Multiplied Violence through the Shift from Public to Private Security in Mexico

An analysis of the Mexican Police vs. PMSCs between 1990 and 2015

Daniëlle Annieck Rietkerk
S1228307
Master Thesis
MA International Relations: International Studies
Supervisor: N. Rodriguez Idarraga MA
Second Reader: Dr. R.C. Sheppard
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Introduction

"Since 2000, about 6 million people globally have been killed in acts of interpersonal violence, making homicide a more frequent cause of death than all wars combined during this period."

(WHO 2014)

Organized crime has spread all over the world, spinning its webs in unstable countries, flourishing where law enforcement is weak and corruption is increasing. Throughout history, Latin America has endured all kinds of violence possible. From ritual sacrifices in the pre-colonial era to exterminations during colonial times, followed by battles of independence and civil wars afterwards. Having gone through a series of revolutions and counter-revolutions during the second half of the 20th century, Latin America is now bearing the consequences of violence with one of the highest homicide rates in the world (Koonings and Kruijt 1999, Cohen and Rubio 2007, 5).

Contemporary violence in Latin America is seen as a 'new violence', one that no longer can be described within terms such as 'political' or 'cultural'. It is "criminal and delinquent", relates to the hardship of strengthening democratic stability, and has moved beyond the state (Pearce 2010, 288). As a result of Latin America's particular process of state formation – entailing violent warfare, regionalism, ethnic division and democratization through speedy urban industrialization – violence has exploded rather than diminished (Pearce 2010, 286).

Through this state formation, three causes have been determined to further extend violence in Latin America in the late 20th century: economic inactivity, high rates of drug production and trafficking, and impunity. Together, they account for higher numbers of homicide and robbery, weak judicial systems, weak investigative capacity and low trust in security institutions, thereby causing many violent crimes to go unreported (Pearce 2010, 294).

When looking closer at Latin America, Mexico attracts attentions by confirming all three causes of violence mentioned above, from the 1990s onwards, with astonishing numbers. Most interesting is the second cause of violence, Mexico's high rates of drug production and trafficking, and the third: impunity.

From all drugs being consumed in the United States, about 70% is being trafficked through Mexico (Payan 2006, 865). Being highly associated with drug production and trafficking, the Mexican state of Sinaloa has confirmed the relationship between drug activity and homicide, having the highest homicide rate of the country in 2006: 50 homicides per 100,000 civilians (UNODC 2008, 32).

As for impunity, Mexico is described as a place "where impunity is the rule and legality is the exception" (Pardinas in Davis 2006, 61). An overwhelming 51% of Mexicans has said to have paid a bribe for basic public services in 2016 (Transparency International 2017b, 14). Low trust in institutions such as Congress, prosecutorial agencies, and the police have created insecurity among civilians (Perez Correa 2008, 349).

As in any country where one political group has hold a controlling political role, corruption has expanded over time in Mexico (Shelley 2001, 215). High corruption levels have caused a sense of insecurity and distrust towards the police (Davis 2006, 55-56). Having gone from a centralized power structure under the rule of the Institutional Revolutionary Party (PRI) – which held an absolute monopoly on the legitimate use of force – to an open global economy under democratic rule, police

forces have undergone several reforms which have slightly improved their effectiveness. However, multiple disjunctive elements are still visible in Mexican democracy as it exists today, with violent crime, corruption, and insecurity taking the lead. Democratization has been successfully incorporated in certain institutions, constitutions, and laws in Mexico, however leaving the civil component of citizenship impaired because of systematic violation of civilian rights. Three problems of public security keep popping up: illegitimacy, impunity and distrust.

As police forces have failed to maintain a sense of security among citizens, the latter have started to fend for themselves by hiring private military and security companies (PMSCs), which have boomed in the last three decades in Mexico (Vanderwood cited in Sabet 2010, 6). With multiple parties now playing the same field, the police is trying to keep its head above water by adapting to the situation.

The quick rise of private security actors raises questions about the security apparatus in Mexico. How has Mexico's state formation caused an upsurge in violence, and how does that relate to the boom of the private security market? Historically the state is seen as the main security provider, protecting its civilians from violence and thereby justifying the use of violence against its enemies. With new actors entering the field, how is the relation to violence constructed now?

In order to analyze the relationship between state security and private security, an understanding of the concept of the 'state' is to be laid out. We might understand the 'state' best through Philip Abrams' conceptualization. In his 'Notes on the Difficulty of Studying the State', Abrams explains that the 'state' is a mechanism rather than an object or entity (1988). The 'state' is not something that is tangible, we can not touch it. It is a design, a structure that we use as a designation for the public aspects of politics (Abrams 1988, 61).

When using conceptualizations of the ‘state’ such as that of Abrams, we need to take in mind that these concepts were looked at from the sociopolitical viewpoint of Europe. The concept of the ‘state’ itself initiated from Europe, and is now described as something others can achieve by following a specific track with predetermined targets and goals. However, when looking at Latin America, we can not simply follow the same track. State building in Latin America took a long time, and is still not complete. We are able research the relationship between public and private security in combination with violence in Latin America through analyzing the state of Mexico, however need to take in mind that the state behind this is not a perfectly formed European state. Mexico is still under construction as a state.

Abrams argues that the apparatus behind the state is an illusion. The functioning of the institutions behind the state is not explained to us in detail, therefore the ‘state’ has an imaginary dimension that we do not get to see. It is a mechanism that legitimizes subjection. If the Latin American state is not fully constructed yet, it is not fully legitimate either. We will therefore have a look at state legitimacy in the first chapter.

Furthermore, in order to analyze the Mexican state, we need to have a look at the practices bureaucracies entail. When researching violence, it is logical to study the security apparatus as its counterpart. This research therefore studies the shift from public security to private security in Mexico between 1990 and 2015, with a focus on the reproduction of violence through democratization in the 90s and the characteristics of the upsurge of unregulated PMSCs nowadays. The 1990s marked a period of uncertainty in Mexico as political alternation, neoliberalization measures, and police reforms have marked the attempted transition from authoritarian rule. Although hopes were high, the 90s brought intercartel wars, police impunity, and violence to Mexico.

This research will attempt to analyze the security and violence issue of the Mexican state. If the private security market has expanded this quickly in Mexico, is the state still in charge of security? Is the monopoly of violence in hands of the state, or fluctuating towards private security? If the private security market has been able to flourish, does that mean it is seen as legitimate? Thus have the problems public security has encountered, i.e. illegitimacy, impunity, and distrust, placed itself within the private security market too?

To achieve its aim, this research thus focusses on two types of actors: public security through the police, and private security through private and military security companies (PMSCs). By offering an analysis of the relationship between public and private security in contemporary Mexico, this research not only intends to offer an understanding of the causes and effects of rising institutional illegitimacy, but also seeks to contribute to the debate on the effects of an unregulated private security market in a country where regulators themselves are persistently corrupt. The following public security weaknesses will be studied: illegitimacy, impunity, and distrust causing insecurity.

The structure of this thesis will be as following: The first chapter presents firstly a theoretical approach, discussing institutional (il)legitimacy through the notion of police legitimacy, along with the notion of the monopoly of power, and the general process of state formation in Latin America.

All concepts will then be placed within an historical perspective. Mexico's particular state formation will be discussed against the background of its one-party rule, the democratization process through police reforms, the emergence of its human rights movement, and the War on Drugs. Establishing institutional ineffectiveness through reproduced violence, impunity, and distrust, we will create a historical basis in order to analyze the shift from public to private security.

Chapter two will specifically address our first actor, public security, through the Mexican police. In this second chapter, we will establish the weaknesses of public security in Mexico: illegitimacy,

impunity, and distrust creating insecurity. We will go deeper into the history of how militarization and police reforms have failed to battle corruption. We will see that the rising distrust combined with unilateral trade agreements have caused Mexican citizens to (be able to) search for different ways to protect themselves: through private security companies.

After having discussed the causes of the shift from public to private security, we will analyze our second actor, private security, in chapter three. We will see how the 'transformation' thesis applies to Mexico – how the upsurge of the private security market naturally erodes the power of the state. Because of low institutional legitimacy, insecurity, distrust, and democratization, private security has been able to boom in Mexico. It is argued that a well regulated private security market can serve as a 'force multiplier', increasing the sense of security amongst citizens (Abrahamsen and Williams 2006, 17). We will see this is not the case in Mexico, since weak regulations are in place for PMSCs, resulting in the creation of an 'angst society' where fear pervades in everyday life (Krahmann 2007, 10). Furthermore, the upsurge of unregulated PMSCs makes Mexico's monopoly of power being questioned.

As the War on Drugs has caused drug cartels to provide private security and extent their service to other parties, corrupted ex-policemen will often go work for cartels where the pay is higher than with regular private security companies. Therefore, we will conclude that because of illegitimacy, impunity, and distrust, combined with Mexico's process of state formation through democratization and the War on Drugs, a shift from public to private security appeared. The Mexican police has adapted to rising institutional illegitimacy and the upsurge of unregulated PMSCs by shifting from public security to private security, thereby privatizing the Mexican police force and causing a further downfall in institutional legitimacy and insecurity. Insecurity and distrust now pervades through human rights abuses by private security actors. The monopoly of power is neither in hands of public or private

security, however is floating around in a grey area, with multiple actors responding to the lack of a monopoly of power by using ever more violence in order to gain control over the monopoly.

Chapter 1

Theoretical Framework & Historical Timeframe

In this first chapter, the theoretical and historical background of the violence problem within the state formation process will be set out. Firstly, the conceptualization of institutional (il)legitimacy in recent history will be discussed by looking at the role the police has within society through the procedural justice model. Thereafter we dive into the concept of the monopoly of power, discussing how the power of the state has been naturally diminished by the upsurge of a global private security market. This 'transformation' thesis will be tested against a historical background by analyzing state formation in Latin America and in particular the construction of the Mexican state all through to the War on Drugs. We will make sure the reader has a full understanding of all concepts and how these are related to the situation in Mexico, before discussing the particularities of private and public security in Mexico in chapter two and three.

1.1. Police (il)legitimacy

The role of the police within a political regime is central and essential, regardless of which type of regime is in place. The actions of the police are connected to the performance of the regime itself, since the police carry out the state's response to everyday problems. When a safety problem occurs in daily life, the police are generally the first public officials that people would encounter, as they provide an overly visible presence of government (Bailey and Dammert 2005; 2; Cruz 2015, 252; Neild 2003, 277; Pérez 2004, 628). As people experience the legitimacy of their regime on the basis of their perceptions

of interaction with the police, police legitimacy is a big part of institutional legitimacy (Bailey and Dammert 2005, 2; Cruz 2015, 252).

Within democratic systems such as that of Mexico, the role of the police is of specific influence, since its effectiveness in preventing and repressing crime is a crucial measure of the competence of the government. Incompetence could in turn affect the legitimacy of democracy as a political regime (Bailey and Dammert 2005, 2). It is quite important to try and understand how people shape public views about their legitimacy, and how an unstructured justice system can diminish institutional legitimacy, since legitimacy can play an important role when deciding how people comply with the police (Tyler 2004).

Two approaches can be taken to determine how the police can influence citizens' thoughts on institutional legitimacy: distributive justice through the instrumental perspective or procedural justice through the normative perspective. In this study, we use the latter, which is based on peoples judgement of fairness, instead of the former which is based on deterrence[1]. Tom Tyler argues that deterrence cannot be enough in order to create enough compliance for society to operate adequately (1990, 21). Basing compliance strategy only on deterrence would mean that authorities had one simple task; control societal resources. Certainly an appealing strategy, however it does not persuade society to comply voluntarily, something the normative model does consider: "in both models people are ultimately the key to successful leadership: it is they who decide whether or not to comply" (Tyler 1990, 21).

1 The distributive justice model argues that people react to deterrence. Variations in deterrence have an effect on people's compliance with the law (Blumstein, Cohen and Nagin 1978; Gibbs 1968; Tittle 1980; Zimring and Hawkins 1973). By increasing the severity and certainty of punishment, policymakers adopt an instrumental perspective to decrease the crime rate (Tyler 1990, 3). Sunshine and Tyler explain that people's judgements about the police affect police legitimacy (2003, 514-515).

To recapitulate: citizens assess their justice system and thus institutional legitimacy through the fairness of procedures; the suitability of the way in which the police exercise their power (Tyler 2001, 215-16; Tyler 2004, 91).

In Mexico, a national survey was taken in 2002 to assess how citizens thought about their political culture. Of all respondents, an astonishing 71 percent indicated that they thought the law should not be obeyed if it was deemed as unjust (Pérez Correa 2008, 345). If we link this to Mexico's high bribery rate – 51% of citizens having used a bribe in 2016 (Transparency International 2017b, 14) – we could argue that according to Tyler's thesis, corruption and bribery has a direct link to the (un)fairness of procedures in Mexico, affecting its institutional legitimacy level. Now that we have established that the procedural justice model does apply to Mexico and its public security system, the following question remains; what does legitimacy entail when we look at it from the side of the state? What makes the state legitimate and how can the state, in this case Mexico, exercise its legitimacy to its advantage and thereby confirm its 'stateness'?

1.2. The 'Legitimacy' in Police Legitimacy

The term legitimacy on itself is a theoretically rich concept. The dictionary meaning of legitimacy is simply something that is "the quality or state of being legitimate" (Merriam-Webster). Legitimacy can be understood and theoretically used in various ways. In political science and sociology, it is generally interpreted as "people's beliefs about political authority" (Peter 2017). Similarly, Tom Tyler explains this belief is needed in order to provide leaders "with discretionary authority that they can use in governing" (1990, 4). This subjective approach is needed when looking at the concept from a sociological viewpoint, simply because political legitimacy in the postmodern world exists of many different layers in both formal and informal spheres (Netelenbos 2016, 255).

The most well-known sociological method used to explain legitimacy is on the basis of Max Weber's work *'Economy and Society: An Outline of Interpretive Sociology'* (1978). Weber argues that a political regime can gain legitimacy when its participants have certain beliefs in regard to it (1964, 382), and ties this to a dynamic twofold: a combination of the state's status in the international military sphere and the status claims of its domestic interest groups; class, status, and party (Collins 1986, 2). Together they account for a feeling of nationalism, derived from the prestige a state earns through imperialism. The feeling of fighting together for the shared good, as part of a shared state and against shared enemies, creates a national bond of solidarity, a feeling of political sentiment (Collins 1986, 152; Weber 1978, 925).

Peter G. Stillman offers a new definition of legitimacy, after researching traditional definitions and modern social science conceptions (of the term): "The compatibility of the results of governmental output with the value patterns of the relevant system, that is, those affected by these results (especially the value pattern of the society, but also of individuals, groups, and other societies)" (1974, 32). This definition combines the believes and values of those subject to political legitimacy with the results of governmental output, making sure the ever changing characteristics of legitimacy in this globalized world are taken into account and constantly questioned.

Up until now, we have seen that legitimacy can be explained within different fields and in various contexts, based on the definition of Max Weber that hinges on *belief*. Weber's definition of legitimacy has shown us that multiple factors are of influence on legitimacy, which results in the use of the broader definition of Peter Stillman in this thesis: "The compatibility of the results of governmental output with the value patterns of the relevant system, that is, those affected by these results (especially

the value pattern of the society, but also of individuals, groups, and other societies)" (1974, 32). Stillman perfectly uses the existing conceptualization, that has taken different forms in recent history, in order to describe a form of legitimacy that is still applicable in our modern, multi-layered societies.

Now we are almost ready to tackle the dispute laid out in the introduction: the upsurge of a global private security market which threatens the monopoly of power which states inherently hold, thereby threatening the legitimacy of the whole institutional apparatus of, in this case, Mexico. Before we dive into the specific case of Mexico, two pieces of the puzzle need yet to be solved; how can we incorporate the increase of violence throughout history into this? When can a state exercise its power in the form of violence?

1.3. Power and the Monopoly on Violence

Most definitions of legitimacy involve political power or authority (Beetham 1991, 3-4; Hurd 1999, 381; Jost and Major 2001, 4; Netelenbos 2016, 1; Peter 2017; Tyler 1990, 4). Leaders will try to cultivate the belief in their legitimacy, thus "claim they have the right to rule" (Netelenbos 2016, 11). In accordance, Hollander determines the number one quality of authority to be "the ability to exert influence" (1978, 45). When a state has gained the legitimate right to rule, and it's power is determined as legitimate, the cultivation of this power is seen as legitimate and exclusive as well, meaning that the state will be the only one to use violence legitimately, that the right to use violence belongs solely to the state.

Max Weber was the first one to use this norm in his definition of the state: a state is a state when it "claims the monopoly of the legitimate use of physical force within a given territory" (1946, 4). The state can then determine whether other institutions or individuals can exercise this monopoly on violence on their behalf (Weber 1946, 4).

Throughout the 20th century however, the norm has been questioned and has undergone some changes. In our ever changing world, where regionalism and globalization pervade, the use of armed force by non-state actors is being questioned, simultaneously with the role of the state. Whereas states used to 'own' and control military services and public protection, a shift towards a more privatized and market regulated form of protection is on the rise. Along with the shift from public to private security, a change in authority seems apparent; private actors choose whether to use force when assessing security issues. Whereas violence was seen as something essential to the state at first, it is now almost seen as a failure: as the deterioration of the sate. A new paradigm of violence is on its way, making it critical to reassess the state monopoly on the legitimate use of armed force by taking into account multiple actors in this globalized world.

1.4. Latin American State Formation

Having established that states change over time and space, the construction of the state is of great importance to this research. Within his work, Max Weber largely takes a structuralist approach in attempting to understand how large organizational structures and institutions influence the lives of people. Following Weber in defining the state as a construction which "claims the monopoly of the legitimate use of physical force within a given territory," we argue that these territories cannot but change over time and space when attempts at claiming the monopoly of the legitimate use of physical force have changed hands throughout history (Weber 1946, 4).

Boundaries within Latin America have changed over time and therefore states in the region have been produced and reproduced time and again. During the crisis of the colonial rule in the late 18th century, the essence of nationhood and citizenship were briefly of democratic debate, however

diversely understood. Though extending its meaning, in the second half of the 19th century the terms were only applied to the property-owning elite of Latin America; educated males of European descent. It was in the beginning of the 20th century that debates on the subject occurred more widely (Mallon 2002, 13).

Different from Europe and North America, Latin American states have suffered from more intense differentiations in social, racial, and geographic borders hindering state development (Centeno 2002, 74). Various forms of armed conflict occurred, as Latin American conflicts dealt with the question of who controlled an already established national territory, whereas European conflicts produced centralized authority and advanced state formation (Centeno 2002, 60-61). Furthermore, strong regionalism made the enforcement of central authority troublesome through physical geography, and a lack of differences in cultural identity made natural boundaries less obvious.

That what makes Latin America most distinct from Europe when it comes to state formation, is the presence of significant ethnic divisions. Ethnic conflicts caused Latin American elites to live in fear, with for example 90 percent of civilians in Quito being Indian, and 30 percent of Brazilians existing of slaves (Centeno 2002, 67). This diversity also existed within armies partly existing of Indians, whilst being expected to protect the nation from revolts of internal subalterns (Centeno 2002, 68). One would expect from the European experience that competition for supremacy would instigate institutional development. In Latin America however, on top of regionalism and ethnic division obstructing state formation, intra-elite struggles made it complicated to unify coercive power and had opportunities by conflict ‘go to waste’ (Centeno 2002, 69-76).

1.5. Mexican State Formation 1900-1990

Mexico's state formation has been particularly violent, even within Latin America. Taking as a starting point the Mexican Revolution in the beginning of the 20th century, a period of constant struggle from multiple different alliances ignited violence throughout Mexico. Mainly influenced by agrarian and labour reforms before 1930, 'bottom-up' violence challenged national projects in which only the elite classes were included (Mallon 2002, 14). Before the revolution, in the 19th century, many civil wars had obstructed attempts to reconstruct central authority (Centeno 2002, 65).

From the 1940s onwards, previous promises of agrarian and social welfare were left disregarded, surprisingly by both the state and society (Mallon 2002, 17). The post revolutionary state was not seriously questioned until in 1968 a student movement revealed its nature, resulting in a bloody massacre where state officials killed 200-500 students and left many wounded or imprisoned (Mallon 2002, 16; Sikkink 1993, 428). Adding to the starting political crisis, the 1970s and 80s added an economic crisis and the rise of social movements, such as the indigenous movement *Zapotec Coalición de Obreros, Campesinos y Estudiantes del Istmo* (COCEI), which ended up winning municipal elections in 1981 (Mallon 2002, 20; Rubin 1997). The emptiness of the revolutionary promises were revealed when in 1985 an earthquake tormented Mexico City, and an election crisis appeared in 1988 (Mallon 2002, 37). Throughout the 20th century, these events sparked violent responses, renouncing the state's legitimacy and thereby creating a basis for further intensification of violent outbreaks.

What is interesting about Mexico when compared to other Latin American countries, is that social movements which rose after the 1968 massacre did not create as big of a human rights discussion as it did in Argentina or Chile. While in those countries state violence instigated human rights movements, Mexico endured violence at the same time as it did democracy. Having an officially civilian elected government, human rights did not seem to be a big issue.

1.6. Human Rights Movements: Mexico in the 1990s

The rise of social movements in Latin America is of particular interest when we think about the shift from public to private security. As police impunity is a characteristic of the region, the uprise of human rights movements can show us how civilians have dealt with and reacted to human rights abuses by state officials. Therefore, a short history of human rights movements in Latin America, and in particular in Mexico will be provided before connecting this to police impunity and the shift to private security in chapters two and three.

In most of Latin America, human rights movements started to form in the 1960s and 70s, with expansion to more than 50 core movements in Brazil and Chile by the end of the 80s (Orellana and Hutchinson in Cleary 1997, 63). Specifically, the military coup in Chile in 1973 "stimulated the great surge of international organizing that announced the beginning of an era" in the 1970s (Cleary 1997, 1). What has sparked this upsurge of HR movements in this particular time? According to Edward L. Cleary, four aspects are in place (1997, 64-65). Firstly, the region suffered from social breakdowns, which accordingly created more options for violations. Secondly, the whole of Latin America has a specific Catholic background, infused with Social Christianity. After the church's grassroots communities in the 1960s, many Latin Americans had experienced activism and acquired the taste of it. Expressing one's thoughts on human rights whilst under military dictatorship was found to be safe from under the wings of the Catholic Church, which held high social prestige.

Thirdly, insecurity and government hesitation existed throughout Latin America, deriving from its distinct bureaucratic culture combined with corruption. Lastly, having enjoyed human rights movements in the Atlantic North, first world countries were now influencing movements in Latin America.

Mexico however was a latecomer when looking at the upsurge of human rights movements, with only 20 core movements in 1989 (Orellana and Hutchinson in Cleary 1997, 63). Until the mid 1980s, the term 'human rights' itself was basically unknown in the country, and was only used to describe military repression in South America (Cleary 1997, 25). This meant that violations of human rights such as electoral fraud and corruption, went by unchallenged before the 1980s, and widespread crimes such as extrajudicial killings, disappearances, and the use of torture were observed by international organizations, nevertheless disregarded (Cleary 1997, 26). What made the upsurge of human rights movements in Mexico unhurried?

Mexico's journey in regards to HR activity is interestingly different from other countries in Latin America. Other than in Argentina and Chile, where the first serious HR violations were documented by domestic NGO's and therefore reacted upon by the international community, in Mexico this was not the case. Here, serious HR abuses first came to light in 1968, when army troops shot 43 students during a student protest, according to official casualty figures. Eyewitnesses however report at least 200 to 500 deaths, 2000 wounded and 1500 imprisoned. Why did the international community did not respond to this cruel incident, whilst having the Mexican government clearly violating human rights of their own citizens?

From experiences in other Latin American countries such as Chile and Argentina, we can see that domestic human rights organizations have played important roles in the coming about of the HR community. Building upon domestic NGO documentation, international and regional organizations later on wrote reports on grim violations in order to bring them to light. Without basic information from NGO's, Argentina's human right abuses would have stayed under the surface of the hidden nature of repression (Sikkink 1993, 436). This is one of the reasons that the Mexican case is of interest to this

research, as domestic human rights groups were not in sight in Mexico before and during the 1968 incident. Therefore, the government was able to pursue endemic human rights violations for another two decades before the international human rights network turned their eye (Sikkink 1993, 436). During the 1968 incident, the Mexican government thus got away by controlling the information that was brought out, and protected itself from foreign intervention by using the sovereignty argument with success, something that Argentina could only try eight years later – without success (Sikkink 1993, 429).

Additionally, when the international human rights network did came into the discussion in the 1970s, they firstly focussed on more serious violations in Central and South America before getting into the violations in Mexico (Sikkink 1993, 429). Other factors influencing the slow coming about of the HR movement in Mexico were its civilian elected government in place, its absence of domestic human rights NGOs until the 1980s, and Mexico's progressive stance on international human rights – taking in Chilean refugees (Sikkink 1993, 429).

For Mexico, not the 1970s and 80s, but the 1990s sparked a small upsurge of human rights movements, growing from three movements in 1984 to some 300 in 1994 (Cleary 1997, viii). The shift engendering HR movements in Mexico came about through changes in the system. Until the 1980s, an elite group of the one-party rule in place (Partido Revolucionario Institucional – PRI) enjoyed government control, creating the assumption that all political activity must be channelled through the state (Sikkink 1993, 430). However, an aspiration for modernization combined with economic hardship created "structures of opportunity" to act on the vulnerability of the state (Cleary 1997, 26). A fall in oil prices indirectly caused a serious economic crisis with wages falling by ten percent. Combined with a massive earthquake in the region of Mexico City in 1985, where citizens took matters into their own hands cleaning up the mess, the incompetence of the government came to surface and social

movements began to form (Cleary 1997, 27). The assumption that all political activity in Mexico could only go through the state, was finally broken (Sikkink 1993, 430-31). It was through the human rights discourse in the 1990s, together with the War on Drugs, that Mexicans gained power to speak up.

1.7. Mexico in the 20th century: War on Drugs

One of the biggest characteristics of Mexico's state formation process in the 21st century is the War on Drugs. From 2006 onwards, when President Felipe Calderón replaced Vicente Fox, the war intensified as the military was put forward to take over the battle. Before the military was heavily involved in terms of battling drug trafficking, an informal system was in place during the 70 year rule of the PRI which enabled the military to be involved in another way: the system made it almost seem ordinary that all relevant factors involved in drug trafficking, were to take a cut from profits. This evidently included traffickers, however also local and national politicians and even state officials such as the military and the police (Mercille 2011, 1641).

A big part of PRI rule was violent oppression through the military. Torture and disappearances were almost a daily occurrence when political groups would not show their support (Mercille 2011, 1641). At the end of the PRI rule, the War on Drugs was intensified through several developments, the biggest one being the diversion of the main drug trafficking route of cocaine to the U.S.: before 1980, the route followed from Colombia through the Caribbean to Florida. Mexico only came into the bigger picture in the 1980s, intensifying the war even more by implementing neoliberal reforms and NAFTA. Following a downfall in agricultural jobs, Mexicans moved to the border with the U.S. where many American companies profited from cheap labour (Mercille 2011, 1642).

When eventually the PRI's power faded in the late 1980s, the breakdown of the country's single-party hegemony caused a power vacuum, subsequently breaking down informal government protection networks. This caused insecurity in the criminal underworld, with drug cartels losing a substantial part of their connections within regional and national government (Viridiana 2015). A period of intercartel war followed in the 1990s, creating evermore violence (Trejo and Ley 2017, 902).

Military involvement in combating drug traffickers during the rule of both Ernesto Zedillo and Vicente Fox successfully improved the sense of security in Mexico, however only temporary (Meyer 2007, 1). From 2006 onwards, as mentioned before, the War on Drugs intensified quickly, with president Calderón deploying 36,000 federal troops in order to tackle the problem. If the input of military forces created a temporary sense of security, then why did criminal violence spark again when Calderón magnified his effort? In the following chapter, we will go into the particularities of the relationship between the military, the police, and violence in the 21st century.

To summarize this first chapter, we have seen that the police shape views about their legitimacy through the procedural justice model which hinges on fairness and trust. This contributes to the legitimacy of the state. The state holds the monopoly on violence, through which they can assert their power. However, the norm on the monopoly on violence is due for a redesign, since the use of PMSCs has complicated the use of borders and the line between offensive and defensive security services. Latin American state formation differs from European state formation as it has more intense social, racial, and geographic border differentiations. Mexico's state formation is particularly violent, having experienced civil wars, the Mexican Revolution, authoritarian power, and the upcoming of social movements. As to the rise of human rights movements, Mexico is a late comer in the region, making

this an interesting case when combining the subject with police brutality in the second chapter and the shift to private security in the third and last chapter.

Chapter 2

Crime, Violence, and Public Security, a Historical Overview

In this second chapter we will bring the theories and concepts of the former chapter into practice. We will firstly analyze the scope of the problem we are dealing with: the increasing crime and violence rates in Mexico nowadays. In this chapter, we focus on public security and its relationship with the community. After establishing the outlines for our chosen framework, we will dive into the causes of low institutional legitimacy in Mexico by assessing a lack of differentiation between the military and the police. This lack has contributed to the naturalization of violence in Mexico. Furthermore, we will analyze how democratization has influenced corruption levels. Lastly, different consequences of the above causes will be discussed, and there we will see that distrust and insecurity lead to low institutional legitimacy. This outcome will be linked to the shift of public security in Mexico in the third chapter.

2.1. Crime and violence in Latin America

Recurring waves of crime and violence occurred worldwide in the middle of the 1980s and 90s, coinciding with economic difficulties in the affected countries (Bailey and Dammert 2005, 4-5). Including a doubling in the Andean region, global homicide rates have grown extensively between 1984 and 1994 (Arriagada and Godoy 1999, 17). Nowadays, both Southern Africa and Central America rise far above others with rates four times higher than the global average, which stands at 6.2 per 100,000 population (UNODC 2013, 12). In the Americas, the rate of unintentional deaths keeps rising

with 183,465 deaths by interpersonal violence in the region in 2015 out of 467,619 globally, which equals 39% (WHO 2015).

An astonishing example of the uprise in crime in Latin America is the lynching of two police officers in Mexico city, 2004: the officers were taking pictures of children outside of a local school when they were attacked by citizens. Not long before, two children had gone missing and several citizens mistook the officers for kidnappers. Along with citizens who were angry that the kidnapping was not properly investigated, they beat the officers and burned them alive. Just before getting set on fire, the officers were able to confirm they were anti-terrorism agents, not kidnappers (BBC News 2004).

This event is one of many contributing to Mexico having the highest number of homicides in Central America, and the second highest of Latin America. In Mexico, the 1990s marked the start of the uprise in criminality, enabling a rise in public insecurity. The crime rate per capita increased with little over 40% between 1993 and 1995. In 1996, 1,671 crimes were reported per 100,000 people in Mexico, which is three times as many as in Europe at that time (Rafael Ruiz Harrell in Bailey and Godson 2000, 13). Homicide rates in Mexico went up from almost 15,000 in 1990 to a high of 16,600 in 1992 before slowly declining to 8,900 in 2007. In the last decade, following the declaration of the War on Drugs starting in 2007, the rates have skyrocketed to a number of 24,500 in 2016, going from 1,500 in January 2016 to almost 2,400 in December (INEGI 2018). The crime rates in Mexico have now reached a height which, despite an extensive package of reforms and measures already taken, urgently calls for attention.

The story of the lynching in Mexico exemplifies that not only the *height* of crime rates demand action, rather the *nature* of the rise in homicides needs to be investigated. Having increased by 21%

between 2000 and 2015 (WHO 2015), the problem of interpersonal violence in Latin America has resulted in a greater interest in, or better, concern for, what at first seemed to be local law enforcement problems (Bailey and Godson 2000, 1). If not just because of law enforcement problems, what caused this uprise in crime and violence?

Looking back at the problem of violence we attempt to explain in this thesis, we will see in the next few pages that a lack of differentiation between the military and the police, in combination with democratization and police reforms revealing corruption, has contributed to low institutional legitimacy and distrust in the police. Following this through to the third and last chapter, we will determine what has caused the shift from public to private security, and in the third chapter go into the particularities of the security system as it is now in Mexico.

2.2. Militarization

From the 1960s onwards, military and authoritarian regimes have dominated Latin America, bringing its police forces slowly under military control (Frühling 2009, 23). For Latin American police forces, this focus on military control has resulted in a lack of specialization, differentiation, and a lack of public-mindedness; precedents of the downfall in institutional legitimacy.

Evidence of weak differentiation between the police forces and the military is apparent throughout Latin America. In Honduras the public security force was not separated from the armed forces until 1995 (Rico cited in Frühling 2003, 19), and there were even police forces in El Salvador who specialized in dealing with insurgency, while lacking basic police skills (Palmieri cited in Frühling 2003, 19). Furthermore, in Brazil a member of the ruling military junta was appointed General Director of the police, and in Nicaragua and Panama the military doubled as police officers until resp. 1980 and 1989 (Frühling 2009, 22). Throughout this time of “regime policing”, as Rachel Neild describes the

period in which regimes would rather protect themselves than their citizens through public order policies and institutions, a legal framework was set up which allowed the police and military to abuse human rights (2003, 277-78): "Regime policing distorted the skills and practices of the police and criminal justice system," allowing for institutions with little proficiency for fighting crime in a respectful way (Neild 2003, 278).

2.3. The lack of differentiation

Regime policing is one of the five hypotheses David Bayley came forward with in order to determine a lack of differentiation between the police force and the army, influencing police-community relations (Frühling 2003, 16). The hypotheses read out as follows: First, people only go to the police when it is necessary, mostly for allegations of serious crimes. Second, the police is focussed on government needs instead of citizens' needs, causing probability for the rise of corruption, abuse and ineffectiveness (Vanderwood cited in Sabet 2010, 6; Portillo cited in Sabet 2010, 6). Third, Latin American police forces score high on the use of force when compared to other developed democracies. Fourth, Latin American police forces are less supervised than others in developed democracies. Fifth, Latin American police forces receive little support from the public due to internal malfunctioning and a weak institutional structure (Bayley cited in Frühling 2003, 16).

In Mexico, we can confirm these five hypotheses, thereby arguing there is a lack of differentiation between the military and the police. First of all, only serious crimes are reported to the police: only 9.7% of crimes were reported in 2016 (INEGI 2017). The reason for this low number appears to be disinterest of institutions, as citizens say reporting a crime is thought of as 'a waste of time' (INEGI 2017), which is confirmed by the astonishing statistic that in 2002 only five percent of reported crimes in that year were actually investigated in Mexico (Zepeda Lecuona 2004, 219).

Secondly, Mexican attitude towards the law lacks obedience, which is caused by negative perceptions of the system and a lack of moral obligation (Pérez Correa 2008, 346). Catalina Pérez Correa explains that Mexicans see the government as an institution which only exists to serve the interests of the powerful (2008, 347). Distrust in the judiciary system is caused by the perception that the Mexican law "is applied for the benefit of a few" (Pérez Correa 2008, 353), and moreover by the Mexican system which is determined as flawed and dependent on abuse (Amnesty International 2007; Chevigny 2003, 51; Pérez Correa 2008, 353).

Thirdly, the excessive use of force by the Mexican police through abuse of power and the use of torture is confirmed by Carlos Silva Forné in his research on the link between corruption and the use of excessive force: 575 complaints of the right to physical integrity were received between 2007 and 2011 in Mexico City alone (2016, 15).

Furthermore, we can confirm that the Mexican police is less supervised when looking at their education: many police officers have never received official training (Sabet 2012, 8), and bribery begins already during police training, exchanging money for a pass on the entrance exam (Sabet 2012, 9). Lastly, there is little public support for the Mexican police, as trust in the police is 33% lower than trust in the military (Romero et al 2018, 62).

To recap, we argue that through militarization of the police and the confirmation of Bayley's five hypotheses, a lack of differentiation between the military and the police has formed in Mexico, resulting in an environment prone to a fall in institutional legitimacy: the basis for a perfect storm.

2.4. Naturalizing Violence

In Mexico, where crime and violence seem to never stop growing, the every day image of a state filled with war and crime contributes to the normalization of violence. Citizens start to imagine that the only way to win the war, is to respond with similar measures. Still, it seems rather paradoxical that citizens of a country which suffered from human rights abuses through military dictatorships, favor a military coup as the best option to fight increasing crime rates: more than half of the Mexicans saw this as the best option in 2010 (Santamaría and Carey 2017, 5). This certainly exemplifies the urgency of the problem, as it confirms the naturalization of the coercive force of the state, a consequence of military influence (Santamaría and Carey 2017, xv).

2.5. Corruption in Daily Life

Corruption has pervaded throughout the judiciary system in Latin America, with Mexico scoring the highest in the area: 51% of Mexicans have payed a bribe using basic services (Transparency International 2017b, 15). Corruption is now incorporated into daily life, where daily routines can be influenced by bribes, for example to obtain a license or avoid a traffic violation (Blake and Morris 2009, 2). Transparency International discovered that in 2016, over 90 million people in Latin America have admitted to using bribes in public services. This equals almost one third of all public service users (TI 2017b, 6). All together, 6 out of 10 people in Latin America and the Caribbean think that the level of corruption is increasing (TI 2017b, 9).

Police forces in Mexico have difficulties staying away from engaging in crime theirselves, seeing as the economic situation has led their salaries to stagnate over the past decades, making it more and more tempting for police officers to join a gang or “extort criminals for kickbacks whether they arrest them

or not" (Davis 2006, 61). Raising police salaries is not an option according to Diane E. Davis, looking at the amount of competing funds often coming from the drug trade chains (2006, 62).

2.6. Democratization reveals Corruption

Is there evidence for the link between corruption, democracy and a downfall in legitimacy? In Latin America, yes. The link between corruption and democracy lies in the transparency governments gained during their democratic transition. Through the repression of the PRI, police impunity has become the rule. Waves of democratization opened up three opportunities for an increase in corruption according to Kurt Weyland: since power was divided over multiple people instead of a few, more people were subject to corruption. Plus, the economy opened up and therefore became more susceptible to bribery (Weyland 1998, 108-109). Furthermore, it is argued that politicians needed briberies to pay for new media-based politics such as television commercials in order to win the elections (Blake and Morris 2009, 3; Weyland 1998, 109). Davis confirms that democratization has intensified the problem of corruption, since the falling away of authoritarian rule has caused the police to find rewards and privileges somewhere else – in this case through being more susceptible to bribery from criminal gangs and drug cartels (2003, 17-18).

Another link has been made between democracy and corruption through *reforms.* Raúl Benitez argues that political reform can cause corruption when decentralizing measures threaten the efficiency of the government to enforce the law (in Bailey and Godson 2000, 27).

Law enforcement institutions have been reformed throughout the last decades, in the first place to prevent "a return to the oppressive practices of the authoritarian past" (Cruz 2015, 255). In spite of these reforms, criminal violence has proliferated, sky rocketed, and replaced the violence that originated from authoritarian regimes before the democratic transitions. Following this shift of violence

from the government to the people, therefore dubbed 'democratization of violence' by Koonings and Kruijt (1999, 15), Latin American democracies have gained transparency through democratization, revealing corruption practices – which has negatively influenced political legitimacy and trust in the judiciary system.

Davis suggests that the high level of insecurity apparent in Mexico today is also due to decentralization and the distribution of power (2006, 58). This has partly caused intrastate and bureaucratic conflict, which in their turn have paused attempts at police reform. Since the police is not keeping up with the rising criminality, citizens feel like they need to do so themselves, as we've seen with the lynching of two officers and mainly after when it became clear that other police forces could not reach their colleagues in time (Davis 2006, 58-59). The lynch seemed to be justified by the citizens involved, only because of "the disappearance of justice" (Monsivais in Davis 2006, 57). Furthermore, the weakness of the state itself in the matter was confirmed when the lynch was used by both president Vicente Fox and Mexico City mayor Andrés Manuel López Obrador to gain more supporters for the upcoming elections, thereby emphasizing the importance of power over security (Davis 2006, 59-60). Davis uses this example to emphasize that democratic reforms in Mexico have failed to establish a true democracy, and now further deepening of this democracy causes a weakening of the rule of law, rather than strengthening it.

Police corruption can be controlled through central government policy, however since corruption has extended from the lowest police officer to the highest levels of governments, reducing corruption is difficult (Chevigny 2003, 50-51). Seeing as citizens come into contact with the police on a nearly daily

basis, the conviction of the police being the most corrupt body of institution in Latin America is presumably accurate and moreover stands as an example for how people see the greater picture of the rule of law and the government (Blake 2009; 97). In Mexico, corruption has shown to be thought of as necessary in order to deal with its bureaucracy (Morris 1991, 71-72), thereby lowering trust in the government at the same time (Morris 1991, 114.). This could mean that corruption causes low levels of legitimacy, however corruption can also be caused by the low levels of legitimacy already in place (Seligson 2002, 413).

2.7. Low Institutional Legitimacy

The perception of corruption increase could however be a false indicate of the real level. In an extensive report on corruption in Latin America, Kevin Casas-Zamora and Miguel Carter come to the conclusion that corruption is not necessarily growing when more cases are reported in the media (2017, 38). Following *The Economist* (June 2, 2016), it is argued that due to higher transparency of governments, corruption scandals come to light more frequently which causes the paradox that corruption is getting worse (Casas-Zamora and Carter 2017, 38). Although perceptions can be different from reality, the perception of corruption can be enough to influence levels of legitimacy negatively (Seligson 2002). Let's take a look at the connection between corruption and legitimacy.

Most classic literature on corruption has focused on its positive political impacts, supporting the benefits of corruption for the upkeep of bureaucracy in developing countries (Heidenheimer, Johnston and Levine 1989; Huntington 1968; Key 1949; Merton 1957). Thereby corruption is determined as a necessary "substitute for direct participation in power" (Becquart-Leclerq in Seligson 2002, 412). This view is mostly applicable to authoritarian regimes, as Seligson argues following multiple studies on benefits of corruption for minority groups (2002, 411).

However, modern empirical evidence has turned the positive view of corruption around, arguing that corruption can lead to a decrease of political and institutional legitimacy (Blake 2009; 94; Casas-Zamora and Carter 2017, 38; Della Porta 2000, 205; Rehren 2009, 58; Seligson 2002), lower levels of interpersonal trust (Seligson 2002, 411) and public trust (Latinobarómetro 2003, 26; World Bank 1997, 102-104), and can affect civil society relations (Seligson 2002, 430). The World Bank clearly states that "corruption violates the public trust and corrodes social capital… Unchecked, the creeping accumulation of seemingly minor infractions can slowly erode political legitimacy" (1997, 102-104). Although at first, research pointed towards democratization to function as the solution to the corruption problem, it seems clear that democratization in Latin America has not led to a diminish of corruption (Blake and Morris 2009, 11).

Moreover, in an extensive study of the correlation between corruption and levels of legitimacy in inter alia Mexico, Mitchell A. Seligson found that a higher level of participation in corruption – thus the level of actual bribes paid or being asked to be paid – correlates with a lower level of trust in and support for the legitimacy of the political system (2002). If we use the link between higher levels of perceived corruption and a decrease in legitimacy, plus the link between higher levels of participation in corruption and a decrease in legitimacy, we can conclude that institutional legitimacy in Mexico has been negatively influenced by rising corruption.

Furthermore, if we look at the procedural justice model that has been explained in the first chapter, we have seen that people judge the police by looking at the fairness of procedures rather than the outcome. When we apply this to police corruption, we can see that Mexicans prioritize the transparency of police procedures over outcomes, thereby confirming that police misconduct influences political legitimacy and thus institutional legitimacy: "Direct police abuse shatters any sense of fairness, outrage

at police misconduct – whether perceived or experienced – may be more significant in reducing citizens' loyalty towards the overall regime than failures in tackling crime" (Cruz 2015, 257).

To summarize this second chapter, the confirmed lack of differentiation between the military and the police has created the basis for a perfect storm: high corruption levels, which have come to the surface due to democratic reforms, have caused blurred lines between the police and criminals. It is argued that since many stories about drug corruption within Mexican police forces and the military are covered in the news, citizens are not able to see a clear line between police officers and criminals anymore (Davis 2006, 56). When police abuse influences the fairness of procedures, citizens' loyalty towards the police falls. As a consequence, trust in public security is down, causing a fall in institutional legitimacy in Mexico.

It is argued that through corruption and inefficiency, a fall in institutional legitimacy can result in the state institutions in Mexico not being able to impose the monopoly on violence (Ochoa and Jiménez 2012, 87). When the state is unable to provide public security, it is almost logical that citizens search for other ways to provide for their own security. In the last chapter of this research we will analyze the rise of public security, the gaps in regulating private security companies and we will argue that a gap in payment of public security actors versus private security actors has caused for (corrupted) ex policemen to go work as private security actors for criminals, thereby denying the chance for the private security market to increase the sense of security under citizens and further diminishing institutional illegitimacy.

Chapter 3

Private Security: Unregulated PMSCs, Privatization of the Police

"Indeed, so extensive has commercial security become in some societies that it appears to have significantly outstripped the public police in its size and the finances that underpin it"

(Jones and Newborn 2006, 6).

In this chapter, we focus on the use of violence by private military and security companies with regard to public security actors who gain the legitimate right to violence from the monopoly of the state. We will analyze the growth of the private security market, explain why a shift occurred in Mexico from public to private security, and argue that the private security market in Mexico is unregulated. Consequences of the unregulated private security market will be discussed, inter alia a widening of the gap between poor and rich and the delegitimization of the state's monopoly on violence. Finally, we will determine that the problems of public security which were mentioned before (i.e. illegitimacy, impunity, and distrust) have established themselves in the private security market as well.

3.1. Global Development of PMSCs

PMSCs can best be described as "private business entities that provide military and/or security services" (Montreux Document, Art. 9, Sept. 17, 2008), including the protection and armed guarding of individuals, places and buildings. Over the last three decades, the use of armed PMSCs by inter alia the USA, the NATO, the EU and the UN has contributed to the acceptance of private security companies, thereby legitimizing the use of armed force outside of the public security system (Krahmann 2013, 62).

Elke Krahmann argues that the norm on the monopoly on violence remains important in national and international law, however in order to be able to continue to use the norm in our globalizing world, it is due for a redesign (2013, 66). In its original form, the norm is seen as *"*prohibiting the use of armed force by non-state actors in the international sphere*"* (Krahmann 2013, 66). By outsourcing the use of force in the international sphere to PMSCs, the norm falls short when it comes to the distinction between offensive and defensive security services (Krahmann 2013, 65).

Although the norm was originally based on Weber's definition of the state, globalization has caused territorial boundaries such as borders to fade, therefore causing a grey zone when it comes to the use of non-state actors in the international sphere. Furthermore, a new market has been created since collective violence and armed conflicts are now prone to profit motives caused by PMSCs. The coming about of this new market is causing blurred lines between public and private security in Mexico, demanding a solution in order to rebuild institutional legitimacy.

In the whole of Latin America, the private security industry has been growing with a steady rate of ten percent per year, resulting in the amount of police officers falling behind on private security guards by a third (Kinosian and Bosworth 2018, 3; Muggah and Tobón 2018, 38; Puck 2017, 76).

The shift from a state monopoly on violence to a privatized security market was hasty in Mexico, as private security companies suddenly boomed in 1998 with a 40 percent growth in PMSCs (bailey and Chabat 2002, 24; Müller 2010, 136; Reames 2008, 114). Whereas in 1970 only 40 private security companies were registered in the whole of Mexico, 30 years later the number rose to 1400 companies (Müller 2010, 135). Nowadays, the private security market makes up for more than one and a half

percent of the nation's GDP and is still growing: in 2014 the market grew with fourteen percent (Puck 2017, 76).

The quick growth of this market in Mexico came about for two reasons. Firstly, we have seen throughout the last two chapters that a rise in crime in the 90s combined with the ongoing displaying of impunity by the police caused insecurity among civilians, creating a demand for the outsourcing of security (Davis 2003, 21; Kinosian and Bosworth, 1; Müller 2010, 136)). Furthermore, it is argued that the opening up of the country through economic liberalization (i.e. NAFTA) has contributed to the proliferation of the private security market: it now easier for foreign companies to be able to offer their services in Mexico (Davis 2003, 21; Müller 2010, 136). Furthermore, since foreign companies started to reside in Mexico because of liberalization regulations, a vicious circle of violence and the growth of the private security market started as the foreign companies fell prey to kidnappers and were overwhelmed by robberies (Davis 2003, 21). Profits were high, costs were low: the market grew.

3.2. Unregulation

The fact that crime and violence levels in Mexico are higher than ever, is now not the only problem occurring in the region. Because trust in the police and thus the institutional apparatus is low, civilians are more than ever looking for other ways to protect themselves. If regulated adequately, this should not be a problem. However, privatization of state resources came along quickly, resulting in a situation where there was not enough time and experience to be able to adjust the rules and regulations to the new situation (Kinosian and Bosworth 2018, 5): "The government does not have sufficient resources to effectively police this industry" (Regalado Santillán 2002, 184).

Monitoring of private security companies was a problem from the beginning as local informal markets prevailed, with an estimated amount of some 20,000 private security companies. As for

formally registered companies, only a quarter of this number existed in the beginning of the 21st century (Müller 2010, 140). Due to inefficiency in regulation, it is argued that the majority of 80% of the private security market within Mexico is operating under conditions of informality (La Jornada 2008; Perret 2013b, 167)). Inefficiency of regulation lies in having limited personnel, a low quality of inspections due to corruption, and its reactive instead of preventive course of action (Müller 2010, 140-141). Inspection officers have a habit of accepting bribes in exchange for avoiding legal regulation (Müller 2010, 141). As a result, not "even a minimal amount of private market oversight" exists (Perret 2013b, 167).

Kinosian and Bosworth argue that changing the model of the private security regulation will not positively influence the private security market in Mexico, as impunity is the rule and improving regulation is a low priority (2018, 5). Bypassing laws will remain fairly easy for private security guards and companies, and is being enabled by a "lack of oversight and enforcement" which play corruption and even human rights abuses in the hand (Kinosian and Bosworth 2018, 3-4). Furthermore, making private security enforcement stricter could cause poor inhabitants to refrain from hiring private security, as prices will go up.

3.3. Gap between Poor and Rich Widens

Since PMSCs are offering a solution to the crime and violence problem, citizens who can afford to do so take measures into their own hand in order to protect themselves. Hiring private security is seen as a solution citizens can use to improve public insecurity, something the government apparently has not succeeded in. Citizens are thus "effectively introducing their own "bottom-up" police reforms", turning to the private sector (Davis 2006, 65).

However, this has its downside, since more violence and insecurity is created when more people start bearing arms: as a prerequisite of being employed in private security services, and as self-protection from both corrupted police and criminals. Thus, when violence becomes normalized and therefore private security rises, "the vicious circle of violence and insecurity" is fueled (Davis 2006, 65). Furthermore, it is argued that the political discussion of improving regulation in the private security market lacks confidence, as improving regulations would cause poor people to be left out and therefore eliminate them as potential voters (Müller 2012, 142).

3.4. Delegitimizing State's Monopoly

The privatization of security has caused for the presence of a non-state actor which is - willingly or unwillingly – allowed to use force in circumstances where formerly only states were authorized to do so (Perret 2013a, 46). This shift from public to private is however not seen as simply a transfer of power from the public to the private side, but rather as changes in the relationship between the sovereign state on the one side and security on the other. It challenges existing mechanisms (Perret 2013a, 46).

From the viewpoint of private security actors in Mexico, it is argued that by mimicking police officers, private security actors attempt to gain legitimacy (Puck 2017). Logan Puck argues that although police officers in Mexico rather lack legitimacy through impunity, private security actors attempt to create a "symbolic stateness" by imitating the public police through symbolic means such as weapons and uniforms (2017, 75). On the other side, we can argue that private security actors in Latin America further delegitimize institutional legitimacy when they combine mimicking with their faults determined by Markus-Michael Müller's: Müller argues that Mexican private security actors raise

concerns about their respect for human rights through carrying out “kidnapping, robbery, extortion, and coercion” (2010, 143).

When looking at the protection of citizens from the side of citizens themselves, we are dealing with a problem of opportunities, not of being inherently violent or without culture. Violence has been normalized in Mexico, since the every day image of the state has been filled with crime and citizens are taking similar measures into their own hands in order to win their personal war. Through normalization of violence, the monopoly on violence has eased off from the state and is now floating around in a grey area where citizens are latching on to the opportunities that are presented to them.

3.5. Shift from Public to Private

The problem we are addressing from the side of the state has to do with a particular stream going from the public to the private sphere. Since public police pay is low and corruption pervades, we have already established that impunity is the rule. Now that the private security market has come about, ex police officers that had to leave the force because they were corrupted, often go work in the private sector. On top of that, criminal organizations are now prone to hire private security, offering even higher pay. Criminal organizations would likely rather hire private security personnel than corrupted public officers (Müller 2010, 144).

Public security officers and private security personnel are now competing for the monopoly on the use of violence, resulting in violent conflicts as a consequence (Davis 2003, 22). The circle is round.

Conclusion

Throughout this research, we have seen that violence in Mexico has kept growing. Contemporary violence has now moved beyond the state, making it only harder to find solutions to the ever-growing number of homicides country the country. Mainly through acts of interpersonal violence, Mexico now has one of the highest homicide rates of the world.

Through its particular state formation, Mexico has endured violence in all sorts and forms throughout history, making it a particular violent country even within Latin America. However, the 1990s sparked an interesting rise of violence through a period of uncertainty where democratic reform was expected to diminish violence. Rather, it kept growing, mainly because of high rates of drug production and trafficking, and impunity.

Public security in Mexico is now identified with having three particular problems: it is seen as illegitimate, infused with impunity, and distrusted by citizens. All together, this has instigated citizens to find a way to protect themselves from the rising violence without having to turn to the state; private security.

The main phenomenon this research has attempted to analyze and explain, is the relationship between public and private security, and how a shift from the former to the latter has formed itself within society. We have established the best way to do so was by analyzing the state through state formation, and taking into mind the conceptualization of the ‘state’ by Philip Abrams. Knowing that the ‘state’ is not something tangible, and that through its imaginary dimension it creates a way of

legitimizing subjection, we have determined to analyze the security problem best through two main actors: public security and private security.

For public security, we determined the procedural justice model right for determining that there exists a lack of trust in the police in Mexico, which has formed through a lack of differentiation between the military and the police, high levels of corruption and low institutional legitimacy. Distrust through illegitimacy and impunity has therefore caused citizens to turn to the private security industry.

As violence rose in the 1990s, so did the private security market in Mexico. The Mexican economy opened up through liberalistic measures such as NAFTA, creating opportunities for foreign countries to offer private security services. Furthermore, foreign companies residing in Mexico were targeted with robberies and kidnappings, creating a bigger market for PMSCs.

Private military and security companies have boomed exactly within the time frame in which Mexico was quickly trying to adapt to a more democratic rule. Having to deal with this many changes within a short time frame, regulations for PMSCs have fallen short and thus created an informal market. Policing the private security market has failed, creating the opportunity for corruption: impunity prevails.

The normalization of violence in Mexico thus fuels the private security market, however as impunity reigns, a vicious cycle of new violence and insecurity has started. Other downsides to the uprise of the private security market are a widening gap between poor and rich, which will only grow if regulation improves.

The monopoly of violence now has shifted away from the state, leaving public security without the monopoly, and private security trying to gain the monopoly. As citizens keep turning to private security actors, we argue that private security has started to gain legitimacy. Mexican citizens clearly believe

that private security actors can provide security better than public security actors, thereby shifting legitimacy from the latter to the former.

Now when we had a look at the particularities of the 'state' and 'legitimacy', we have seen that Max Weber was one of the first to try and determine what exactly the state entails. Having taken Weber's definition as a starting point, we can now see that a vicious circle is in place in Mexico. Take his definition of the state: a state is a state when it "claims the monopoly of the legitimate use of physical force within a given territory" (Weber 1946, 4). A state can therefore gain legitimacy whenever its participants belief it to be legitimate. However, Weber takes a structuralist approach: a state's borders can change, something we have seen throughout the years and becomes even more important in this ever globalizing world, where regionalism blurs boundaries and even borders nowadays. When the 'state' attempts to gain the monopoly on the legitimate use of violence, it changes its borders continuously. Therefore, the process of gaining legitimacy goes on for as long as a state exists and changes.

In the case of Mexico, we use this conceptualization of the state to come back to its state formation. Latin American countries do not follow the same path of state formation as European countries do, therefore the path to gaining legitimacy is never the same either. Latin America's state formation was violent, and Mexico's even more. Violence keeps sparking up and changes hands, i.e. the monopoly of violence floats around from one group to another.

In Mexico, public security officers now move from public security to the private security market. The shift from public to private security is therefore present in multiple forms: citizens shift from trusting private security more than public security, plus ex-policemen shift from the public to the private security market. On top of that, the problems public security has endured – illegitimacy,

impunity, and distrust, have proven to have occurred in the private security market now as well, partly because corrupted ex-policemen have started working in the private security market. Impunity sparks violence, sparks a shift in the monopoly of violence, sparks a violent response from the state, sparks more violence. Mexico's state formation is still not complete, and maybe it never will. Legitimacy never was in one group's hands, and maybe it never will. Violence keeps rising, and maybe it will never stop. The circle is full.

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