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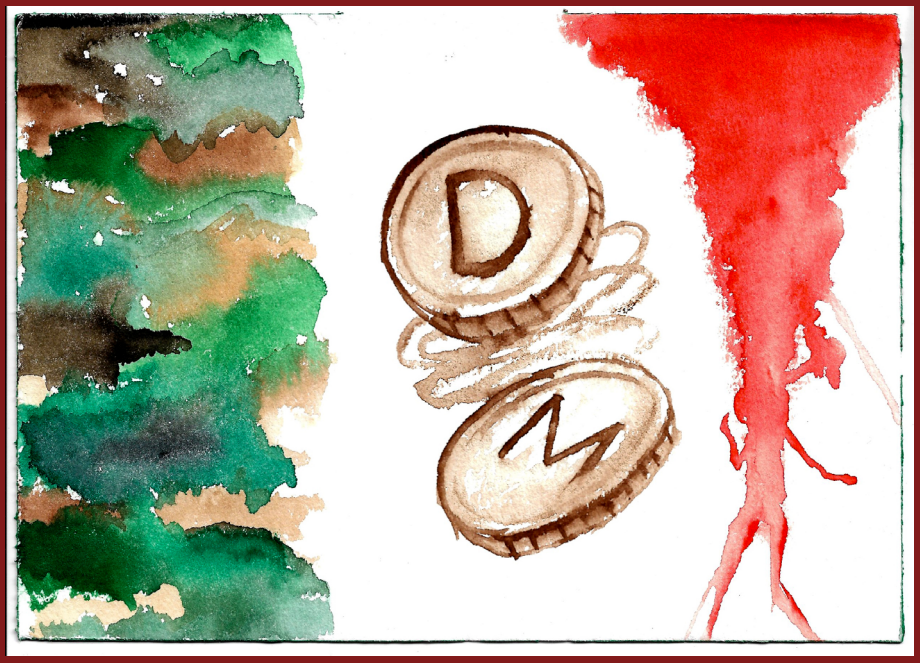
A study of path dependency in the militarization of public security in Mexico

Sebastián Raphael Priego



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Abstract

I take stock of Mexico's violent transition to democracy by observing the accelerating militarization process and path dependent political settlements. Through a historical-institutional analysis, this article studies the evolution of public security policies and constitutional reforms to militarize the country from 1994 to 2018. I argue that militarization and democratization are two sides of the same coin because they were promoted concurrently. The Mexican electoral system was reformed without a corresponding democratization in the social order and the State. The political settlements of the transition created a path-dependent trajectory, where military institutions accumulated sufficient veto power to foment their role in public security. Recent scholarship has demonstrated that electoral competition disintegrated local political settlements, which increased violence. However, I argue that there was no transition from a 'limited access order' to an 'open access order' because at the national level semi-authoritarian settlements were sustained or updated. Institutional capacity building, understood as the formation of a rational-legal Weberian bureaucracy, failed because the Mexican ruling coalition has always been intent on protecting its rent-seeking opportunities. These are precisely the kind of privileges that rational-legal authorities are designed to eliminate. Building a rule of law entails investments in democratic institutions and legitimacy by developing professionalized local police. Instead, the Mexican State has militarized to manage violence, but this has exacted high costs and had direct impacts on the institutional arrangements of the Mexican political system.

Resumen

Hago un balance de la violenta transición de México a la democracia observando el acelerado proceso de militarización y los acuerdos políticos dependientes de la trayectoria. A través de un análisis histórico-institucional, este artículo estudia la evolución de las políticas de seguridad pública y las reformas constitucionales para militarizar el país desde 1994 hasta 2018. Argumento que la militarización y la democratización son dos caras de la misma moneda porque se promovieron simultáneamente. El sistema electoral mexicano se reformó sin una democratización correspondiente en el orden social y en el Estado. Así, los arreglos políticos de la transición crearon una trayectoria dependiente, donde las instituciones militares acumularon suficiente poder de veto para fomentar su papel en materia de seguridad pública. Estudios recientes han demostrado que la competencia electoral desintegró los acuerdos políticos locales, lo que aumentó la violencia. Sin embargo, sostengo que no hubo una transición de un "orden de acceso limitado" a un "orden de acceso abierto" porque a nivel nacional se mantuvieron o actualizaron los acuerdos semiautoritarios. La creación de capacidad institucional, entendida como la formación de una burocracia racional-legal weberiana, fracasó porque la coalición gobernante mexicana siempre se ha propuesto proteger sus oportunidades de búsqueda de rentas. Estos son precisamente el tipo de privilegios que las autoridades legales racionales están diseñadas para eliminar. La construcción de un Estado de derecho implica invertir en instituciones democráticas y en legitimidad mediante el desarrollo de una policía local profesionalizada. En cambio, el Estado mexicano se ha militarizado para gestionar la violencia, pero esto ha tenido un alto coste y ha repercutido directamente en los acuerdos institucionales del sistema político mexicano.

Introduction

Historically, Mexico did not share the trajectory of military dictatorship that other Latin American countries like Brazil or Argentina lived through in the 20th century. Therefore, the Mexican political system has fewer barriers to curb the growth of the military (Benítez Manaut, 2001). In the 1990s, Mexico maintained a former authoritarian civilian presidentialist regime governed by a one-party system (Piñeyro, 1997). The Armed Forces, since the transition to presidentialism during the 1990s, were semi-incorporated into the Institutional Revolutionary Party (PRI) and were independent from the United States (Piñeyro, 1997). During Ernesto Zedillo's presidency (1994-2000) there was a change in the behavior of the Armed Forces and their relationship with the State, driven by the democratization process. Their institutional support for the presidency came into dispute, which eludidated the transitory nature of governments and the permanence of State institutions. Hence, the Armed Forces switched their support for the president for loyalty to state institutions (Camp, 1993; Benítez Ma- naut, 1994). For example, this loyalty was demonstrated through the successful accompaniment by the Armed Forces during the democratic transition in the year 2000.

This article explores how the relationship between the government, the Armed Forces and organized crime groups evolved from 1994 to 2018 in Mexico, and seeks to understand the set of policies that gradually turned the Army into a fundamental part of the country's governance.

Scholars have debated whether the use of the military has been an intervention designed to combat organized crime (Benítez Manaut, 2001; Oliva Posada, 2014) or an adaptation based on the institutional responses of a government seeking to penetrate areas of weak statehood in an authoritarian manner (Pansters, 2018). Other analysts have argued that the militarization of public security in Mexico is not a new phenomenon (Rath, 2013; Pérez-Ricart, 2018). It is, rather, a constitutive element of the Mexican state embedded in the structures on which the state apparatus was founded and consolidated (Barrón, 2018). In this context, this work also seeks to contribute to debates on whether the process of militarization of public security is characterized by continuity or rupture in Mexican civil-military history. To address these issues, I pose the question: how did the militarization policies of public security in Mexico become incorporated into the country's political and institutional culture?

I propose and present the following hypotheses:

- Militarization is the result of a historical authoritarian tradition – which has been reaffirmed by the governments of contemporary Mexico – in the use of the Armed Forces and has an internal logic subject to the scarce state control of the Mexican State.

- Militarization has been an ongoing process, but a deliberate and incremental political agenda can be identified from 1994 onwards.

- Militarization occurred, in part, as a solution to the lack of control over rents and protections created by increased electoral competition and the discontinuation of the pacts that the one-party system sustained (Trejo & Ley, 2022).

- Militarization and democratization in Mexico are two sides of the same coin because they were two concurrently imposed processes: by reforming the Mexican electoral system without significantly reforming (and democratizing) the social order and the Mexican State, the only way to maintain relative control has been through militarized policies that correspond more to those of an authoritarian State.

Indeed, the disruption of pacts at the local level created by electoral competition and the increased veto power of ruling actors (veto players) at the federal level diminished the legitimacy of Mexican presidentialism (Tsebelis, 2018). In turn, this increased the influence of the Armed Forces in the policy space. Moreover, the political settlements of the transition sustained and updated (authoritarian, personal and exclusionary) institutional arrangements at the national level that maintained a 'limited access order' (Diaz-Cayeros, 2012), without a real policy of transition towards an 'open access order' (see section II on the theoretical framework).

This dynamic fragmented authority without providing structures and a social order able to resolve and control violence (North, Wallis and Weingast, 2009). As a result, instead of pacifying the country, the democratization process made it more violent.

Militarization can be characterised as a broad structural logic of using the Army to govern. This implies making the State, public security, and the governance of the country more military. During the six-year term of Felipe Calderón, militarization was understood as the relative empowerment of the military as an actor in national security, as well as the militarization of non-military security forces and institutions (Velasco, 2005). Scholars of the Mexican case insist that militarization should be understood as a model based on armed confrontation with drug cartels as the enemy (with more similarities to a civil war than have been recognized), in contrast to the narrow definition of the presence of army troops in the streets (Carlsen, 2008).

This militarization responds to a broader structural logic of war based on the elimination of the 'other' (cartel, police, army or criminal), thus establishing a social order derived from violence. Respectively, from the beginning of "the war on drugs" the escalation of violence, conflict, arbitrary executions, and human rights violations perpetuated by the State were notable (Pérez-Correa, 2015; Escalante, 2012; Aguilar & Castañeda, 2012). In 2012, President Felipe Calderón lamented: "What did they want me to do?", alluding that the conditions of limited statehood required unleashing the power of the state on "criminals" (Astorga, 2015). We must ask that question again and again to understand why the democratization process was accompanied by a militarization agenda.

First, I will first present the premises of the hypotheses set forth. Second, I will propose a theoretical framework to explain the complex historical and socio-political dynamics involved in the process of militarization of the Mexican State. Then, I will examine two historical phases or periods that institutionalized the militarization of public security in Mexico. Finally, I will discuss the problems of creating a militarized public security system and militarizing the prohibition of narcotics. This is critical, as it is not possible to address the issue of militarization in Mexico without discussing the problems of public security and disputes over territorial control.

A history of limited statehood

Mexico suffers from a fundamental governance problem: the consolidation of a legitimate, effective and established state apparatus with broad territorial reach. This task has historically been a challenge for several large and diverse states in Latin America, and continues to trouble the central administration. The long-standing control of the system established by the Institutional Revolutionary Party (PRI) established mechanisms (and pacts) to achieve territorial control. However, these solutions created serious disputes and created an authoritarian 'limited access order' (North, Wallis & Weingast, 2009).

Subsequently, the transition to "thin" democracy sought to establish new pacts by dissolving the old PRI agreements. Instead, it attempted to generate electoral channels and political competition to increase representation, establish the Mexican State and consolidate its legitimacy. However, it also inherited the authoritarian tradition of the PRI and its institutions. In addition, the participation of new political actors and the institutions generated to establish a liberal democracy in the country brought their own problems. In the initial period of the democratic transition, the alternative to the continuity of authoritarianism would have been to transition to an 'open access order'. This would have entailed investments in the consolidation of institutions designed to serve citizens according to democratic purposes; in the courts, through laws, respecting fundamental rights, and developing reliable police institutions subordinated to the rule of law (Maga- loni, 2008). However, the process of militarization demonstrates a conflictive trajectory where police institutions and the State practically launched a war on their own citizens (Piñeyro, 2001; Madrazo & Barreto, 2018).

Furthermore, the government strategy observed in the process of militarization primarily follows a procedure of a "rule by law" more than that of a "rule of law". In the former, the law and its institutional arrangements exist not to limit state power but to serve it (Tamanaha, 2000). In the latter, an essential condition for the rule of law to be relatively established is for the exercise of power to be fundamentally limited through institutional designs, the content of laws and their effects. The patterns in the process of militarizing public security demonstrate a sustained choice which reaffirms the re-

production of a precarious and inconsistent rule of law. Within this process, there is a limited subordination of the State to the law. As a direct legacy of the PRI authoritarian government, the weak institutions and procedures that ought to sustain the rule of law persist, which perpetrates scarce and servile tribunals (Magaloni & Zepeda, 2004). A genuine concern for public security would have called for the creation of a well-trained local and federal police force, and of judicial and social institutions that function as the architects of fundamental rights (Magaloni & Zepeda, 2004; Dammert, 2013).

Mexico's recent history shows that, by militarizing public security, strategies have increasingly deviated from this objective. The continuation of the authoritarian tradition in Mexico through militarization structured a system of violence and disputes that were reaffirmed at each stage. Thus, the case of militarization in Mexico – both on the side of the Mexican state and on the side of the drug traffickers and self-defense groups – cannot be explained without understanding how "history matters" (North, 1994). That is, it is useful to appreciate the degree to which a set of historical conditions has determined the available policy options and political repertoires.

Specifically: militarization in Mexico has been an institutional response based on a socio-political history of using the military to expand the reach of the state. This strategy that is at least as old as the autocratic Institutional Revolutionary Party (PRI) government founded in 1929 (Langston, 2017). However, a new pattern of militarization began with the introduction in 1994 of the concept of public security to the Constitution, which changed the rules of the game regarding the role of the military and created a new institutional model. The reforms emerged from a reactionary response to the uprising of the Zapatista indigenous movement in the south of the country and the fragmentation of the political control established during the PRI hegemony, a symptom of the ongoing democratization of the Mexican political system (Ríos, 2015).

The democratic transition posed the challenge of finding alternative ways to impose political order between subnational polities and federal territories (Magaloni, 2008). The process of militarization demonstrates that during the democratic transition in Mexico, an alternative long-term project was engendered with the involvement of the military (Benítez Manaut, 2008). In the last three decades, the main vehicle to strengthen the Army was a violent strategy in response to the growing threat of organized crime and drug trafficking through the militarization of public security. Within this trajectory the Armed Forces became the channel to impose the presence of the State, wherever it was considered necessary by presidential decree (Durán Martínez, 2018). Although checks and balances have existed throughout, this trajectory demonstrates visible efforts to reduce them (Madrazo & Barreto, 2018).

These premises are key to the crisis of legitimacy and violence in Mexico that caused the decentralization of the use of force, decentralizing the capacity of the Mexican State to collect taxes, impose order, and govern the country without disputes. The

transition to democracy also fragmented presidentialism, giving veto power to other players that increased their relative influence, such as governors and the Army (Hernández Rodríguez, 2008). These premises are key to understand why the country and the Mexican government have increasingly depended on the Army and the Navy and why, in fact, the political system has been developing institutional arrangements for the Armed Forces to play a fundamental role in the country's governance for thirty years.

A historical-institutional theoretical framework and path dependence

Calderón's ability to launch the war on drugs was itself anomalous: the Mexican Constitution prohibits the use of the Armed Forces in internal security tasks in times of peace. Despite the adverse results, the decision to continue the militarization process has been reaffirmed in each presidency. The above, I propose, illustrates the dynamic of path dependency at play (North, 1994).

The notion of path dependence proposes that development trajectories are delimited by critical periods in which unforeseen events profoundly influence the patterns of policy formulation. It refers to a type of explanation that unfolds through a series of sequential stages (Mahoney, 2001). That is, the outcomes of a process in each policy decision depend on the entire sequence of decisions made and not just on a particular choice at a specific point in time. For example, once the concept of public security was introduced in the Constitution in 1994, the pathways for the formulation of policies on the Armed Forces were defined in the following years.

I propose that it is necessary to recognize the trajectories of the specific decision-making processes that lead to the institutionalization of behaviors, systemic reactions and structures in the militarization process, by identifying key historical events in its development. The purpose of this article is, therefore, to present the evolution of the key events that allowed the institutionalization of the militarization of public security in Mexico. From there, I seek to analyze how this process became engrained in the Mexican institutional and political culture. In addition, I also highlight that the militarization of public security is based on a set of cumulative decisions stemming from: 1) the authoritarian institutional legacy of the Institutional Revolutionary Party government and 2) the challenges of the transition to democracy.

The analysis covers the periods from 1994 to 2006 and from 2006 to 2018, reviewing two different sequences over four presidential terms. I show that throughout the period studied, the choice for security policies that marked the trajectory of militarization was reaffirmed, consolidating the role of the Secretariat of National Defense (SEDENA) and the Secretariat of the Navy (SEMAR) in public security tasks in Mexico.

The article will analyze two stages or cycles marked by a key moment of change called "critical juncture" that are identified in

1994 and 2008. The concept of critical juncture implies a situation of uncertainty in which the decisions of important actors are causally decisive for the choice of one path of institutional development over other possible options (Capoccia, 2016). At these junctures the presidents chose to continue the authoritarian tradition of the long-standing Institutional Revolutionary Party (PRI) instead of moving toward a democratic model to establish political and social order.

The first critical juncture created a distinctive pattern of militarization derived from the introduction of the concept of public security in the Constitution in 1994. The second critical juncture centers on the 2008 constitutional reforms that made a distinction between civilians institutionally vested with processual rights and entitled to due process, and those individuals accused of organized crime with restricted and eliminated rights (Madrazo & Barreto, 2018). These reforms occurred in the context of the "Merida Initiative," a security cooperation agreement between the United States and the governments of Mexico and Central America to combat the threat of organized crime (Wolf & Morayta, 2011). From 1994 to 2006, Presidents Ernesto Zedillo and Vicente Fox institutionalized the militarization of public security in Mexico. From 2006 to 2018, with Felipe Calderón and Enrique Peña Nieto, militarization was consolidated as a pillar of Mexican institutional and political culture through the "war on drugs". During these critical junctures, the decisions taken shaped institutional patterns that endure over time due to positive feedback effects (Mahoney, 2001).

The continual problem throughout military history in modern Mexico has been the meager state control that the Mexican government has over its territory, i.e., the conditions of "limited statehood". In addition, I identify four main characteristics that create path dependence:

a) Investment costs

First, once a particular option has been chosen, reversing it is difficult because efforts have been made in a specific direction (Mahoney, 2001). For example, as militarization decisions increased violence and firepower levels in the war on drugs, removing the military from conflict zones became increasingly complex, and de-escalation to local and federal police became an inadequate alternative. Hence, these mechanisms contain a specific institutional pattern linked to the idea of "increasing returns" (Pierson, 2000); that is, once a choice is made to run on a particular policy, the likelihood of choosing to continue or intensify those agreements increases. This is because the relative political benefits of maintaining the existing institutional designs of public security militarization have increased over time, and the costs of considering change have increased as well.

In addition, presidents in Mexico must consider the costs imposed by previous investments in a specific path (see North, 1990: 94). For example, the institutions with substantive public security functions are designed within a system of national coordination that predetermines the budget, training and personnel. These institutions possess the technical knowledge,

understand the field (manage information), and have experience in its application. This makes it difficult to abandon them without considering the costs of change and the costs of developing new institutions and sets of institutional arrangements.

The literature on path dependence has referred to these pitfalls to institutional change as learning effects, coordination effects and adaptive expectations (Pierson, 2000). This analysis thus explains the choice of continuity over the "rationality" of key decision processes.

b) Power dynamics between the Army and the State

Power dynamics also reinforce the path dependence of the militarization of public security. Institutional arrangements may persist even as both substantial political actors and civil society seek change toward demilitarization, because the elite-institutional matrices in SEDENA and SEMAR are strong enough to resist transformation. Indeed, the institutional reproduction of the last 25 years has created powerful mechanisms and interest groups that seek to preserve and increase their power, and which also have the fundamental knowledge and military force to achieve their objectives. Consequently, for the executive power it is necessary to reduce conflict and avoid confrontation with these institutions and seek consensus, or even resort to the support of the military.

In this context, the costs of change for civilian power holders are politically and socially very high and prevent the ruling groups from taking a different path. In terms of state presence, the costs of going against militarization and all the institutions developed to serve this process are equally high and produce too much political uncertainty, since no civilian Police has previously performed these functions satisfactorily. As a result, the continuation of the trajectory marked by the militarization process is presented as the most "desirable" path at each stage.

For example, in 2014, following the disappearance of the 43 students in Ayotzinapa, there was a wave of objections to the military's involvement in public security due to the catastrophic human rights effects. At a time when a certain political fragility of the Armed Forces was expected due to their probable involvement in the disappearance of the students, SEDENA threatened to send all soldiers to their quarters, which would have substantially weakened the state apparatus (Sánchez Ortega, 2020). From this position of strength, the Army pressured the government of Enrique Peña Nieto to push initiatives to expand the powers of the Armed Forces. This is just one example of the long chain of events that have demonstrated and consolidated the political power of the Army and the Navy in Mexico.

c) Budget and influence

The militarization of public security formed institutions that are characterized as self-reproducing, that is, institutions that expand and reproduce independently of the event that set them in motion (Mahoney, 2001). The large combined budget of security agencies in Mexico (about $10 billion an-

nually until 2018) facilitated institutional self-reproduction. In turn, security institutions compete for allocation of the available funds for equipment, weapons, and technology (Sánchez Lara, 2020).

To a significant extent, these institutions have incentives to seek more presence regardless of public security objectives because they have much to gain or lose. One example was the structural conflict between SEDENA and the National Security Commission (CNS) in 2013 over who would oversee the gendarmerie. These two institutions entered a power-maximizing dispute seeking more presidential attention to promote institutional agendas and to fight for more budget and jurisdiction.

Thus, they created incentives to avoid coordination, leading to a zero-sum situation in which the success of one agency would become the failure of the other (Sanchez Lara, 2020). Thus, the path dependency framework is useful because it explains the reasons why the militarization process created agendas that continued the authoritarian tradition by choosing continuity over change, despite the political transitions in the country's ruling party (successively

d) The political settlements of authoritarianism

It is critical to understand why similar institutional arrangements generate different outcomes by focusing on the type of political settlements that were made during the transition to democracy. Mexico continues to be a 'limited access order' (LAO), meaning that problems of violence are solved by using the political system to create and allocate rents, which arise from arrangements such as government contracts, land rights, monopolies over commercial activities, drug markets and entry into restricted labor markets (North, Wallis & Weingast, 2009).

The creation of an "open-access order" (OAO), such as a consolidated democracy, entails political and social arrangements which identify a set of military and police organizations that can legitimately use violence. These arrangements also name a set of political organizations that control the use of violence by the military and police. Government control, in turn, is contestable and subject to clear and well-understood rules. It is based on, competition, open access to organizations in an impersonal manner and the rule of law to hold society together. The transition from an LAO to an OAO is a transition from privileges to rights.

These open access orders utilize competition and institutions to ensure that political officials respect constitutional norms, including consolidated political control over all organizations with the potential for violence (North, Wallis & Weingast, 2009).

However, in Mexico the transition to democracy did not change the order of limited access. Instead, long-standing pacts were sustained or updated through institutions of an exclusionary and extractive nature. Institutional capacity building, understood as the creation of rational legal bureaucracies through technical assistance or the provision of material resources, failed in such qualities because Mexican elites and rulers have always been resolute on protecting their rent-seeking opportunities.

These are precisely the kind of opportunities that rational legal bureaucracies are designed to eliminate. There is, therefore, a path-dependent trajectory in the type of political settlements that were made during the transition. Informal and formal arrangements that have an interest in militarization were maintained. Militarization was preferred within these arrangements because it is a top-down arrangement that does not require the de-centralization of power or the strengthening of an impersonal institutional order.

However, the democratization of the state and the reduction of violence are only possible if elites are willing to create institutions that limit their own freedom of action. This did not happen in Mexico.

The institutionalization of militarization of public security in Mexico (1994-2006)

In this section, I argue that the conditions that militarized public security arose from the desire of the state (and the presidency) to expand its capacity for action in response to the threats it faced during the democratization of the Mexican political system. Thus, the president facilitated the use of the Armed Forces in "public security" areas, which, in turn, institutionalized the militarization process.

During this period of gradual democratic transition (1994-2006), the most crucial threats to the power of the ruling elite and the President were: 1) the need to adapt to trade liberalization, foreign capital and integration into the global economy, 2) the gradual processes of democratic transition and electoral competition at the local level, 3) the rise of the Zapatistas that challenged the legitimacy of the Mexican government, 4) the economic crisis of 1995 that deepened cooperation between the Mexican government and the United States in security matters, and 5) the growing influence of drug trafficking. It is important to understand these premises because they are the conditions that constituted modern Mexico and resulted in the process of militarization in the country accompanying the democratization process, akin to a Trojan horse.

First, the year 1994 began with the signing of the The North American Free Trade Agreement (NAFTA), a treaty that would consolidate the process of financial liberalization and market deregulation initiated in Mexico a decade earlier. This was in response to the 1982 debt crisis, and these processes intensified under President Salinas de Gortari through the privatization of formerly state-owned enterprises (Cypher & Delgado-Wise, 2010). In short, new power distribution structures were being implemented in the Mexican economy (Palma, 2003).

Secondly, the democratization process initiated an era of change. Latin America had already witnessed two surprising events in the 1980s: a historic economic contraction, but also a significant democratization process (Castañeda, 1995). Indeed, local political offices in Mexico achieved political change after decades of hegemo-

nic PRI rule (Trejo, 2012). In 1989, the National Action Party (PAN) won elections for federal office for the first time. It seemed that the old informal institution known as "el dedazo", by which Mexican presidents selected and imposed their successor, would not last much longer (Helmke & Levitsky, 2004). In 1994, Ernesto Zedillo took office, and would be the last president of the the party that had governed the country uninterruptedly for 71 years (the PRI) before the democratic transition of 2000. In sum, new power distribution structures were being created in the Mexican political system (Trejo, 2012).

Thirdly, January 1994 also saw the emergence of the Zapatista Army of National Liberation (EZLN). On the second day of the rebellion, the President sent the Armed Forces to respond with violence, surrounding the town of Ocosingo and killing civilians and EZLN militants to secure the territories the Zapatistas were trying to control. For the Government, the EZLN represented a threat to public and national security by posing a direct threat to the State.

The Mexican Government's response demonstrates the modus operandi of the Armed Forces when the executive branch faces a threat. In fact, the use of the Army as a repressive power has numerous historical precedents. The "dirty war" waged by the Mexican government and supported by the United States during the 1960s and 1970s to disarticulate armed political opposition movements is an example (Cedillo & Calderón, 2012).

Fourth, the PRI chose Ernesto Zedillo as its presidential candidate under conditions of high uncertainty after the assassination of candidate Luis Donaldo Colosio in March 1994. By then, Salinas had increased public spending to an unsustainable level, resulting in an overwhelming public deficit (Edwards & Savastano, 1998). The consequence became known as the "December mistake" when the Zedillo government decided to devalue the peso as a response to alleviate the inherited crisis. Thus, Zedillo's presidency was constrained when the United States had to intervene to save the Mexican economy with a $50 billion bailout package (Edwards & Savastano, 1998).

The crisis affected millions of Mexicans while the loans came with certain conditions, such as the support of the Government and the Armed Forces in the fight against drug trafficking organizations, creating a process that brought the Mexican Army closer to the United States (Piñeyro, 2001). In addition, with democratization and economic liberalization underway, the elite institutional matrix of the PRI shifted towards the extension of control through the participation of the military in civilian affairs (Piñeyro, 2001).

Fifth, during the same period (1994-2000), a narrative of "punitive populism" was developed and became the prevalent political narrative on the relationship between the government, citizens and crime, at a time of rising organized criminal activity (Muller, 2016). A dynamic through which policymaking on crime was designed based on harsh punishments by the criminal justice system was strengthened. This took place regardless of its actual capacity to reduce crime or address complex social circum-

stances, a strategy often used for electoral purposes (Wood, 2014).

In relation to this period, the chilling reality is that most of the U.S. security aid that has flowed from the United States to Mexico and Central America has gone to police and military forces that only a few decades ago were engaged in vicious acts of murder and torture against political opponents ("campesinos") and indigenous communities. The war on drugs has always had a close relationship with local repression, national counterinsurgency efforts, and geopolitical objectives (Carlsen, 2018).

Critical juncture: institutionalization

In keeping with the authoritarian tradition and in response to the growing insecurity and "threats" to the State, on December 31, 1994, the Federal Executive issued a decree to reform Article 21 of the Mexican Constitution. The article established that the federative entities, Mexico City and the municipalities would be in charge of overseeing public security. They would coordinate to develop a National Public Security System (DOF, 1994) (also cited in Sánchez Ortega, 2020: 4).

This decision would become the key legal change that set in motion the process of institutionalizing public security and facilitated the establishment of institutions that would continue to reproduce it in the following decades. By introducing the concept of public security, these issues became a matter of the State to achieve public order. In the official text of the article, the concept is underpinned - purposely - with ambiguity and its implementation methods are unclear, giving the Executive a wide margin to decide on "when", "how" and "why" the military should be involved (Madrazo & Barreto, 2018).

In addition to this, there was only a vague definition of what the "times of peace", "internal security" and "public security" meant, which allowed for broad interpretations of each of these phenomena (Borjón, 2009). The powers granted to the presidency and the military in matters of public security opened a trajectory that scholars have called "constitutional costs" (Madrazo & Barreto, 2018); i.e., the undermining of key aspects of constitutional designs in the name of the war on drugs. These initiatives sought to legitimize and legally arm the drug war efforts, gradually undermining constitutional commitments and institutional arrangements designed to protect citizens and respect the separation of powers.

With the introduction of norms and counter-principles that weakened constitutional commitments in 1994, a new pattern of militarization emerged. From there - and through 2018 - the trajectory involved constitutional reforms in every presidency, three full-blown national security laws, and the expansive normalization of military deployments in the name of public policy to assert a belligerent version of drug prohibition. This, in turn, posed substantial threats to the defense of fundamental rights by fomenting the centralization of the federal regime and the confusion of roles of state institutions in the war on drugs (Madrazo & Barreto, 2018: 692).

In December 1995, the General Law Establishing the Bases for the Coordination of the National Public Security System was published. Until then, the responsibility of public security rested substantially with the Federal Preventive Police (PFP). The 1995 reforms transformed the criminal justice system such that all institutions, from the Police to the Armed Forces, could collaborate and become a network focused on the repression of crime (Sánchez Ortega, 2020). Consequently, the legislative change made SEDENA and SEMAR part of crime control efforts, creating mandates previously limited to the military. More importantly, it allowed the president the power to interpret, with little restraint, what were matters of public security and when the Army should intervene in civilian affairs (Serrano, 2019).

The aforementioned law was approved by a majority vote in the Senate and the Legislative Assembly. However, a minority expressed concern about the risks of including SEDENA and SEMAR in public security decision-making processes. This minority asked the Supreme Court to declare the action unconstitutional (AL 1/96), but the Court did not find the law invalid. In 2000, the Supreme Court (1) emphasized that the procedures would respect individual guarantees, as the operations of the Armed Forces would only be carried out within the framework of the Constitution (SCJN, 2000; also cited in Serrano, 2019:4), (2) insisted on the importance of the president making use of the Armed Forces in times of crisis, (3) argued that the military would only become involved in the event that the civilian authorities request it, that they would remain subordinate to them, and that the participation of former members of the Armed Forces in civilian positions was a matter of strategic coordination, 4) affirmed that efforts to guarantee public security were by definition subject to individual guarantees and the rule of law (SCJN 2000, cited in Sánchez Ortega, 2020:10).

As inconsequential as this event may have seemed at the time, the 1994 constitutional reform set in motion a process whereby members of the Army became eligible for public office under the 1995 National Security Law. However, this soon proved contentious when it was confirmed that high-ranking members of the army were colluding with organized crime. Since collusion between the state and organized crime groups in Mexico has historically been a problem, this modification of institutional designs confounded military-civilian relations. It also weakened checks and balances by facilitating abuses of power.

If the following assumptions are met: a) a general is given a preponderant role in decisions about Mexico's public governance, b) the Army only answers to the president, and c) the State regulated a decade earlier the business of organized crime through historic pacts, what was the intent of the constitutional amendments? I contend that it was an attempt to regain control of those covenants, but the strategy was unable to adapt to the dramatic expansion of the drug market, in addition to fostering corruption and authoritarianism, instead of building a legitimate and democratic authority.

The above is illustrated with an example: in 1996, General Gutiérrez Rebollo became

the anti-drug czar in charge of the Attorney General's Office, only to be arrested a year later, in 1997, when he was accused of protecting the leader of the Juárez Cartel (Madrazo & Barreto, 2018). The general is relevant because he is an example of a pattern of institutional collusion that has become common in the fight against organized crime in Mexico, but observers can detect other similar cases throughout the history of the Mexican war on drugs (Genaro García Luna is a recent example). It is what Sandra Ley and Guillermo Trejo call the 'grey zone', where organized crime cannot exist or operate successfully without some degree of state protection (Ley & Trejo, 2020). In 1996, the Mexican and U.S. governments created the High Level Contact Group for Drug Control to facilitate coordinated militarized prohibitionist strategies against drug trafficking (Piñeyro, 2001: 947). The logic of the approach to such strategies followed a cost-benefit analysis whose rational was based on the premises underpinning the war on drugs in the United States.

However, the militarization strategy disregarded the dynamics of the Mexican socio-political reality, and the consequences brought about by a punitive militarized approach: social decay, entire territories submerged in the logic of war, loss of legitimacy and the impaired monopoly on violence from the state, and overall loss of trust in Mexican institutions and in their ability to govern. Although the results have proven to generate violence and weakening the legitimacy of the government, the strategy fueled the phenomenon instead of undermining it (Pereyra, 2012).

Once a process of militarization was created with the 1994 constitutional reforms, structures of institutional reproduction were established in which specific repertoires of policy choices (or policy directions) were established. At times, the institutional arrangements of the militarization process translated directly into the arming of drug trafficking organizations due to institutional collusion between the state and these organizations (Gootenberg, 2012). One can follow, for example, the trajectory of groups such as the GAFE (Grupo Aeromóvil de Fuerzas Especiales), used to repress and torture members of the EZLN during the Zapatista uprising (Correa-Cabrera, 2017).

The GAFE were formed in 1994 in the United States as part of President Salinas de Gortari's efforts to reduce the distance of the Mexican Armed Forces from its North American neighbor, since throughout the 20th century the Mexican Army considered the United States as a potential threat and viewed it with distrust (Correa-Cabrera, 2017; Piñeyro, 2001). The GAFE returned to Mexico and, a decade later, went on to form one of the most violent organized crime groups in Mexico: Los Zetas.

One scholar of the case has this to say: Zedillo's militarization of drug trafficking conflicts allowed the Gulf Cartel to recruit "Los Zetas," an anti-drug paramilitary unit originally trained at the U.S. Army School of the Americas. In a striking example of the counterproductive nature of the militarization strategy, the ruthless and notorious Zetas were mentored into the Gulf Cartel before branching out on their own throughout Mexico (Gootenberg, 2012).

Consequently, the management of public security from that moment on involved dealing with highly trained militarized groups, when a couple of decades before they were precariously armed civilians. By following a strategy of militarization of public security, in "cooperation" with the United States, the Mexican State pursued war policies instead of building a legitimate and democratic authority. These sequences generated serious problems for the rule of law, which requires the creation of order, relative peace, and institutional channels to resolve disputes (Magaloni & Zepeda, 2004).

By the turn of the century, organized crime and drug trafficking were already serious problems. Vicente Fox, the president who would defeat the PRI for the first time in the 2000 elections, would account for this in his first year in office, emphasizing the importance of alleviating this threat (National Development Plan 2001-2006). I insist it is remarkable that the Armed Forces were able to accompany the democratic transition without problems (Benítez Manaut, 2018). Indeed, the transition brought with it the disintegration of long-term pacts, strengthening the armed forces as a veto player (Tsebelis, 2018).

Consequently, the Mexican government altered its approach to securing authority, decreasing the policy of tolerance and secret pacts, and increasing the punitive strategy characterized by attacks and retaliatory seizures (Astorga & Shirk, 2010). In addition, political competition undermined informal agreements between drug cartels and local governments, so the use of the armed forces became a useful tool to demonstrate power and be able to make new pacts.

On September 11, 2001, the terrorist attacks on U.S. soil changed the "rules of the game" once again, modifying U.S. interests. The latest restrictions pushed drug trafficking organizations to seek innovations in their smuggling techniques, propelling the Mexican government to further expand the militarization process (Mercille, 2011). To illustrate the magnitude of the evolution: anti-drug initiatives controlled by SEMAR and SEDENA increased forty percent during the Zedillo administration. During the first years under Vicente Fox, the increase was eighty percent (Borjón, 2009: 25).

In 2004, the Bush administration lifted the ban on high-powered assault rifles. This decision facilitated the smuggling of weapons into Mexico and led to an increase in violence in the country (Dube, Dube & García Ponce, 2013; Chicoine, 2016). The governmental diagnosis was that the different levels of government and the institutions in charge of public security had low degrees of coordination (National Development Plan 2001-2006). Hence, during the six-year term of Vicente Fox, a political strategy focused on improving coordination between the multiple national departments and agencies of Mexico and the United States, with a more efficient centralized chain of command and greater intelligence techniques. But the premises of the drug war and its implications remained unquestioned (Piñeyro, 2006).

At the end of 2004, another reform to the constitution gave President Fox and Congress powers to make laws to preserve national and public security (López, 2005).

As a result, Congress passed the National Security Law (LSN), a document that allowed the Armed Forces to substitute for local authorities in their duties when there were national security problems. The law also sought to define the concepts of national, internal, and public security. The articles focused on the definition of these concepts were drafted precisely to establish legal frameworks to expand the powers of the Armed Forces. For example, an obstruction of the Armed Forces to fight organized crime was automatically considered a threat to national security (Madrazo, 2014).

These definitions merged national security and the fight against organized crime as if they were one and the same, drastically streamlining the use of the Armed Forces. In short, the military's powers to intervene in civilian affairs in peacetime were expeditiously expanded.

With this, the present legal framework for the war on drugs was established. It should be noted here that by amplifying the absence of rules, it becomes very difficult to limit the exercise of the Armed Forces' power. Fueled by the condition of perpetual "crisis" posed by the increase in criminality, the Executive can discretionally employ the Armed Forces in an extraordinary manner in the name of national security. However, when response to crisis becomes the norm that is installed in institutional designs, they cease to be temporary public policies and become fundamental alterations to political settlements.

The definitions included in the 2004 constitutional reforms on national and public security contemplated two fundamental aspects: the defense of the State against external threats and the structures necessary to face internal challenges to the current institutional order: 'a closed-access order'. In short: to monopolize power and maintain power (Pineyro, 2001: 957). These constitutional changes were relatively effective in maintaining the status quo power structure at a time of relative change, as a consequence of democratization. However, the politics of transition were ineffective in reacting to threats from organized crime or in building legitimacy and reducing violence by creating an 'open access order'.

In 2005, Vicente Fox launched Operation Safe Mexico. The initiative consisted of a massive deployment of the Armed Forces in Nuevo Laredo, which was extended to other states in the north of the country. The objective was twofold: 1) combating organized crime and narco-trafficking by "cleansing" corrupt local and federal police, and 2) securing areas considered vital geopolitical positions under the control of criminal groups through coercion and the power of arms, if necessary (Anaya-Muñoz & Frey, 2018).

Due to the increasing return mechanisms of this policy, the relocation of the Army, once settled, was associated with various costs (Sánchez Ortega, 2020). Although this operation was considered temporary, it paved the way for greater military use in public and national security tasks. Finally, by shaping a strategy in which the Army oversaw almost all anti-drug initiatives, including prevention and reinsertion, the Armed Forces became the key actor in charge not only of public security, but also of a comprehensive governance policy.

By 2005, the media were already vividly portraying the rise of criminals, producing narratives that were divided between the "good guys" and the "bad guys," creating a Manichean view of reality. It also became common for television networks to invest in programs dedicated to the lives of drug traffickers and the expansion of the narco-culture.

Ideologically, this narrative, at the very least, provided a platform for deploying state force to "fight" the "criminals. In parallel, media coverage of the rise of militarization transformed displays of brutality into permanent ones. This was achieved by inducing fear in the population and incentivizing criminals and the army to pursue a strategy of "visibility" by intensifying brutality to send intimidating messages (Ríos & Rivera, 2019).

The six-year term of Vicente Fox did not change the militarization trend, but rather continued and reinforced it, setting the precedents that would later allow Felipe Calderón to launch the war on drug trafficking. The Fox administration's lack of success in reducing crime provided the platform for a strongman to enter the scene, establishing the cleavages available for a punitive populist discourse to be articulated and a political base to support it.

The institutional entrenchment of militarization (2006- 2018)

On July 2, 2006, Felipe Calderón won the Mexican elections in a close contest with Andrés Manuel López Obrador who, in objection, launched a national campaign for a recount of votes. As a result, Calderón's definitive victory was not announced until September 5 (El País, 2006). The hard-fought election left Mexico significantly divided and there were evident confrontations between left-wing and right-wing parties that polarized the country. Calderón's decision to use the Army was, in part, a measure to reaffirm his presidency (Wolf, 2011).

Factors such as rising levels of violence, the "privatized" drug trafficking market, and the diversified and militarized repertoires of the drug war made the pressure to respond a priority for the incoming government. In addition, the powers granted to Calderón by constitutional designs on public security and the national security law facilitated his "strongman" and right-wing approach to organized crime.

In line with his campaign promises and thanks to the broad interpretation of the national security law, the newly elected president increasingly expanded his militarized operations. Thus, the national policy to combat organized crime deployed new strategies and repertoires by making unilateral use of the Armed Forces, involving them in processes that would become permanent (Moloeznik & Suárez de Garay, 2012).

On December 11, 2006, a few days after taking office, Calderón and the Secretary of Public Security, Genaro Garcia Luna, an-

nounced the "joint operation in Michoacán". The strategy consisted of the deployment of 5,000 soldiers, the establishment of checkpoints, and the eradication of opium poppy and marijuana plantations, marking the beginning of a frontal public security policy to dismantle drug trafficking. Although launched as a reaction to "the imminent threat of organized crime on society", the operation was conceived as a permanent one. The deployment in the state of Michoacán was followed by the demobilization and the disarmament of the drug trade.

The plan was intended to be a "national" and "comprehensive" plan in the states of Baja California, Chihuahua, Durango, State of Mexico, Guerrero, Nuevo Leon, Sinaloa, Oaxaca and Tamaulipas (National Plan for Development, 2007).

However, the Calderón administration did not evaluate the local context to develop a strategy tailored to the particular circumstances of each state. It also failed to weigh the possible outcomes in the interaction between the state and organized crime groups at the local level, by introducing an army of occupation into the local institutional arrangements. More importantly, it did not contemplate the establishment of a system of national cooperation in coordination with local and federal police, hence the lack of limitations on the jurisdiction of the military was notorious. The observation of the results of these operations reveal the dynamics they provoked.

The performance of the operations were measured in the quantities of material seized from organized crime groups. The trade-offs involved a constant military presence which translated, except in Michoacán and Guerrero, into an increase in violence and murders (Sánchez Ortega, 2020: 13). It is estimated that around 121,163 people were killed during Felipe Calderón's administration (Hope, 2016).

Moreover, as we now know, the presence of the military generates incentives for increased violence. In practice, armed conflicts lead to the murder of civilians, soldiers, and suspected criminals. These circumstances fostered the normalization of arbitrary executions (Madrazo, Calzada & Romero, 2018). However, far from reversing the State's approach, the negative empirical evidence on the militarized response only served to intensify it. This specific trajectory reinforced the institutional traits reproduced through mechanisms of increasing returns: demilitarizing became very difficult.

In such a context, it is common for the forces in charge of maintaining relative order to become an actor in the development of the drug trafficking business, even when there is no collusion. For example, cartels use the state to promote turf wars and send "market signals" to demonstrate their relative power by exercising violence to ensure compliance with contracts, achieve upward mobility, or announce the arrival of a new player in the town (Reuter, 2009). This phenomenon is exemplified by the mechanism known as "calentando la plaza," a strategy in which a cartel attacks rival territory to attract law enforcement to its enemies' territory (Lessing, 2015). By 2006, SEDENA was conducting a single military confrontation operation with organized crime groups; by 2009, it had reached ninety-eight opera-

tions (Pérez-Correa, 2015). Three years later, 49,650 soldiers had been deployed throughout the country. Human rights violations became increasingly troubling and little accountability became a pattern. Despite widespread debates about the professionalization of police institutions and the necessary statutory reforms, Felipe Calderón consolidated the process of militarization, and intensified the focus of the war on drugs.

In 2008, Mexico, the United States and Central American countries signed the Merida initiative, a security cooperation agreement with the stated goal of combating the threat of transnational organized crime (Wolf, 2011). The agreement legitimized Calderon's strategy and the United States committed to support the war with training, weapons, and intelligence. This cemented the coupling process between the trajectory of militarization and the institutional arrangements of the drug war. In this climate, the trajectory of the "constitutional costs" was re-affirmed in 2008. That is, the gradual process of legal reforms to legitimize the use of SEMAR and SEDENA in the name of the war on drugs (Madrazo & Barreto, 2018). In addition, new reforms were introduced to the criminal justice system so that crimes related to organized crime would be punished more severely (Sánchez Ortega, 2020).

First, these reforms made a distinction between civilians who were institutionally vested with procedural and due process rights, and individuals accused of orga- nized crime, who had rights restricted and removed (Madrazo & Barreto, 2018). This punitive approach – which included the high penalization of drug possession – reinforced the established authoritarian institutional designs. The distinction was intended to facilitate the process of justice in the war against drug trafficking organizations.

However, the lax definition of organized crime and corrupt enforcement procedures provided a potent mechanism for arbitrary detentions and human rights violations. Increasingly, profits were made in the apprehension and capture of "criminals" by public security institutions. Thus, rational structural incentives for the brutal application of the anti-drug law emerged, which reinforced the establishment of the militarization process.

Second, the legal-institutional framework made it very difficult to challenge the law's ruthless procedures: if a citizen was charged with a drug-related crime in the name of public safety, there were virtually no limitations to the alienation of his or her rights. As a result, the number of arbitrary arrests and detentions increased dramatically (Wolf, 2011).

Furthermore, the legacy of weak courts from the PRI era maintained the long-standing Kafkaesque bureaucratic labyrinths designed precisely so that citizens could not avail their rights (Magaloni, 2008). The logic that was deliberately implemented ignored the fact that the organization of crime can only occur within the structures and institutions of society (Escalante 2009: 150). Fighting organized crime became a matter of using state resources to also employ violent methods on civilians in precarious and vulnerable situations.

Third, and in line with the trajectory outlined so far, the use of the law as a repressive

mechanism was reinforced without subordinating the state apparatus and the Armed Forces to the law. With little restraint, the trajectory of the militarization process shaped power in such a way that the formulation of policies continued in the same path, even when it produced negative results.

Finally, once on the path of militarization, its diffusion and decentralization through a wide range of state and non-state actors, power and budget maximization became structural incentives. Reversing this trend would have required a re-conceptualization of the conflict and the costs of which became increasingly high, despite the public need for such a shift in the discourse.

In 2012, the organization in the institutions in charge of public security was structured as shown in Figure 1, where a top-down approach in the organization can be observed.

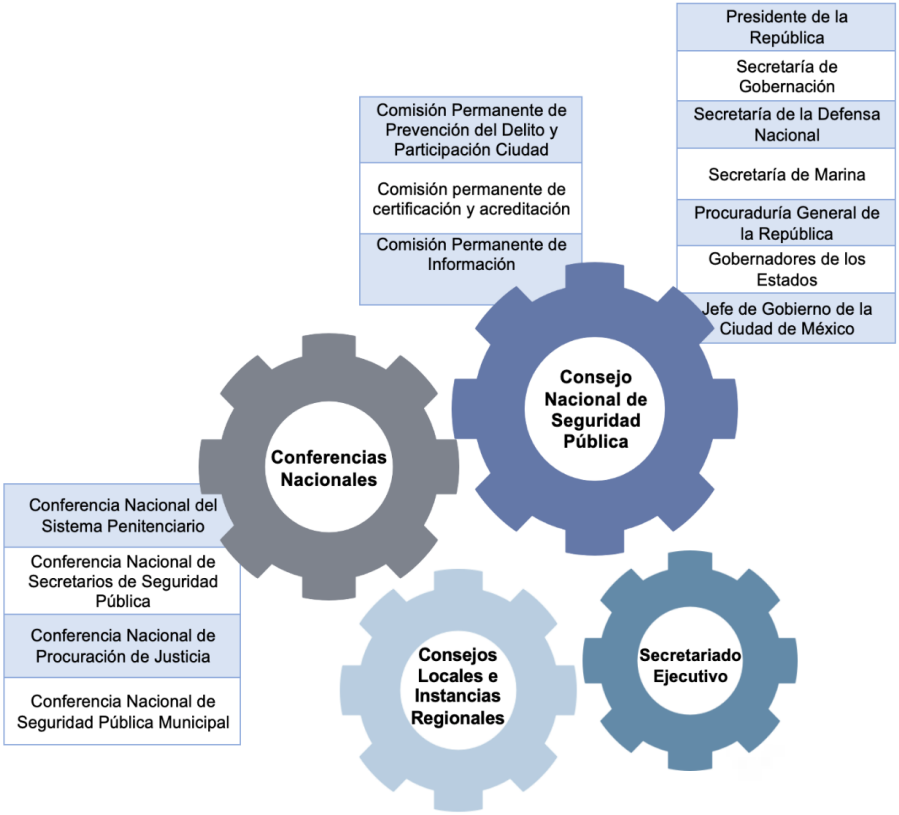
Drug trafficking organizations were in the most violent period in history. The targeting of candidates during elections at the local and federal levels by organized crime groups demonstrates a notorious effort at 'violent lobbying' (Lessing, 2015), i.e., efforts to threaten politicians to induce changes in policymaking. Violence, in turn, had a depressive effect on electoral participation (Trelles & Carreras, 2012).

The arrival of Peña Nieto as president did not change the course of militarization. Instead, he dismissed his campaign promises of demilitarizing public security and postponed the promotion of a civilian strategy focused on the rule of law. In 2012, Peña Nieto announced the creation of a new corporation: the "National Police Force" (Sánchez Ortega, 2020). This new security corps would be civilian by design. However, the patterns in the process of militarization demanded most of the investments, and the abandonment of the local and federal levels made it very difficult to modify the presence of the military. Thus, investments in the militarization process were maintained for a third consecutive presidency, as shown in the following figure.

By 2014, the accumulation of human rights violations and the persistence of violence remained concerning, but the presence of militarized operations only increased (Anaya-Muñoz & Frey, 2018). The disappearance of 43 students in Ayotzinapa and the murder of 22 civilians in Tlatlaya unveiled the abusive mechanisms of the rule by law (supposed rule of law) (El País, 2014).

In the case of Ayotzinapa, the evident complicity in what was considered "a state crime" pushed the Peña Nieto administration to adopt defensive behaviors. These included hiding the investigations and fostering the conditions for institutional failures. The increasing objections to military participation pushed SEDENA to threaten to return all soldiers to their barracks (Sánchez Ortega, 2020). By then, another phenomenon became indisputable: the Army did not automatically subordinate itself to the State, but rather acted as an entity in its own right (Escalante, 2020). The dynamics at play demonstrated one of the traits of the trajectory dependence of the militarization of public security, where the trajectory is blocked by power dynamics that civilian power is not always able to resist.

Figure 1. Institutions in charge of public safety in Mexico
Source: Executive Secretariat of the National Public Security System, 2012.



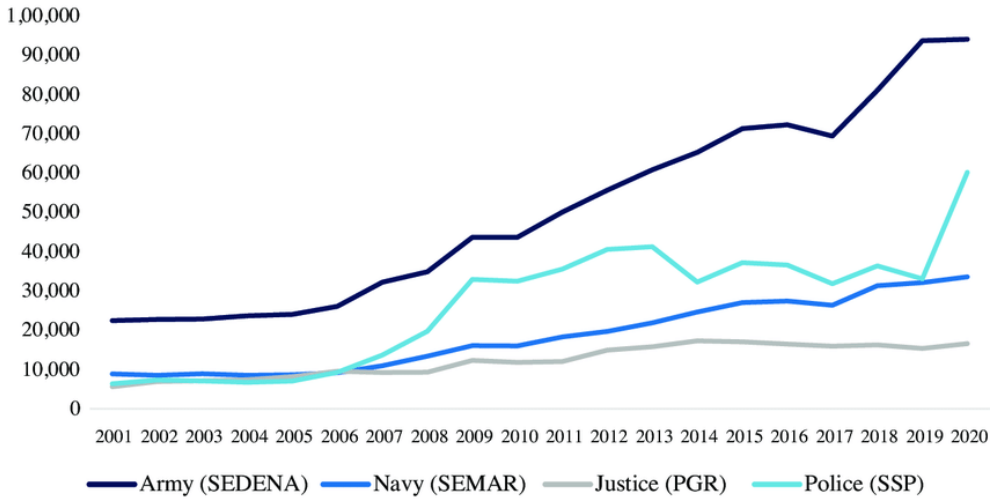
The Armed Forces pressured the government so that, from this position of strength, it would promote initiatives to expand the Army's powers in matters of public security. In December 2017, a new Internal Security Law was approved. The modifications conceived public security tasks by the Armed Forces as internal security. It proposed to eradicate most of the controls governing the use of the Armed Forces by presidential decision, and granted them powers to deploy coordinated operations with other institutional agencies to confront threats to national security. Accountability mechanisms were tacitly eliminated in this version of the law (Madrazo & Barreto, 2018).

However, in a positive example of the value of checks and balances in the Mexican political system, the law was met with widespread resistance. After a long process supported by the National Human Rights Commission and various political organisms, the law was deemed invalid in November 2018. The logic under which the elimination of checks and balances is a policy that fosters a "better" national and public security assumes that civilian matters require greater military jurisdiction, yet all evidence has shown the opposite (see Pérez Correa, 2015; Castañeda, 2012; Atuesta & Pérez Dá- vila, 2017; Atuesta & Ponce, 2017). As Alejandro Madrazo points out:

The result of these confusions -between national security, public security, and criminal investigation- is an uncertain scenario in which the roles and responsibilities of each of the agencies involved are unclear: the Army, the Navy, the Federal Police, the State Police, the local Police and the Attorney General's Office. Who can detain, investigate, interrogate, and bring charges against individuals?

When the authorities can do anything and no one is directly responsible for what is done (investigation, law enforcement), the consequences are insecurity and uncertainty for everyone except the authorities (Madrazo & Barreto, 2018).

Figure 2. Evolution of public spending on security in millions of pesos (2001-2020)
Source: Gaussens & Jasso González (2020: 32).



The problematic creation of a militarized public security system

At the turn of the century, one of the critical challenges of transition politics in Mexico was the creation of the rule of law to eradicate the guiding models of the PRI's authoritarian government. The successive authoritarian tendencies exercised by the incumbent Executive Branch (Zedillo, Fox, Calderón and Peña Nieto) demonstrate the difficulty of rebuilding authority without authoritarianism and corruption (Durán Martínez, 2018).

The problem with the pattern of militarization that emerged in 1994 is that the threats to the 'limited access order' created by democratization are interpreted as a threat to national and public security. From a normative point of view, what would have been desirable for Mexico was to develop local and federal police institutions and provide them with the necessary institutional mechanisms to enable them to carry out their functions. These designs are the basic requirements for building the rule of law in a democracy. However, the militarization of security brought with it the militarization of police institutions (Madrazo, 2014).

Public security required the presence of a civic vocation, but this was not the chosen path, thus generating a problematic paradigm to guarantee citizen security (Moloeznik, 2013). This is because, in the first place, the military and the police embody opposite natures. The Armed Forces incorporate regimes of internal codes governed by values, behaviors and motivations designed to serve their own purposes (Moloeznik & Suárez de Garay, 2012). These values are institutionalized procedures embodied in regimes of discipline and codes of military justice with which members must comply. The Armed Forces are designed to react to potential threats to state security and the political status quo (Piñeyro, 1997). As a result, they operate with a scarce subordination to society and maintain structures and incentives that are not subject to law, but to their own internal codes. In short, they have powers that facilitate the annulment of democratic controls despite being relatively loyal to the Executive (Aviña, 2016).

In addition, the ethos of the Armed Forces is to "eliminate the enemy. The consequences are consistent: during the government of Felipe Calderón – even if we do not count the deaths caused by direct confrontations between criminal groups - estimates indicate a toll of around 69,000 civilian deaths. These numbers have continued to rise over the last decade (Aguilar & Castañeda, 2012).

In contrast, the police is a social institution. Law enforcement is a social protection mechanism aimed at maintaining public stability. Their responsibility is the defense of citizen security through designs that preserve human integrity and fundamental rights (Bergman, 2018). Therefore, they are subordinated to the rule of law and are submitted to accountability mechanisms in case they do not comply with the law (Dammert, 2013). The Police is a body created to address and resolve complex social conflicts with holistic responses backed by

strong courts and institutional cooperation (Magaloni & Zepeda, 2004). Although these assumptions have not been established, the internal logics of each institution lead to substantially different regimes.

The militarization of public security became problematic because it confused the roles and objectives of both institutions. For example, by militarizing the federal prosecutors' offices and the police, the police were subjected to the dominance of the military in many cases. By following this path, investments in the design and implementation of a democratic police force were neglected in favor of the institutional expansion of the Armed Forces and their public security logic (Castañeda, 2012).

However, the control of violence requires a social order that has the capacity to establish a monopoly of violence through institutional and legitimate mechanisms and cannot be established through the use of force with military occupation alone. This is what the Mexican experience has shown to prove over the past three decades.

Prohibitionism as a vehicle for militarization

The militarization of the fight against drug trafficking was instrumental in the evolution of the process described so far. The militarization of public security definitively changed the structure and relations within the Army, military-civilian relations, and militarized organized crime groups and self-defense groups, which led to a vicious cycle in the escalation of violence: fragmentation and decentralization took precedence over the legitimate and illegitimate use of violence (Pansters, 2018).

The risks of prohibitionism, moreover, were already well known. Since the 1960s, the punitive approach of the United States in this area exerted pressure on the logic of Mexican governments in the war against drug trafficking and the decision-making processes regarding the use of the Armed Forces to combat organized crime. In the 1970s, the DEA was already conducting counter-narcotics operations in Mexico with very violent results (Pérez Ricart, 2020). However, this was a strategy that became convenient for a Mexican State with precedents in the non-democratic use of the Armed Forces (Piñeyro, 2001).

In fact, the mechanisms that inform the "war on drugs" have always operated on the political instrumentalization of numbers as unassailable arguments which are susceptible to speculation and distortion (Andreas, 2010) The structure of prohibitionism provided incentives to develop information policies with metrics that sustained the war. Consequently, the policy arena was defined around a conception of "success" based on demonstrating impressive drug control results (Reuter, 2014). The military is the best vehicle to achieve this goal because of its training and firepower.

However, the literature on drug trafficking and state counternarcotics efforts argued that for both the United States and Mexico, the prohibitionist approach to the drug war fuelled the drug problem rather than reduced it (Toro, 1995). For example, the effects of adopting a punitive approach

to drug manufacture are more attractive to the most dangerous actors.

In addition, two main reasons have been highlighted for the involvement of Mexican militaries in public security in response to drug trafficking. The first explanation is that in the 1990s the relationship between organized crime groups and the state evolved from a market governed directly from state structures to a "privatized" criminal market, established around criminal groups that coerce the state (Serrano, 2007). This befell during a massive expansion of the market in the face of Mexico's economic opening and was fueled by the process of globalization liberalization, boosting the proliferation of illicit businesses (Pansters, 2018) Indeed, as trade grew spectacularly, so did the ability of traffickers to disguise illicit shipments (Pansters, 2018).

In turn, the "privatization" of illegal markets created more dangerous and diversified actors trafficking more profitable drugs (such as cocaine and fentanyl) (Gootenberg, 2012). The main characteristic of this transition is the insurgency of armies and private guards, and the fragmentation and diversification of organized crime groups (Paoli & Reuter, 2014). Greater military involvement was then necessary to address the threat (Chabat, 2013).

The second explanation focuses on the erosion of the unwritten norms and rules that allowed the state to: a) maintain political and social order and b) control criminal organizations under the unified PRI government. These long-standing pacts were eroded by increased political competition during the democratic transition (Astorga, 2001; Ríos, 2015; Trejo, 2020). Thus, the Mexican state responded to these threats by militarizing public security and deploying the Armed Forces to establish national political order (Piñeyro, 2006).

In turn, this generated both state and non-state institutions at the service of war with incentives to reproduce themselves despite the corrosive effects, to seek larger budgets, more power, and an expansive presence (Sánchez Lara, 2019).

However, there is consensus that by involving the military in public security matters, the increase in violence is not a phenomenon that arises at the margins of the state, but one shaped through the interaction between the state and organized crime groups (Durán Martínez, 2018). Through the case of Europe, Charles Tilly demonstrated how culture and history shape certain repertoires of collective violence and contentious relations between the state and non-state groups (Tilly, 1998).

Similarly, in Mexico, the dynamics in the interaction of the militarization process with organized crime, as implemented by the government, created repertoires of war for territorial control. For example, the escalation of violence led by the participation of the military generated repertoires of "visibility" to the performance of violence, an increase in the number of victims, as well as the brutality and symbolic power of the violence exhibited.

Such methods led to the intensification of public exposure of brutal attacks and their nature (beheadings and massive hangings often conveying messages) became part of a war strategy by claiming responsi-

bility for the crimes (Durán Martínez, 2017).

One explanation for the increases in violence are the problematic effects of the long-standing strategy focused on dismantling criminal gangs by cornering them through a "kingpin" strategy: the dismantling of an organised crime group through the assassination or capture of the leader of the main organizations (Atuesta & Ponce, 2017).

In fact, empirical evidence shows that following an intervention by the security forces, the number of criminal organizations increases. Instead of defeating the criminal group, the fragmentation resulting from the "capo strategy" leads to an escalation of violence, as criminal groups fight among themselves to adapt to power vacuums and changes in the capacity of criminal organizations to control "plazas" (Madrazo, Romero & Calzada, 2018).

An analysis of the fragmentation of criminal groups (Atuesta & Pérez Dávila, 2017) shows how the structure of organized crime groups has become much more complex than that of their predecessors in the 1980s. From five visible groups observed in 2007, a proliferation was identified to more than eighty organized and consolidated groups in 2011. In practice, given the profitability of the business, organized crime groups quickly produce leadership, an armed wing and a structure required to operate.

This dynamic encouraged, during the periods analyzed, the pursuit of a strategy based on the display of brutal repression of drug trafficking. The militarization of the police and the deployment of the army followed the premises of arresting and killing traffickers, increasing firepower, and demonstrating high levels of drug seizures. However, these were self-sustaining pursuits.

As we have seen, as the kingpin strategy generates fragmentation, it increases levels of violence and attracts more dangerous actors to the market. Logically, the number of smugglers and cartels expands concurrently with the arrests that the strategy boasts (Atuesta & Pérez Dávila, 2017).

The intensified levels of violence in Mexico demonstrate that conflict may be desirable to keep the business of organized crime and drug trafficking growing (Lessing, 2015). Therefore, the current logic of violence and confrontation in Mexico is best read through the theoretical view of the distinction between "conquest" and "restraint." In wars of restraint, coercive violence is preferable to peaceful strategies because they expand the sphere of influence of militarized groups. Cartels may fight each other to control territory, but cartels fight the state primarily to change government behavior and policy decisions, not to permanently conquer territory.

In this context, it is easier to understand why the militarization of public security led to the militarization of organized crime. From the state's perspective, the approach is to adopt strategies that foster conflict, but decisive victory is impossible because the threat of organized crime is permanent. Contrary to its objectives, the militarized approach proved adequate to foster the business of drug trafficking and criminal governance. The result is a dynamic in which both the military and organized crime

groups have incentives to maintain conflict, and need each other to reproduce and expand (Lessing, 2020).

Conclusion

The militarization process that began in 1994 has undermined checks and balances in the name of public security for almost three decades. It was institutionalized during the transition to democracy and the successive exercise of power by the entire political spectrum - from right-wing parties to the current left-wing government - which has led to an intensification of violence and conflict. And yet we are still far from the end of the cycle.

Militarization and democratization in Mexico are two sides of the same coin because they were two processes driven simultaneously to reform the Mexican electoral system without significantly reforming the social order or the Mexican state. The disruption of pacts at the local level created by electoral competition and the increase of governor's veto power at the federal level diminished the legitimate authority of Mexican presidentialism, thus, consolidating the army as a veto player able to influence the polity space.

Moreover, the preservation of political settlements and institutional arrangements (authoritarian, personal, and exclusionary) at the national level sustained a 'limited access order' without a real policy of transition to an 'open access order'. This article discussed the set of constitutional reforms and public security policies that institutionalized the process of militarization in Mexico.

The political settlements of the transition strengthened the militarization process and created a trajectory that is path-dependent. The players in this trajectory were institutions operating under the rational structural incentives of power, budget, and jurisdiction maximization. Throughout the process, these institutions accumulated sufficient veto power to resist its transformation and influence policymaking. Consequently, the potential costs of reversing course became increasingly dangerous for political stability. Meanwhile the social order that was sustained by a system of rent distribution did not allow the Mexican state to create a Weberian bureaucratic order with institutional capacity. The military and the navy became the mechanism to sustain the precarious social order, broken down by the decentralization of violence, the lack of legitimacy, and the concentration of power and rents.

The lack of investment in the mechanisms necessary for the consolidation of the rule of law has been notorious in recent Mexican history. Instead, constrained by the set of circumstances that have encouraged Mexican presidents to maintain the militarization process, the State has continued to focus its investments on the latter.

Despite the apparent adverse effects, each administration repeated the mistakes of its predecessors, from various laws restricting checks and balances, to the periodic creation of new militarized police institutions by top-down processes. No government has demilitarized the country and the

pacts of transition to a civilian command have never been fulfilled.

In 2019, another police force, the National Guard, was created as a strategy to gradually withdraw the Army from public security duties. The president granted the training and supervision of recruits to the armed forces under the agreement that this new institution would be formed as a civilian corps by 2024, but its designs and history rightly raised skepticism. Although the analysis of the relationship between the Army, the Navy, and the political powers in the current six-year term merits a separate article and goes beyond the focus of this text, it is worth emphasizing that the National Guard was created with a transitory article that allows the president to "extraordinarily" call upon the Armed Forces to carry out public security tasks for a period of five years.

The original agreement dictated that the corporation would have a civilian command, as one of the opposition's conditions for approving the formation of the entity. However, due to new reforms promoted by the current president, SEDENA is now expected to be in charge of the National Guard until 2028.

It seems clear that the National Guard will be an armed apparatus with a non-civilian command, investing instead in the presence of the State, territorial control, and the stability of public security functions throughout the country.

However, it is necessary to understand that the construction of institutional legitimacy and of the monopoly of violence has a fundamentally different process than that proposed by a non-civilian National Guard. It requires a transition to an 'open access order' and cannot be built with occupying armies.

It is not too late to invest in the development of local and federal police institutions rooted in communities, as well as in the expansion of the courts, the improvement of accountability mechanisms, and the protection of fundamental rights.

It will be key to approach this process with the maturity required, understanding what type of institutional regime has developed in Mexico, and what vision of the country exists. Mexico's modern history shows us the results of trying to build a rule by law and a rule of law at the same time. A country with a minimal electoral democracy, sustained by a limited access order, will only generate more violence and more militarization, not more democracy.

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Why in Mexico have militarization and democratization been two sides of the same coin?
A study on path dependency in the militarization of public security in Mexico

Through a historical-institutional analysis, this workbook studies the evolution of public security policies and constitutional reforms to militarize the country from 1994 to 2018. It argues that militarization and democratization are two sides of the same coin because they were promoted simultaneously. The Mexican electoral system was reformed without a corresponding democratization in the social order and in the state. Thus, the political arrangements of the transition created a dependent trajectory, where military institutions accumulated sufficient veto power to further their role in public security.

The Drug Policy Program (DPP) is one of the first academic spaces in Mexico to analyze the phenomenon of illicit substances, drug policy, and its consequences from the social sciences at the Centro de Investigación y Docencia Económicas (CIDE) Central Region.

The DPP is a permanent academic space whose purpose is to systematically generate original research aimed at studying the phenomenon of drugs and current drug policies in Latin America from an interdisciplinary perspective, to contribute to their better design through the elaboration of viable and evaluable proposals to improve the results and consequences of such policies in the region.

Política de Drogas