseball fields, and in the past, openly contributing to Catholic parishes. As a consequence, a large minority of Mexicans living in smaller, rural communities where cartels have been active, believe that organized crime has done more for their communities than the local governments, and that drug trafficking generates progress in their communities. (Table 1)

There exists no stronger illustration of Mexicans lack of faith in institutions, and the inability of those public institutions to maintain sovereignty and effective governance, than the growing trend among rural Mexicans to establish their own police, composed of ordinary citizens. By early 2013, self-defense groups increased dramatically. When Mexicans were asked

⁴⁰ For the limitations of the program, see Maxine Molyneux, "Mothers at the Service of the New Poverty Agenda: Progreso/Oportunidades, Mexico's Conditional Transfer Programme," *Social and Policy Administration*, Vol. 40, no. 4 (August 2006): 425-449; for a broader analysis of its strengths and impact, see Santiago Levy, *Progress Against Poverty: Sustaining Mexico's Progreso-Oportunidades Program* (Washington, D.C.: Brookings Institution, 2006).

who they thought could best protect their community, nearly two-fifths indicated individuals chosen by the residents. Only one in five Mexicans thought local or state police could perform this task. Seven out of ten Mexicans favored publically chosen or a combination of public chosen and regular police, to protect their communities.⁴¹ Seven out of ten citizens also believed that regular police, both state and local, were ineffective in preventing or combating crime.⁴²

Encouraged by the United States, and central to its security strategy, the Mexican government increasingly called on its armed forces to take on the primary responsibility for fighting the drug cartels, which over time have evolved into sophisticated criminal organizations involved in multiple criminal activities including kidnapping, human trafficking, extortion,

Table 1 - Mexican Attitudes toward Drug Trafficking Organizations

Questions	Percentage Answering Yes
Listened to a narcocorrido (songs about traffickers)	90
Narcocorridos reflect reality	69
Drug trafficking generates employment	41
Listened frequently to a narcocorrido	37
Drug traffickers do more public works in communities than their own governments	34
Drug trafficking generates progress in the communities where drug traffickers live	33
If drug trafficking weren't violent, it would be a beneficial activity to your state	27
Narcocorridos distort reality	24

⁴¹ Carta Paramétrica, "Mexicanos aprueban la formación de policías comunitarias," March, 2013.

⁴² Carta Paramétrica, "La importancia de confiar en las instituciones, Las autodefensas en México," January, 2014.

Drug trafficking is a necessary evil	23
Don't know if they are heroes or criminals	17
Drug cartel leaders as heroes	15
It is not bad to produce or sell drugs	11
It is not a bad thing to consume drugs	10

Source: Parametría, 400 respondents, +/- 4.9% margin of error, February 12-16, 2011.

bribery, and torture, etc. Its victims include public officials, journalists, small and large businesses, police, soldiers, and ordinary citizens. Drug cartels have committed heinous crimes against each other, as well as against the families of individuals mentioned previously. Because fewer than 2 percent of all crimes reported to the police are ultimately prosecuted, impunity is the norm for criminal behavior.⁴³

But in substituting the armed forces for civilian police to address these serious criminal activities, most of whom are not trained in police functions, human rights abuses have also skyrocketed, and often are attributed to soldiers and police, not just to organized crime. Many of these alleged human rights violations have gone unpunished, thus increasing citizen perceptions that there exists little accountability among government representatives, including the judiciary. José Vivanco, of Human Rights Watch, recently noted that 26,000 Mexicans, according to their Attorney General, have disappeared in drug related violence in the last 6 years of the Calderón administration. Of the 5,600 alleged cases of military abuses investigated by the armed forces from 2007 to 2013, only 38 individuals have been sentenced.⁴⁴

⁴³ Clare Ribando Seelke, *Supporting Criminal Justice Reform in Mexico, the U.S. Role* (Washington, D.C.: CRS, 2013), 14.

⁴⁴ Human Rights Watch, *World Report, Mexico* (New York: HRW, 2014). One of the important changes which should help reduce the level of impunity by the military is to remove cases involving civilians from military jurisdiction. See *News Monitor, Justice in Mexico*, vol. 9, no. 2 Trans-border Institute, University of San Diego,

One of the most important non-governmental actors in identifying human rights abuses during the democratic transition was the Catholic Church. As its bishops made clear during the 1990s, the secular theme on which all bishops could agree regardless of their posture on other controversial pastoral issues was that of human rights.⁴⁵ The church's unified and frequent voice, as expressed in diocesan statements and in masses, maintained pressure on the abusers, who typically were associated with the law enforcement agencies and the armed forces. Strangely, however, since the early 2000's, the Church's voice largely has been absent. A survey of bishops' statements reveals vague declarations about violence instead of pointed criticism of drug cartels' horrific homicides, often involving torture. Their comments about human rights abuses by the military are also rare.⁴⁶ It is difficult to explain why their posture has not been more pro-active or critical, and one possible explanation is that many priests have been threatened and several have been murdered.⁴⁷ One can also speculate that the recent decision by the Catholic Church to establish chaplaincies on military bases may have tempered their public statements about the armed forces.⁴⁸

February, 2014, 14-15, and May, 2014, 15-16. Amnesty International is even more critical, concluding that of the more than 7,000 complaints of mistreatment and torture directed to the National Commission on Human Rights between 2010 to 2013, not one resulted in a conviction on torture charges. *Justice in Mexico Project News Monitor*, Vol. 9, No. 9 (September 2014), 12.

⁴⁵ Roderic Ai Camp, *Crossing Swords*, 98.

⁴⁶ Roderic Ai Camp, "Armed Forces and Drugs: Public Perceptions and Institutional Challenges," in Eric L. Olson, David A. Shirk, and Andrew Selee, eds., *Shared Responsibility, U.S.-Mexico Policy Options for Confronting Organized Crime* (Washington, D.C.: Woodrow Wilson Center, 2010), 323-24.

⁴⁷ Roderic Ai Camp, "Church and Narcostate," *Foreign Policy*, August 13, 2009, 1-3.

⁴⁸ As I argued elsewhere, "This is truly surprising news for Mexico, given the historic confrontations between the Army and the Church as late as the 1920s and 1930s during the Cristero War and its aftermath. It deserved far more coverage in the Mexican media and the scholarly community. It is also essential to mention that in Latin America, where military chaplaincies have been common, scholars have suggested that the weak posture of the Catholic Church during Argentina's dirty war can be attributed to the excessively close relationship between Catholic priests functioning in this capacity, and the military, given that a number of such priests condoned the torture and murder of political prisoners." Camp, "Armed Forces and Drugs," 324. Also see "El Ejército mexicano vuelve al redil," *Proceso*, June 17, 2007. Jorge Medellín has reported that the Navy had been inviting various prominent clergy, including the Cardinal Archbishop of Mexico and the leader of the Jewish community in Mexico, to give presentations at the Naval War College during the Fox administration. "Pastoral militar en México; religión y política," www.columnas.ejecentral.com.mx, January 12, 2010. For a pro-military statement from the cardinal archdiocese of Mexico, see their website: http://www.vicariadepastoral.org.mx/i_asamblea/hojas/militar.html.

The level of criminal violence also has produced a chilling effect on journalists, one of the most influential sources of accountability, and consequently, a necessary component of a consolidated democracy. Cross-country studies have revealed that a free press is bad for corruption.⁴⁹ In Argentina, for example, scholars discovered a negative relationship between the amount of government advertising in the four major newspapers and their corruption coverage.⁵⁰ The increase in corruption during both the Meme and Kirchner administrations, despite their distinctive political origins and major economic policy differences, had “one point in common: a deliberate effort to act unilaterally by emasculating the institutions of horizontal accountability.”⁵¹ The impact on political accountability and the rule of law was dramatic. Global comparisons have suggested for many years that Mexico is one of the most dangerous countries in the world for journalists. As a consequence, 700 media outlets agreed to work together to protect journalists and to jointly publish stories, often without attribution, to reduce threats.⁵² As Emily Edmonds-Poli persuasively argued, the most reliable reports, which focus on the actual motive for a journalist’s murder, suggests that 74 journalists and media support workers “lost their lives between 2000 and 2012.”⁵³ Again, these crimes reflect the level of impunity in Mexico since only one perpetrator of violence against journalists since 2006 has been brought to justice.⁵⁴

⁴⁹Piero Stanig, “Regulation of Speech and Media Coverage of Corruption: An Empirical Analysis of the Mexican Press,” *American Journal of Political Science*, vol. ? (2014), 1.

⁵⁰ Rafael Di Tella and Ignacio, “Government Advertising and Media Coverage of Corruption Scandals,” NBER Working Paper, No. 15420, 2009.

⁵¹ Luigi Manzetti, “Accountability and Corruption in Argentina During the Kirchners’ Era,” *Latin American Research Review*, Vol. 49, No. 2 (2014), 193.

⁵² Ken Ellingwood, “Mexico News Companies Agree to Drug War Coverage Guidelines,” *Los Angeles Times*, March 25, 2011.

⁵³ “The Effects of Drug-War Related Violence on Mexico’s Press and Democracy,” Working Paper Series on Civic Engagement and Public Security in Mexico, Mexico Institute, Woodrow Wilson Center for Scholars, April 2013, 5.

⁵⁴ Ibid., 11. For a detailed analysis of these consequences on journalists in northern Mexico, see Jeannine E. Relly and Celeste González de Bustamante, “Silencing Mexico: A Study of Influences on Journalists in the Northern States,” *The International Journal of Press/Politics*, Vol. 19, no. 1 (2014): 108-131.

Consequences of Crime and Violence on Mexican Democracy

There exists no doubt that Mexico is currently facing an uphill battle with its efforts to increase accountability, transparency, and a culture of law, a situation it shares with numerous Latin American countries, and its close neighbors, Guatemala and Honduras, in Central America. The prevalence of criminally-related violence, and the expansion of drug cartels into numerous other criminal activities, has generated or altered citizen values toward sovereignty, trust, and democracy. One of the most dramatic changes in Mexican attitudes, especially since the Calderón administration pursued a more aggressive strategy against the cartels, which marked a significant increase in drug-related violence and homicides, is their view of influential

Table 2 – Which Institutions or Groups Have the Most Influence in Mexico

Institutions	Percentages		
	2008	2009	2010
President	37	43	41
Drug Cartels	34	28	29
Congress	9	9	9
Armed Forces	5	4	4
Catholic Church	6	4	5
Large Companies	4	4	4
Media	2	5	4
Unions	2	0	1

Don't Know	1	3	3
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Source: Carta Paramétrica, “La penetración del narcotráfico en la sociedad mexicana,” March, 2014.

institutions. In general, most Mexicans view institutions as weak. During the Calderón administration, just before he won the election in 2006, five out of ten Mexicans considered institutions to be strong, while 29 percent thought them weak. Six years later, the responses were essentially reversed, with 47 percent believing them to be weak, and only 32 percent strong.⁵⁵ On average, three out of ten Mexicans believe drug cartels are the most influential institutions in Mexico, second only to the president, who is typically identified as the most influential by approximately 40 percent. Congress is a distant third, with 9 percent. As of 2013, Carta Paramétrica also reported that only one in three Mexicans believed the government would actually defeat the cartels.

A similar pattern is repeated in surveys focusing on the state and local levels. When residents were asked who had the most power in their state, only 37 percent said the governor, followed by 28 percent who identified the drug cartels, followed by the armed forces at a distant third place with 9 percent. Eighty-four percent considered that organized crime was present in their state, but only three out of ten thought the state government had the capacity to confront them. Citizen perception at the local level was even more pessimistic, since only 21 percent considered their municipality able to challenge organized crime.⁵⁶ The lack of faith in the strength of local, state, and national institutions to carry out their responsibilities related to public safety is reflected in the belief that criminal organizations already control ten percent of

⁵⁵ Carta Paramétrica, “Pierde aprecio la democracia en México,” October, 2012.

⁵⁶ Carta Paramétrica, “Apoyan desaparición de poderes por inseguridad,” September, 2013.

Mexico's cities.⁵⁷ Indeed, in 2012, more than four out of ten Mexicans considered crime to be the most important problem, the fifth highest response in Latin America.⁵⁸

The level of crime in Mexico produces a definite adverse effect on economic growth, investment, unemployment, and social development. In 2012, one in three Mexicans reported that a member of their household had been a victim of crime. In Mexico City, the capital, the figure reached 50 percent.⁵⁹ As a comprehensive report on Mexico and Central America noted, the “rule of law has been shown to be one of the most important determinants of firm performance across Latin America. Firms that have experienced losses due to crime have been shown to have lower investment rates and lower productivity: for each 1 percent increase in corporate loss due to crime, 5 to 10 percent less investment is expected. Firms that spend large amounts on preventative security are also less productive overall. Furthermore, these expenditures, by increasing operating costs and the price of new firms' entry into the market, discourage entrepreneurs from starting businesses, as well as existing business from expanding or locating in crime and violence-ridden areas. Moreover, not only do firms suffer from the poor business and investment climate engendered by a weak rule of law, but wages also decrease with deterioration of governance: corruption and crime both have significant negative effects on wages paid by employers, as money spent on bribes and private security isn't available to pay employees.”⁶⁰ In Mexico, a 10 percent decrease in the homicide rate would translate into a 1.1 percent increase in the per capita GDP. According to the Global Peace Index for 2014, Mexico spent 173 billion dollars to fight organized crime in 2013, which is 9.4 percent of the country's

⁵⁷ John P. Sullivan, “Mexican Cartel Op-Ed No. 7: Mexico: Crucible of State Change,” *Small Wars Journal*, January 13, 2014.

⁵⁸ Mitchell A. Seligson, Amy Erica Smith, and Elizabeth J. Zechmeister, eds., *The Political Culture of Democracy in the Americas, 2012: Towards Equality of Opportunity* (Nashville: LAPOP, Vanderbilt University, 2012), 130.

⁵⁹ *Ibid.*, 144-145.

⁶⁰ Eleanor Sohnen, “Paying for Crime: A Review of the Relationships between Insecurity and Development in Mexico and Central America,” Regional Migration Study Group, Woodrow Wilson Center for International Scholars, Washington, D.C., December 2012, 8.

gross national product, or \$1,430 per person. It ranked 138th out of 162 countries, on par with Ethiopia and Rwanda. In 2011, one-fourth of the states which were ranked most peaceful more than doubled their economic growth.⁶¹ As of 2014, Mexico ranked fifth after Venezuela, Honduras, Guatemala and Haiti as the most dangerous country in Latin America for doing business. These four countries are also notable for their lack of accountability, culture of law, and transparency.⁶²

The most important consequence of violence and crime politically is that it has deeply and adversely affected levels of trust among ordinary Mexicans for each other and for institutions. Broadly speaking, many Mexicans, as well as many Latin Americans, would be willing to replace democratic governance with authoritarian governance if it would reduce the levels of violence, both real and perceived. Miguel Carreras, in a comprehensive analysis of the relationship between violence and trust, identifies three explanations for declining support of political institutions. “First, Latin American citizens become disenchanted with a political system that is unable to respond efficiently to one of their main concerns (public security). Second, individuals who are victims of violence or who perceive violence as high are dissatisfied with judicial systems that fail to punish those responsible for the increased violence. Third, exposure to criminal violence has a negative impact on interpersonal trust, which in turn negatively affects system support.”⁶³ Recent studies also reveal that in Mexico, and in Central America, “both personal victimization and fear of crime in the neighborhood emerge as important predictors of citizens’ willingness to allow authorities to act on the margin of the law.”⁶⁴ Regardless of

⁶¹ Institute for Economics and Peace, *Global Peace Index 2014* (Oxford: IEP, 2014), 69.

⁶² FTI Consulting, “Mexico is the Fifth Most Dangerous Country in Latin America for Business,” www.fticonsulting.com, March 3, 2014.

⁶³ “The Impact of Criminal Violence on Regime Legitimacy in Latin America,” *Latin American Research Review*, Vol. 48, No. 3 (2013), 100-102.

⁶⁴ Mary Fran R. Malone, “Does Crime Undermine Public Support for Democracy, Evidence from Central America and Mexico?” Paper presented at the Annual Meeting of the American Political Science Association, Washington,

whether a person is an actual crime victim or fears becoming a victim, it increases their tolerance for human rights abuses, thus contradicting a central component of a consolidated democracy. In 2014, nearly a fourth of Mexicans indicated that if they were members of the armed forces or the police, and they caught a drug trafficker, they would prefer to execute them rather than turn them over to the proper authorities.⁶⁵ These perceptions and conditions have motivated 2 percent of the population over the age of 18 to move somewhere else in Mexico or abroad from 2006 through 2010.⁶⁶ Perhaps even more striking, the first study of its kind determined that between 2006 to 2010, 265,000 Mexicans fled to the United States in fear of drug-related violence and extortion.⁶⁷ Comparable to Mexico, perceptions of increased crime, being a victim of crime, and the level of corruption have been shown to be statistically significant in predicting patterns of migration in El Salvador, Nicaragua, and Guatemala.⁶⁸ In a detailed, comprehensive examination of the Dominican Republic, the authors concluded that: “With respect to the effect of crime and corruption on system support, we found less system support among those who had been the victims of crime, those who perceived greater insecurity, those who had been the victims of corruption, and those who perceived higher levels of corruption.”⁶⁹

In Mexico, the level of disenchantment with political institutions has reached an all time high when citizen preferences for a democratic model are tested against other alternatives. In the

D.C., 2010, 14. Malone’s paper is one of the most thorough analyses of this issue, and examines other potential political consequences, noting that many of the casual linkages are not straightforward. She also concludes in the Mexican case that crime adversely affects casting valid ballots in elections (p. 16).

⁶⁵ Carta Paramétrica, “Tlatlaya y los derechos humanos de los delincuentes,” October 8, 2014.

⁶⁶ “México y sus desplazados,” 500 respondents, +/-4.4% margin of error, May 1-2, 2011, www.parametria.com.mx.

⁶⁷ Viridiana Rios Contreras, “The Role of Drug-Related Violence and Extortion in Promoting Mexican Migration, Unexpected Consequences of a Drug War,” *Latin American Research Review*, Vol. 49, No. 3 (2014), 208.

⁶⁸ Jonathan Hiskey, Mary Malone, and Diana Orcés, “Violence and Migration in Central America,” *AmericasBarometer Insights: 2014*, No. 101, 2014, 6.

⁶⁹ Jana Morgan and Rosario Espinal, *Political Culture of Democracy in the Dominican Republic, 2010*, Vanderbilt University, September, 2010, xxxii.

most revealing data over time, the Latin American Barometer surveys have documented the responses to three relevant questions: Democracy is preferable to any other form of government; In some circumstances, an authoritarian government is preferable to a democracy; To someone like me, a democratic regime is the same as an authoritarian regime. During Ernesto Zedillo's administration, support grew for an authoritarian model, reaching its highest level during his last year in office. Nevertheless, preferences for a democratic system remained quite stable, averaging about half of all Mexicans. Under Fox, not surprisingly, preferences for democracy reached their highest level (63 percent) ever, one year after he took office, remaining above half of all responses until the end of his term. At the same time, support for an authoritarian choice declined significantly in 2001 from 35 percent to only 20 percent in 2002. When Calderón took office, support for democratic governance declined slowly through 2011, with one exception in 2010. Support for the authoritarian option had leveled off from 2003 through 2011, averaging 14 percent. The most dramatic change, however, occurred among those citizens who viewed democracy and authoritarianism as equally preferable, from a low of 18 percent in 2006, until it equaled the democratic preferences in 2013, the first year of Peña Nieto's administration. Moreover, at 37 percent each for both preferences, democracy has never been lower nor has the response for the two choices has been as viewed as high as it reached in 2013. Support for democracy in Mexico has actually declined by 12 percent since 1995. (Table 3) Forty-four percent of Mexicans view their democracy as one with great problems. Those

Table 3 - Support for Democracy in Mexico, 1995-2013

Presidency	Range of Support for Type of Regime (Percentages)
------------	---------------------------------------------------

	Democracy	Authoritarian	No Difference

Zedillo	44-53	15-34	15-22
Fox	46-63	13-35	14-30
Calderón	42-48	10-15	30-36
Peña Nieto	37	16	37

Carta Paramétrica, “Resultados Latinobarómetro 2013. El Caso de México,” October, 2013.

Mexicans who receive lower incomes also are less supportive of a democracy. In LAPOP’s surveys from 2004 through 2012, when examining the stability of democratic attitudes among a subset of countries, including Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Ecuador, Bolivia and Peru, the concluded that citizen attitudes were not propitious for stable democracy.⁷⁰

As suggested above, the Pact for Mexico attempts to address some of the important policy issues linked to the rule of law, transparency, and accountability. But what the Pact, nor any previous administration has seriously addressed, is the depth and extent of corruption, a condition which affects public life, the implementation of public policy, and the health and growth of Mexico’s economy. Along with crime, illegal drugs, and economic issues, the average citizen views corruption as one of the most important problems facing their country. (Table 4)

Expressed differently, Mexico attempted to alter institutions and to reinforce institutional

⁷⁰ Ryan E. Carlin, et. al., “Political Legitimacy and Democratic Values,” in Mitchell A. Seligson, Amy Erica Smith, and Elizabeth J. Zechmeister, eds., *The Political Culture of Democracy in the Americas, 2012*, Nashville: Vanderbilt University, 2012, 211.

behaviors which addressed many of the outstanding obstacles to social, economic and political change. While some of this legislation is flawed, the informal behaviors which impact decisively

Table 4 - Mexican Views on Public Policy Issues

How Big of a Problem is....?	Percent Responding Very Big
<hr/>	
Crime	81
Economic problems	75
Illegal Drugs	73
Corrupt Political Leaders	68

Source: Pew Global Attitudes Project, “Most Mexicans See Better Life in U.S.—One in-Three Would Migrate,” September 23, 2009. 1,000 interviews nationally, May 26 to June 2, 2009, +/- 3.0 percent margin of error.

on the quality of institutional change largely remain untouched. Mexicans themselves believe that the most serious obstacle to achieving success against organized crime is not reducing America’s demand for illicit drugs, but instead reducing political corruption. (Table 5)

Table 5 - How Mexicans View US Responsibility for the Drug Problems?

Reasons	Percentage Who Agree
<hr/>	
Corruption in Mexico	62
US consumption	26
Don’t Know	11
No Response	1

Source: *Parametría*, 400 interviews nationally, 28-31 March, 2009, +/- 4.9 % margin of error.

Among the leading explanations for why corruption is so extensive in Mexico is the lack of enforcement of its legal statutes.⁷¹ In a recent *AmericasBarometer* survey conducted by LAPOP among 39,380 Latin Americans, Mexico ranked behind only Haiti, Guyana, and Trinidad & Tobago in the percentage of respondents (22 percent) who agree with the statement that “given the way things are, sometimes paying a bribe is justified.” As Ryan Carlin suggests in his careful examination of this issue in describing why a driver might pay a Mexican traffic officer a bribe: “If norms of bribery are strong and the threat to impound the car if a bribe is not paid is credible, the costs of (B) [to obey the law] will typically exceed the costs of (A) [to break the law]. Thus to the driver, paying a bribe is a rational decision.”⁷² In his examination of other explanatory variables, he also found that the extent of police and military corruption is directly related to the outright rejection of bribery. In a highly original M.A. thesis, comparing the Mexican and Uruguayan experiences and their consequences for the rule of law, Joaquín Bardallo Bandera concluded that a significant explanatory variable in the Mexican, but not the Uruguayan case, was the extent of individual and institutional clientelism. These findings are significant given Uruguay’s long historical tradition of shared governance.⁷³

Moreover, not surprisingly, the greater the level of adherence to the rule of law in the justice system, the lower the tolerance toward bribery. Moreover, further analysis determined that the most important variable which determined the probability of supporting the role of law in Latin America was the degree to which the citizenry expressed trust in the judicial system. Indeed, “the

⁷¹ Mexicans themselves believe that the principle reasons are economic situation/poverty (26%), corruption politicians/government (22%), and lack of education/values (13%). By a large margin, nearly half of all Mexicans blame the government for encouraging corruption, while nearly a third believe citizens, businessmen, and the government are responsible. Carta Paramétrica, “Ciudadanos culpan al gobierno de la corrupción en el país,” October 27, 2014.

⁷² “Violations of the Rule of Law Fuel Tolerance of Bribery in the Americas,” *AmericasBarometer* Insights: 2013, no. 88, Vanderbilt University, 2013.

⁷³ “A Tale of Two Latin American Countries within the Same Region and a Very Different Democratic Rule of Law Experience,” University of Ottawa, 2014,” 121.

probability of supporting the rule of law climbs from *61 percent for those who do not trust the justice system at all to 70 percent for those who place a great deal of trust in it* (emphasis mine).⁷⁴ The data in Table 6 demonstrate just how exaggerated Mexican views are when asked if they were victims of corruption in 2010. One in three, second only to Haiti, which has always been an outlier when measuring levels of poverty, corruption, weak institutions, etc.

Table 6 Percent of Population Victimized by Corruption in Latin America

Country	Percent
Haiti	53.6
Mexico	33.0
Bolivia	32.3
Peru	32.0
Paraguay	27.1
Brazil	23.6
Argentina	23.5
Guatemala	21.2
Ecuador	21.1
Venezuela	18.5
Dominican Republic	17.5
Belize	17.2
Guyana	17.1
Honduras	16.2
Nicaragua	12.1
Suriname	11.8
El Salvador	11.4
Colombia	10.4
Costa Rica	10.1
Panama	9.4
Trinidad & Tobago	9.1
Jamaica	7.8
Uruguay	7.3
United States	6.3
Chile	5.2

⁷⁴ Ryan E. Carlin, et. al., "Political Legitimacy and Democratic Values," 199.

Source: Margarita Corral, Diana Orcés, and Mitchell A. Seligson, "Rule of Law, Crime, and Corruption," in Mitchell Seligson and Amy Erica Smith, eds. *Political Culture of Democracy, 2010, Democratic Consolidation in the Americas in Hard Times* (Nashville: Vanderbilt University, 2010), 74.

In another study, the author found that in those countries, including Mexico, where citizens lack confidence in political institutions, their attitudes toward corruption are more permissive. Furthermore, if citizens do not trust institutions, and are also not interested in political participation in order to prevent political corruption, the likelihood of reducing it through citizen initiatives is low.⁷⁵ In 2012, Mexico ranked in the bottom half of Latin American countries in its support for the rule of law, closely mirroring levels in Costa Rica, Honduras, Paraguay and El Salvador. Although some of the studies cited here identify specific explanations for Mexicans lack of trust, the conclusions reached by analysts of the most recent LAPOP data suggested inconsistent, surprising findings: "There is not obvious relationship to the colonial past. Some former English colonies (Jamaica, United States, Belize) rank in the upper third, while others (Canada, Trinidad and Tobago) rank in the lower third: formerly French Haiti and formerly Dutch Suriname are middle-of-the-pack. History of democracy is not linked with the distribution of support for rule of law in the region in an obvious way. Costa Rica, Uruguay, and Chile, all of which have solid democratic credentials, register middling to low levels of support for rule of law, while Venezuela and Colombia register rather high levels."⁷⁶ Another recent survey may offer additional insight into why both Brazilians and Mexicans share little faith in their judicial process, since 80 percent and 64 percent respectively, the highest response among twenty-one countries (including Peru, Argentina, Chile, as well as China, Nigeria, and India). Disagreed with

⁷⁵ Cecilia F. Lavena, "What Determines Permissiveness Toward Corruption?, A Study of Attitudes in Latin America," *Public Integrity*, Vol. 15, no. 4, (Fall 2013), 361.

⁷⁶ Ryan E. Carlin, et. al., "Chapter Six: Political Legitimacy and Democratic Values," 197.

the statement that: if they were detained by authorities, they are sure they would be safe from being tortured.⁷⁷

There exists a tendency to cite numerous examples of public corruption among ordinary citizens, but major examples occur at all levels, even if the frequency of such acts rarely are documented. Recently, a former cabinet member, who was associated with a consulting firm, referred to his experience in attempting to eliminate attempts at extorting bribes from an important foreign company wanting to invest in Mexico. Despite this individual's personal connection to the head of the cabinet agency responsible for approving this investment, and then as a last resort, bringing it to the attention of a sitting president, with whom he also had a personal relationship, he was unsuccessful in eliminating this informal obstacle to an influential economic decision.

The lack of trust in institutions is not only associated with such clear, criminal actions as bribery, but is also a consequence of how most Mexicans perceive others illegally using their personal connections to receive special attention or treatment. The extent to which this perception is found among all Mexicans is dramatically documented in Table 7. A whopping 90 percent of respondents indicate such behavior was occurring at one or all levels in 2013.

Table 7 – Perceptions of Personal Influence among Public and Private Institutions

Percentage Responses	
Federal Government	20

⁷⁷ From a poll taken by Amnesty International, Carta Paramétrica, “Qué tanto toleramos las prácticas de tortura,” September, 2014.

State Government	13
Local Government	19
All three	38
None	1
Don't Know	9

Question: In what level of government do you consider the most cases of the illegal use of relationships with public officials in order to receive favorable or special treatment to occur? The federal government, the state government, or in the local government.

Source: Carta Paramétrica, “Tráfico de influencias: una práctica constante en el país,” June, 2013.

In fact, I have never encountered a negative (None) 1 percent response to any politically-related questions in a Mexican survey. When asked further how frequently this behavior occurs, three out of ten said always, and two out of ten almost always. Only half of all citizens suggested that such behavior took place rarely or never in the public sector. While the private sector receives a more favorable evaluation, three out of ten believe it also can be found in such institutions all or most all of the time. Nearly half of the respondents believe such abuses are not reported because the person is afraid of reprisals.

Finally, the lack of trust in institutions, the negative perceptions of public servants, and the relatively high support for institutional alternatives to traditional democratic governance, also has contributed to the increasing popularity of a different form of democracy, that is, direct democracy. The Latin American Public Opinion project included another important question in their 2012 survey, asking respondents to what extent they agreed or disagreed with the statement that “people should govern directly rather than through elected representatives? Among all of the Latin American countries surveyed, Mexico ranked fifth in its support for such a system, with a

level of support comparable to citizens in Bolivia, Ecuador, Paraguay, Guatemala and Peru. The good news is that these respondents are not actively opposed to democracy, but as the authors of the study concluded, are seeking a different means of achieving democratic governance, especially governance without political parties. However, they did discover that those who supported direct democracy were more likely to approve other, contentious methods of governance, including the violent overthrow of the government.⁷⁸ In 2014, an equal number of Mexicans, 42 percent, agreed that one could have a functioning democracy without parties as well as parties were necessary for democracy, thus reinforcing the earlier findings in the 2012 survey, confirming citizens low levels of trust in political parties and by inference, electoral democracy.⁷⁹

All of the patterns analyzed above have contributed to empirical evaluations of the essential components the World Bank considers to be critical for political and economic development. In their own, long standing, comparative evaluation of accountability, rule of law, corruption, political stability, regulatory quality, and government effectiveness, Mexico has achieved some

Table 7 - Governance Indicators for Mexico

Indicator	Year			
	1996	2000	2006	2009
Voice & Accountability	44.0	54.8	51.0	53.6
Political Stability	17.8	43.8	29.3	22.2
Government Effectiveness	55.3	63.1	58.7	60.5
Regulatory Quality	70.7	64.4	63.9	61.0
Rule of Law	35.2	43.3	42.9	34.0
Control of Corruption	41.7	47.1	49.5	49.0

Source: World Bank Governance Indicators, www/info.worldbank.org/governance, 2011.

⁷⁸ Juan Camilo Plata, "Power to the People? Support for Direct Democracy in the Americas," *AmericasBarometer Insights*: 2013, No. 87, 2013.

⁷⁹ Carta Paramétrica, "Opiniones sobre los nuevos partidos en México," September, 2014.

Key: Percentages refer to the percentage of countries globally that Mexico scored above. The higher the percentage, the better the ranking. The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations

progress since the early years of the Zedillo administration in accountability and control of corruption. On the other hand, since 2000, essentially no improvement in transparency took place through 2009; political stability has declined almost in half; government effectiveness and regulatory quality have gone down somewhat, the rule of law has declined significantly, and the control of corruption has essentially remained stagnant. (Table 7)

Conclusions

The influential policy changes which have occurred to date are largely institutional alterations, a strategy which the United States itself typically supports, illustrated by funding through the Mérida Initiative for legal training and revamping the Napoleonic legal system.⁸⁰ But Mexico's more fundamental problems often have to do with nearly intractable informal patterns which determine the actual effectiveness of those institutions, old or new. These patterns are present and often determine economic behavior, political behavior, and social behavior. For example, every presidential election since 2000 has reinforced the presence of an electoral democracy, a commendable achievement. Yet, surveys reveal that in each election, approximately the same percentage of voters who cast their ballots for the major losing candidate believes that the election was fraudulent, as well as that Mexico was not a democracy.⁸¹ This is

⁸⁰ For a clear-eyed evaluation, see Matthew Ingram, Octavio Rodríguez Ferreira, and David Shirk, "Assessing Mexico's Judicial Reform, Views of Judges, Prosecutors, and Public Defenders," Trans-border Institute, University of San Diego, June 2011.

⁸¹ Camp, "The 2012 Presidential Election in Mexico," 471.

tantamount to concluding that your political model is a democracy only when your candidate wins an election. An empirical examination of fraud in Mexico's 2010 elections revealed that only a limited number of electoral irregularities actually occurred in a few states, suggesting that at least locally they are the exception, not the rule.⁸²

The experimentation in Brazil, Chile, Uruguay and even Bolivia with the concept of coalition presidencies, is in direct response to the many weaknesses which are not adequately address by institutional changes that countries have undergone in their respective democratic transitions to electoral democracy. Mexico's own version of coalitions, as has been argued above, was built on weak institutions, specifically political parties, which have generated little trust among the citizenry. The lack of trust, as has been demonstrated, is also strongly linked to existing and perceived conditions related to accountability, rule of law, transparency, and corruption. Such highly flawed institutions, regardless of whether citizen views are based their reality or just an incomplete impression, produces decided consequences which have led to broader perceptions about the democratic model.

All of the major challenges we have identified in our brief analysis ultimately impact on the legitimacy and prestige of the democratic model in Mexico. To increase the legitimacy of the democratic process or the model itself, societal trust in institutions needs to occur. Increased trust is largely based on the effectiveness of governance in providing solutions which personally affect individual citizens, whether it's an improved economic situation or confidence in their personal security, regardless of whether it is a reality for that individual or only their perception. For example, the level of actual violence, or even the perception of violence, is so wide spread that large proportions of the population report dramatically altering their lifestyles

⁸² Francisco Cantú, "Identifying Irregularities in Mexican Local Elections," *American Journal of Political Science*, Vol. 58 (2014), on line, 13.

to: not going shopping, not walking in the evening, not driving, not going to the movies, not going out to dinner, not visiting their relatives, not taking public transportation, and so on.⁸³

Finally, all of the major obstacles to Mexico's path to greater economic growth, to social equality and protection of civil rights, and to reducing criminal violence, are intertwined. Strategies designed to solve one issue must consider how it is linked to another issue. The degree to which such strategic decisions are considered and implemented will determine Mexico's success and influence the relationship between both countries. In this regard, the United States needs to take note of the impact of informal behaviors while considering broader economic assistance to Mexico to address underlying structural problems, many of which exacerbate the levels of organized crime and violence, instead of focusing its resources narrowly on security and institutional solutions.

⁸³ For a recent version of such alterations in behavior, see Consulta Mitofsky, citing their survey "Novena Encuesta nacional sobre percepción de inseguridad ciudadana en México," November, 2011.