

Democratic Regression through Violence? Analyzing the Impact of Violence and Organized Crime on the Quality of Democracy in Mexico

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Abstract Violence in its different expressions and exercised by various state and non-state actors is currently one of the most pressing problems and challenges for various nations worldwide, as it has adverse effects on the entire political and social life of a population and hence on the democratic quality. Despite these empirical observations, the relationship between violence, violent non-state actors and the quality of democracy is still unclear and under-examined as the prevalent democracy assessments have yet to incorporate these developments sufficiently in their measurements. In the debate about democratic regression through violence, understood as a loss of democratic quality, Mexico is an especially interesting case. After completing its democratic transition in 2000, expectations arose that Mexico would transform to a functioning democracy. However, with the declaration of the war on drugs in 2006 the country slid into a spiral of violence that was unknown up until that point. This violence, which has continued to accelerate until now, as well as the increasing presence of organized criminal groups give cause to analyze whether these factors have an adverse effect on the quality of democracy. The following article will answer this question by analyzing the quality of the Mexican democracy and its development between 2000 and 2015. The analysis is carried out by the empirical application of the *15-Field-Matrix of Democracy*, which was complemented by context-specific indicators to measure the mentioned factors. The thesis is that Mexico has experienced a democratic regression due to the presence of organized criminal groups and the high level of violence. The article suggests that violence and the presence of violent non-state actors should generally be included in detail in a democracy assessment to achieve a more valid measurement of democratic quality, and it provides inductive generated indicators to achieve this.

Keywords Mexico, Violence, Organized Crime, Democracy, Democracy Assessment

1. Introduction

The global spread of democratic systems is a notable phenomenon of the 20th century. With the increasing number of states that satisfy the procedural minima of a democratic political system, the variance within this group of states has increased significantly. In consequence, the focus of democracy research has shifted from the mere regime classification to the measurement of democratic quality [1]. In this research context the question of a global democratic regression came up [2-4] and was recently confirmed by *Freedom House* [5], who stated that “*Democracy faced its most serious crisis in decades in 2017*” and that the observed declines in political rights and civil liberties “*marked the 12th consecutive year of decline in global freedom*”. One of the currently most interesting cases regarding both the assessment of democratic quality and the question of whether a democratic decline has taken place is Mexico. The Mexican transformation process was, in contrast to almost all other Latin American countries, a relatively peaceful, constant and slow process, which culminated in the transfer of presidential power in 2000 [6]. For the first time in 71 years of one-party ruling by the *Partido Revolucionario Institucional* (PRI), the *Partido Acción Nacional* (PAN) won the election and their candidate, Vicente Fox Quesada, became the newly elected president of Mexico.

However, Mexico is a prevailing example that the successful and peaceful transition to democracy is no guarantee for a functioning constitutional democracy. The latest developments in Mexico give cause to question the country’s democratic quality. Since the beginning of the so-called *Drug War*, which was implemented by Fox’s successor, Felipe Calderón and perpetuated by the current president Enrique Peña Nieto, the government is focusing on the militarization of society in order to fight organized crime and insecurity. Instead of achieving these goals, violence has spread out and the organized criminal groups have begun to split and diversify their activities, becoming

more and more powerful and challenging the Mexican state in a particularly brutal manner [7]. In this context, no agreements exist regarding either the regime character of Mexico or its development over time. Neither quantitative indices nor experts have created a consistent democracy profile on the country. According to *Freedom House*, Mexico belongs to the group of countries labeled as partly free [8]. The *Economist Intelligence Unit* classified the country as an imperfect democracy [9], the *Bertelsmann Transformation Index* as a defective democracy [10] and *Polity* as a democracy [11]. Expert evaluations classify the country as an electoral democracy [12], an illiberal democracy [13], an uncertain democracy [14] or a precarious democracy [15]. A variety of analysts classify the country as repressive autocracy [16-19] and facade democracy [20]. While some experts believe that the democratic quality has increased since the transition [21,22], others see an “*Estado que no ha acabado de democratizarse*”¹ [23], a “*difícil y incierta transición democrática*”² [14] and a deterioration within the context of the Drug War [24]. While some analysts categorize Mexico as a failed state [20,25], others reject this classification [26]. These divergent evaluations motivate one to examine the democratic quality in this specific panorama more in depth.

It has to be mentioned that organized crime in Mexico is not a new phenomenon as drug cartels have been present since the middle of the 20th century. Since only one party had ruled until 2000, the drug cartels and the respective governments had been able to establish agreements that led to a relatively low level of violence: the government did not take actions against the drug cartels and the drug cartels only focused on drug trafficking without targeting the Mexican population. The drug distribution networks in Mexico have therefore developed under the umbrella of official protection [27]. The transition process that brought along political pluralization and culminated in the transfer of power in 2000 weakened these agreements significantly. Additionally, the dynamic of the drug cartels changed: the number of drug cartels rose, and their activities diversified. In consequence, a brutal turf war between the different groups emerged, which has claimed a huge number of victims. The organized criminal groups became more violent and directed this violence not only towards their rivals but also towards politicians, investigative journalists and human rights defenders. The diversification of criminal activities to include extortion, kidnapping and human trafficking increasingly involved the Mexican population [28]. Hence, when this paper speaks of criminal groups, violence and insecurity as current phenomena, it refers to the extreme spiral of violence and insecurity in the context of the war on drugs, while, at the same time, being aware that the problem of organized crime has historical roots in Mexico.

The research on a possible democratic regression through violence is highly relevant given the fact that violence in its different expressions is currently one of the most pressing problems and challenges for various nations worldwide. In many countries, state violence is supplemented by violence exercised by non-state actors, although it is not always easy to differentiate between the two types of violence. Violence has effects on the entire political and social life of the population as it leads to massive limitations of political rights and civil liberties. Despite this empirical evidence, the exact relationship between violence, violent non-state actors and democratic quality is still unclear and under-examined. This is an important blind side of existing democracy measurement efforts as these aspects have become a pervasive challenge to many nation-states in all world regions and thus have to be included in detail in the measurement of democratic quality.

One of the most violent regions is Latin America, where many states are under siege from violent non-state actors such as drug cartels, youth gangs or militias. Despite the absence of war, the intentional murder rate is on a sharp increase and non-political criminal violence increases unabatedly. One interesting fact is that the violence began to increase very significantly in the 1990s and thus, even after electoral democracy systems had been restored in almost all countries in Latin America [26,29]. In many Latin American countries the democratic consolidation process remains fragile due to the high levels of violence. We can identify five prevailing forms of violence in the region. (1) Common violent street crime. (2) Crime and violence generated by adolescents and directed towards them, like in the case of the *Maras* in Guatemala, El Salvador and Honduras. (3) Gender-based violence, which, at its worst, can be seen in the *feminicides*. (4) State violence mainly in the context of militarization and hard-hand politics. (5) Violence generated by organized criminal groups such as the drug cartels. This paper will focus on the last three forms of violence, as these are the most concerning ones in Mexico.

2. Theoretical Framework and Methods

2.1. The 15-Field-Matrix of Democracy

The research is designed as a comparative qualitative case study, which aims to answer the question of whether Mexico has experienced a democratic regression through violence. To analyze the democratic quality of Mexico, Lauth's [30] *15-Field-Matrix of Democracy* was chosen as this measurement instrument combines the advantages of qualitative and quantitative approaches. On the one hand, the Matrix is sufficiently comprehensive to draft a differentiated quality profile of the Mexican democracy; on the other hand, the quantification of the results makes it

¹ “State that has not finished democratizing”

² “difficult and uncertain democratic transition”

applicable for comparative purposes. Furthermore, it is flexible enough to be adapted to the particularities of the case under examination.

The design of the *15-Field-Matrix* is based on a combination of the three fundamental dimensions of democracy (1) freedom, (2) equality and (3) control, with five democratic institutions, (1) decision-making, (2) intermediation, (3) public communication, (4) legal guarantee and (5) rulemaking and implementation. The combination of the mentioned aspects results in a matrix of 15 fields (see Table 1). Each field is operationalized by a variety of qualitative and quantitative indicators to measure the democratic quality (see Appendix). Depending on the research interest, the data can be aggregated per institution (*Instidex*), per dimension (*Dimex*) or in an overall index (*Demex*). The more detailed information, however, will be obtained by analyzing the 15 fields separately. The specific construction of the Matrix makes it possible to identify in which field, institution and dimension changes have taken place and thereby answering the question of whether and where a democratic regression has occurred.

The measurement level is a metric five-point scale. Lauth's decision for a mid-scale measurement is reasonable because the whole continuum from democratic to totalitarian regimes does not need to be captured, but rather just the area that is relevant for democracy. If the features of an indicator are given in full expression, then a value of one is assigned to it, which indicates a high democratic quality. If the features are not present to a sufficient degree, the value of five is ascribed to it. Being assigned to the category of two or three indicates smaller or larger deviations from the full expression, while the category four represents an already institutionalized anchoring of the identified defects [30].

The overall regime classification is based on the regime typology of (1) functioning democracy, (2) deficient democracy and (3) authoritarian regime and follows three specific rules: (1) As soon as one of the 15 fields obtains the value of five, the overall findings can no longer be located in the area of democracy, but instead we are dealing with an authoritarian regime. (2) Once a matrix field obtains the value of four, there is a deficient democracy as long as no field has received the value of five. (3) It is only possible to talk about a functioning democracy when all 15 fields have received at least the value of three [30]. Hence, the *Democracy Matrix* allows one to draw a differentiated profile of democracy, as the strengths and weaknesses are

accurately located in the respective institutions and dimensions, and to distinguish between different regime types.

The overall values of each field are determined by the creation of the median. As several of the measured variables are complex one, consisting in a formal and a factual dimension, this procedure implies a certain compensation effect that could distort the empirical finding. Thus, in order to reduce this compensation effect, the factual characteristics of the measured indicators are weighted twice. This is relevant considering the empirical observation of a significant gap between theory and practice. As the fields were operationalized by a variety of complex indicators, the thresholds for regime classifications were determined by 3.5 for deficient democracy and 4.5 for authoritarian regime.

The *Democracy Matrix* also includes the analysis of informal institutions. The effects of informal institutions such as corruption, clientelism, violence and the threat of violence, civil disobedience and non-violent resistance as well as customary law, have to be studied in each of the 15 fields because the impact of an informal institution normally is not limited to one single field but has a broadband effect. In the case of Mexico, the most important informal institutions are those that have adverse effects on democracy: corruption, violence and clientelism. In this paper, the focus lies on violence and the threats of violence as these are the most relevant informal mechanisms regarding the underlying research question.

Although the indicators recognize all aspects of democracy, the *15-Field-Matrix* needs to be critically reviewed and modified to satisfactorily answer the research question of this article. A special focus lies on the different forms of violence that are assumed to have a negative impact on democracy.

(1) Violence that is promoted by organized crime and the security forces of the government in the context of the war on drugs. (2) The militarization of society that has led to an increase in violence that is generated by the state itself and directed towards the population. (3) Gender-based violence, which is insufficiently considered in all measuring instruments. (4) Violence that is used to silence civil society and therefore directed towards journalists and activists and thus against fundamental political rights.

In order to catch these different forms of state and non-state violence, context-specific indicators (see Table 2) complemented the Matrix.

Table 1. The 15-Field-Matrix of Democracy

	Freedom	Equality	Control	Index
Decision-Making	free elections and plebiscites	equality of participation and votes	control by the electoral commission	<i>Instidex1</i>
Intermediation	freedom of association	equal rights of action and organization	control by parties, associations and civil society	<i>Instidex2</i>
Public Communication	freedom of communication	equal opportunities of participation	control by the media	<i>Instidex3</i>
Legal Guarantee	free access to justice	equal rights and treatment by the judiciary	effective administration of justice, constitutional court	<i>Instidex4</i>
Rulemaking and Implementation	effective government	equal treatment by the administration and the parliament	separation of powers	<i>Instidex5</i>
<i>Index</i>	<i>Dimex1F</i>	<i>Dimex2E</i>	<i>Dimex3C</i>	<i>Demex</i>

Source: Lauth, Hans-Joachim (2004): 330

2.2. Methodological Procedure

The article is part of the comprehensive qualitative study “*Mexico’s young democracy in crisis. Analyzing the quality of democracy at the national and sub-national level*” (Doctoral thesis, submitted in January 2018). The article condenses the empirical findings of this analysis regarding the question of the influence of violence and organized crime on the democratic quality. In order to achieve this, a diachronic comparison of the last three administrations was conducted: the presidency of Fox from 2000 until 2006, of Calderón from 2007 to 2012 and of Peña Nieto, which began in 2012 and will end in 2018. The comparison of the three *sexenios* using the *15-Field-Matrix of Democracy* made it possible to identify the differences and similarities in the democratic quality and to locate them exactly in the respective institutions and dimensions.

The data collection was carried out in two phases. First, secondary data was collected through a comprehensive literature review. Publicly available scientific literature reports by international and national non-governmental organizations as well as by government authorities were analyzed. Furthermore, the data of other relevant democracy measuring instruments, surveys and indices were reviewed and used as control variable. As the information collected through secondary data analysis is assumed to be insufficient to investigate the quality of the democracy in a profound way as these data are not able to adequately capture the informal institutions as well as the effects of violence and organized crime, it was supplemented by primary data. The collection of primary data consisted in semi-structured qualitative problem-centered and expert interviews. In order to ensure the necessary degree of objectivity, it was ensured that during the selection of the interviewees close attention was paid to the incorporation of different points of view and perspectives. In addition, the information gleaned from the interviews was critically reflected on regarding their quality and credibility. The interviews were

conducted with representatives of civil society organizations, journalists, scientists and representatives of state institutions. The interview guidelines were developed in accordance to the conceptual logic of the *15-Field-Matrix*. In total 137 interviews were conducted during two six month research stays between October 2013 and July 2015. The aim of the interviews was to provide a valid measurement of the indicators of the 15 fields and to close the gaps in the research that were left by the secondary data collection. For the data evaluation, the interviews were transcribed. The literal transcription of the verbal collected data provided the basis for a detailed interpretive analysis using the qualitative content analysis. The data were analyzed separately for each of the three periods, so that three different *15-Field-Matrices* emerged. Through the comparison of the three periods, the question of the influence of violence and organized crime on the democratic quality could be answered. For pragmatic reasons this article will just present the indicators that were used to measure this impact (see Table 2).

These indicators were developed through an inductive approach. Based on initial empirical observations on the impact of violence and organized crime on democratic quality, all institutions and dimensions have been examined in order to understand in what way and in what form they have been affected by the current situation. The thesis generated from this is that above all the freedom dimension is impaired. Most of the indicators are thus part of this dimension. While no serious impact on the equality dimension is assumed, an adverse effect is also expected for the control dimension, especially in the context of the broadband effect of informal institutions and on the background of the strong interdependence between the dimensions of freedom and control in the sense, that limited freedoms also impair the capability to control the government. For a better comparability, these indicators are aggregated into an *Index of Violence* for each analyzed democratic institution (*Videx1-Videx5*).

Table 2. Indicators to measure the impact of violence and organized crime

<i>Institution</i>	<i>Dimension</i>	<i>Indicators</i>
Decision-Making	Freedom	1.Limitation of free voting by violence 2.Limitation of free voting by coercion and threats 3.Impairment of passive suffrage by violence
	Equality	4.Intervention of organized crime in the campaigns
Intermediation	Freedom	5. Impairment of the freedom of assembly through violence 6.Infiltration of organized crime in the intermediate structures
	Control	7.Obstruction of control through violence
Public Communication	Freedom	8.Impairment of the freedom of communication through violence
	Control	9.Obstruction of control through violence
Legal Guarantee	Freedom	10.Human rights violations by state actors 11.Human rights violations by irregular actors 12.Gender-based human rights violations 13.Impairment of legal security by informal institutions 14.Existence of security laws and emergency paragraphs
	Control	15.Impairment of control by informal institutions
Rulemaking and Implementation	Freedom	16.Existence of brown areas 17.Existence of tutelary powers 18.Existence of exempted policy areas 19.Enforcement of the monopoly of force 20.Influence of organized crime on administration and security forces

3. The decline of the Mexican democracy

3.1. Decision-Making

In general, free and fair elections are guaranteed and all citizens have the right to vote and to be elected. The elections are organized and controlled by the national electoral institute, the INE, and the electoral tribunal, the TEPJF. The electoral reforms of 2007 and 2012 led to a significant improvement of the quality of the elections in all their dimensions. However, these improvements were obstructed by violence and the increasing intervention of criminal groups in the electoral processes. Four indicators measure these effects: (1) the limitation of free voting through violence, (2) the limitation of free voting through coercion and threats, (3) the impairment of passive suffrage by violence and (4) the intervention of organized crime in the campaigns. While the first three indicators belong to the freedom dimension, the latter is part of the assessment of the equality of the elections.

While the elections held during the presidency of Fox were peaceful and without greater violent incidents, we can observe clear adverse effects of the growing insecurity and the high level of violence on the freedom of elections under Calderón, and they become even more obvious under Peña Nieto. In some regions, people could not exercise their suffrage due to the precarious security situation, but also because of violent incidents, especially those that marked the elections in 2015. These were classified as the most violent elections in Mexican history [31]. The limitation of free electoral decision by the use of direct violence, threats and coercion reveals a similar deterioration. Since the

beginning of the Drug War, the cartels are influencing elections more actively and openly than they used to. While there were no hints of obstruction of the voters' ability to exercise their vote freely in the elections of 2003 and 2006, the subsequent elections showed many more signs that organized criminal groups were trying to intervene in the elections by using threats and direct violence [32].

It was not just the freedom to vote that was affected, but also the freedom to run for office was impaired by violence and organized crime. The increasing trend towards assassinations of candidates and elected representatives is an especially clear sign of the influence of organized crime on decision-making and its growing interest in the political sphere. While candidates for the elections in 2003 and 2006 could campaign freely, the cartels increasingly began to expel "uncomfortable" candidates out of the electoral arena by using threats and selective violence in the following elections [33-35]. Consequently, the number of candidates and elected functionaries that were killed or who disappeared increased significantly. Others renounced their candidacy because of the threats they received. While no killings of mayors were registered between 2000 and 2003, 82 were killed by organized crime between 2007 and 2014. In 2010, 13 mayors as well as the candidate for governor of the state of Tamaulipas were assassinated [24, 36-43]. This trend continued during the presidency of Peña Nieto and even intensified. The election of 2015 was especially characterized by a high level of electoral violence. Various candidates resigned, were killed or disappeared. In total 130 murders were committed in the context of the election process in 2015 [44-46]. Although it remains unclear how many candidates withdrew their candidacy or were even deterred from running for office out of fear, these threats

and violent actions significantly limited the freedom of elections.

The organized crime groups did not just hamper the freedom of the elections, but they also impacted the equality of the elections regarding fair conditions for competition. The political-criminal ties between candidates and drug cartels, which were mainly generated through illegal campaign financing in favor of certain candidates, had already become manifest under Fox. The possibility of systematic support by criminal groups in favor of one of the political forces became more and more tangible over time as the active participation of organized crime in the political sphere gradually increased. Under Calderón, the electoral processes at all levels of government were systematically contaminated by the suspicion that the drug cartels had co-opted the parties and candidates through campaign financing or personal corruption [35,47]. The issue of the interference of organized crime in the elections in favor of certain candidates was also present in 2015 [48,49]. The new financial control system, which was implemented in line with the electoral reform of 2012/14, had little impact on the large amount of unregistered money movements. In addition, the cartels intervened openly in favor of certain candidates in some regions. This financial influence was complemented by the aforementioned selective violence against certain candidates, which also damaged the equality of the electoral process. Although it is not possible to measure the extent to which organized crime had an influence on the election campaigns, it can be assumed that this was ubiquitous enough to reduce the quality of the elections. In addition, this is a clear sign of the deleterious impact of informal institutions, especially when they are linked.

Table 3. Impact of Violence and Organized Crime on the Decision-Making

	Fox	Calderón	Peña Nieto
Impact of Violence and Organized Crime on the Decision-Making			
1.Limitation of free voting by violence	1	2	3
2.Limitation of free voting by coercion and threats	1	2	3
3.Impairment of passive suffrage by violence	2	3	3
4.Intervention of organized crime in the campaigns	2	3	3
<i>Viodex1</i>	1.5	2.5	3
Overall Assessment of the Democratic Quality of Decision-Making			
Freedom	1.8	2.1	1.9
Equality	2.9	2.6	2.4
Control	2.1	1.9	1.8
<i>Instidex1</i>	2.3	2.2	2.0

In general, the diachronic comparison of *Decision-Making* has shown a slight improvement mainly due to the electoral reforms of 2007/08 and 2012/14

(*Instidex1*). However, the formally significant progress was thwarted by the growing presence and strength of organized crime and its increased interest in electoral intervention. Equally harmful was the level of violence, which is now increasingly challenging the free and fair character of the elections. The evolution of the *Viodex1* evidences that the harmful effects of violence and organized crime have intensified over time (*Viodex1*). However, the analysis shows that Mexico doubtlessly belongs to the group of electoral democracies since the democratic transition in 2000 and that the elections overall met the standards of a functioning democracy (see Table 3)

3.2. Intermediation

The fundamental political rights are guaranteed in Mexico. There are no formal limitations on the freedom of association and assembly neither on parties nor on social movements and civil society organizations. In theory, there are no significant hurdles to organize and demonstrate. However, the sphere of intermediation is severely affected by violence and organized crime. Three indicators measure this effect: (1) the de facto guarantee of the freedom of demonstration and assembly, (2) the infiltration of organized crime in the intermediate structures, (3) the obstruction of control by state and non-state actors. While the first two indicators belong to the freedom dimension, the latter one is part of the control dimension.

Even though Fox's government severely limited the freedom of demonstration and assembly by threats against civil society organizations and the criminalization of social protests, the beginning of the Drug War marked a significant regression of political rights. Since 2007 a climate of hostility and persecution of civil society organizations has consolidated and Mexico has become one of the countries with the highest level of violence against activists, including killings [41,50,51]. Particularly problematic was the enormous increase in politically motivated forced disappearances [52]. In addition, violence against demonstrators increased, hindering the mobilization of social organizations.

After a considerable step backwards between the administrations of Fox and of Calderón regarding the de facto freedom of action of civil society organizations, a further step back took place under Peña Nieto. From the very beginning of his administration, Peña Nieto used excessive violence against protesters and repression like arbitrary detentions against social movements [53]. Violence against civil society actors not only increased in quantitative but also in qualitative terms, as intimidation and arbitrary arrests as well as forced disappearances became systematic [54-56]. According to activists, the government used forced disappearances selectively against human rights defenders and social activists as a way to impede the realization of their activities [57,58]. It

became obvious that the context of the Drug War had made it much easier for the state to commit these crimes without being held responsible as it could assign the responsibility for the aggressions to the drug cartels or criminalize the victims as members of organized crime organizations and therefore justify the repression.

Not only was the state limiting the exercise of the political rights through threats, murders and disappearance of human rights defenders, environmental activists and those defending the rights of indigenous people and women but the organized crime groups were also involved in these activities. Evidence for this is that these attacks have risen significantly since the implementation of the Drug War and the growing presence of organized criminal groups. Due to the almost absolute impunity that these groups enjoy in these cases [59], the responsibility for the violent acts is not clear. Activists defend the hypotheses that organized criminal groups in cooperation with the state authorities commit the majority of these attacks [60].

The diachronic comparison has revealed a significant regression in the de facto freedom of action of civil society actors. The worsening of the situation between the last two administrations couldn't be illustrated numerically as the worst value had already been assigned during Calderón's administration. That makes it clear that the *15-Field-Matrix* should be further differentiated into the non-democratic regime spectrum.

The adverse effects of the presence of irregular armed groups did not just become evident from the increase in violence directed against the organized civil society, but also from a certain influence of the organized crime on the intermediate sphere especially in the political party structures. This could already be seen under Fox and was generated mainly by illegal cash flows from the organized criminal groups into the political parties [61]. The strength and presence of the cartels increased, so did their financial potential and interest in infiltrating the political parties [62, 63]. Due to the lack of investigations regarding the penetration of the intermediate sphere by organized crime, it is difficult to make a valid measurement and compare the development of this indicator. However, it can be assumed that the influence of the cartels has grown with their increasing strength and growing political interest.

While the diachronic comparison revealed that violence and organized crime did not have an adverse effect on the equality dimension, the dimension of control deteriorated significantly. In all three analyzed time periods the most significant limitation of the effective control capacity of intermediary actors was violence, which, assuming various forms, was exercised against the civil society actors. While this was already pronounced under Fox, the violence during the following administrations not only increased but was also systematized. This makes it clear that violence, exercised by the state and by non-state actors, is not just limiting freedom but also the control capacity and, therefore, has a broadband effect.

The overall quality of the *Intermediation* in all three *sexenios (Instidex2)* remained in the range of functioning democracies, but showed serious defects, which became exacerbated over the course of time. While equality improved slightly, both freedom and control experienced a democratic decline, which can be mainly contributed to violence (*Viodex2*) (see Table 4).

Table 4. Impact of Violence and Organized Crime on the Intermediation

	Fox	Calderón	Peña Nieto
Impact of Violence and Organized Crime on the Intermediation			
1. Impairment of the freedom of assembly through violence	3	5	5
2. Infiltration of organized crime in the intermediate structures	2	3	3
3. Obstruction of control through violence	2	5	5
<i>Viodex2</i>	2.3	4.3	4.3
Overall Assessment of the Democratic Quality of Intermediation			
Freedom	2.7	3.1	3.2
Equality	2.9	2.7	2.7
Control	2.7	3.3	3.3
<i>Instidex2</i>	2.8	3.0	3.1

3.3. Public Communication

The freedom of speech and the freedom of the press are formally guaranteed in Mexico. However, in practice these rights are confronted with serious limitations. One of the main restrictions is the monopoly of the mass media, especially of radio and television, which prevents the population from having access to various opinions. The other main defect is the economic dependence of most of the print media on the government publicity. While no direct censorship exists in Mexico, all three governments used publicity as an indirect way of censoring the media. These structural defects are reinforced by violence, which is exercised against journalists. Two indicators measure this effect: (1) the impairment of the freedom of communication through violence and (2) the obstruction of medial control by threats and violence. These indicators are part of the freedom and control dimension.

Under Fox, the violent environment in which journalists worked constituted one of the most serious threats to the freedom of the press as this led to an increasing self-censorship [63-66]. While under Fox, the attacks on journalists remained geographically limited and directed mainly against the print media, since 2007 the attacks have increased dramatically parallel to the operations against the drug cartels [67]. According to the UN, the number of crimes against the freedom of speech tripled under

Calderón in comparison to Fox. Furthermore, attacks extended geographically and turned against almost all types of media [41,68-70]. Mexico has become one of the most dangerous countries for journalism as the number of journalists who have been killed or have disappeared has risen significantly. According to different sources, up to 76 journalists were killed during Calderón's administration [72-74]. Investigations revealed that although the drug cartels were responsible for the most violent attacks, political authorities and police units from all three levels of government committed the majority of these crimes [75-78]. The extremely high number of murders led to a tightening of self-censorship, which was additionally exacerbated by the prevailing impunity and the lack of adequate protection for journalists. The FEADLE, a special public prosecution office founded in 2010 with the aim to prevent crimes against journalists, proved to be inefficient. Although Calderón had all the legal tools to guarantee freedom of speech, there was a lack of political will to achieve the necessary changes that could have hauled Mexico out of the role as one of the world's most dangerous countries for journalists [78]. According to the organization *Artículo 19*, the violence against journalists and the following impunity had a systematic character [79].

Under the government of Peña Nieto, the aggressions increased by 80% compared to Calderón, revealing a further dramatic deterioration in the freedom of the press [78]. In addition, the number of assassinations of journalists has consistently and significantly risen since then [80-82]. In 2014, Mexico received the worst qualification by *Freedom House* regarding the freedom of the press in decades, being located in the 139th place out of 199 countries [83]. In 2016, according to the organization *Reporters without Borders*, Mexico ranked ahead of Syria and Afghanistan as one of the most dangerous countries for the press worldwide [84]. Furthermore, the attacks against journalists not only increased numerically, but also in scope, as digital and international media outlets were also affected [78,85]. In addition, the attacks indicated a more obvious systematic character [86-98].

Many journalists had to leave the country because of the threats they had received. Due to the systematic attacks against journalists, free reporting was no longer possible. The almost total impunity and the complete inefficiency of the journalists' protection mechanism, which were the common denominators of Calderón's and Peña Nieto's administration, contributed to the continuation of the threats and attacks and consequently to a further deepening and spread of self-censorship. Particularly problematic was the latter in combination with the increasing control of information by the government, which was especially visible under Peña Nieto, as this resulted in significant information gaps. According to the *Mexico Peace Index* of 2016 [87], the perverse combination of organized crime and medial *oficialismo* generated a situation in which money, corruption and violence determined the extent of

the truth to which Mexican citizens had access.

While violence and organized crime did not have an effect on the equality dimension, the control function of the media was severely limited. Indeed, in all three *sexenios* their ability to control was massively affected by violence and threats exercised by the state and organized crime, but the degree had changed dramatically as the attacks increased in quantitative and qualitative terms under Calderón and even more under Peña Nieto. Furthermore, the attacks were directed mainly against those who investigated certain issues that were inconvenient for the government, such as corruption, violence and human rights violations. This led to a pronounced self-censorship of the media and journalists and thereby undermined their ability to keep a check on those in power. This dis-empowered the media as the fourth estate that is needed in a democracy to supervise and monitor state actions. This tendency was also evident in the comparison of Calderón and Peña Nieto.

It is obvious that the violence against journalists have been exercised by the criminal groups as well as the state and its paramilitary forces. A clear distribution of responsibility is not possible as the demarcation between these groups is not clear. Consequently, these violations have also gone unpunished. The fact that people who criticize the state are assassinated by cartels raises the question of whether there is a certain convergence of interest between them and the state [90].

The overall assessment of the institution of *Public Communication* highlights the democratic regression that is taking place in Mexico (*Instidex3*). Manifest violence and the threats of violence have impaired both the freedom of the media and their monitoring function (*Viindex3*).

Table 5. Impact of Violence and Organized Crime on the Public Communication

	Fox	Calderón	Peña Nieto
Impact of Violence and Organized Crime on the Public Communication			
1. Impairment of the freedom of communication through violence	4	5	5
2. Obstruction of control through violence	4	5	5
<i>Viindex3</i>	4	5	5
Overall Assessment of the Democratic Quality of Public Communication			
Freedom	2.9	3.4	4.0
Equality	3.3	3.0	3.0
Control	3.0	3.3	3.3
<i>Instidex3</i>	3.1	3.2	3.4

Doubtlessly, under Peña Nieto the limitations of the press were stronger than under Calderón, since a quantitative and qualitative deterioration is evident. As the indicators to measure the effect of violence were rated with

the worst score both under Calderón and Peña Nieto, the numerical value only slightly reflects the actual aggravation of the situation of the press between the two administrations. This again makes it clear that the metric scale has to be extended to the authoritarian field. As the assessment of the freedom dimension was rated with the value of four under Peña Nieto, Mexico has left the area of functioning democracies (see Table 5).

3.4. Legal Guarantee

Mexico has ratified all key international human rights agreements and conventions. Furthermore the Mexican constitution guarantees all human rights and free access to justice. The constitutional reform of 2011, as well as the reform of the justice system in 2008, was important steps that led to better protection of human rights and improved access to the justice system. At the same time, the justice system is characterized by inefficiency and corruption, which lead to a negation of justice for certain social sectors like migrants, women, indigenous people and people without financial resources. This is a structural problem in Mexico that leads to a poor democratic quality of the institution of *Legal Guarantee* (*Instidex4*). Furthermore, it has worsened even more as a direct and indirect consequence of the presence of the organized criminal groups. The following indicators measure these effects: (1) human rights violations by state actors, (2) human rights violations by irregular actors, (3) gender-based human rights violations, (4) the impairment of legal guarantee by informal institutions, (5) the existence of security laws and emergency paragraphs, (6) the impairment of control by informal institutions. Again, these indicators are mainly part of the freedom dimension as violence and organized crime had no identifiable effect on equality. The effect on the control dimension is limited to the last indicator.

The diachronic comparison of the human rights situation has made two things clear: first, it has been undoubtedly confirmed that human rights in Mexico were violated by all three governments and that these violations were partly of a systematic, undoubtedly generalized character. Particularly problematic was the phenomenon of forced disappearances, which seemed to have been a state policy in all three *sexenios* [91]. The same applies to other serious human rights violations such as torture. Second, it has become clear that the situation of human rights has deteriorated significantly since the beginning of the Drug War and the militarization of society. Human rights violations were also committed under the Fox government, but not in a systematic and generalized way as can be observed since the beginning of the Drug War. These violations range from torture and misuse of power to arbitrary detentions and extrajudicial executions and to the disappearance and killing of innocent people [92-95]. These violations have reached a level incompatible with democracy. 95% of these human rights violations were committed with impunity

[96-99] due to the inefficiency and corruption of the justice system.

Furthermore, the government of Calderón began to use the presence of organized crime and the discourse of a diffuse state of violence in order to legitimate the repression against the population. In this context, preventive police repression and surveillance gained weight in comparison to judicial proceedings [90,100]. The rule of law was further undermined as Calderón deprived criminals implicitly of fundamental rights while creating uncertainty about who belonged to the 'criminals'. An essential aspect of his discourse was to consider as part of the problem that criminals enjoyed procedural rights at all [101,102]. The assumption that victims of human rights violations would have per se connections with criminal groups and were therefore abducted, arrested or disappeared, was repeatedly used by the justice system as a justification for not having investigated the cases [60]. This also was the case for the mentioned attacks against journalists and activists [103,104]. One striking indicator for this were specific changes in the everyday discourse about crime: assassination victims were referred to as *narcotraficantes*, arbitrary detentions were labeled preventive *arraigo* and the various mass graves, which were found in the last several years, were called *narcofosas* [105-107]. All these terms suggest that organized crime was responsible and that the victims of the human rights violations themselves were part of the cartels. The implicit assignment of responsibility made investigations appear superfluous and at the same time legitimated the repression by the state against the population. In this sense, the war on drugs gave the government an opportunity for authoritarian regression. "*From the very serious institutional crisis of 2006 emerged an opportunity to reconfigure the state on an authoritarian setting (...) justified by the war on crime*" [108].

Although the government discourse rejected any hypothesis suggesting possible activity of death squads, critics of the government policy began to talk about social cleansing by such actors [109].

The human rights situation has deteriorated even more under the current administration. The number of forced disappearances and extrajudicial killings has increased significantly. The most emblematic cases are those of the various massacres in Michoacán in 2014 and 2015, the extrajudicial execution of 22 people in Tlatlaya and the forced disappearance of 43 students in Ayotzinapa in 2014 [110,111]. In addition, between 2005 and 2015, the number of registered cases of torture increased by 600% [112].

The deterioration of the human rights situation is undoubtedly due to the Drug War and the militarization that took place in this context. However, the assumption that human rights are being violated by an uncontrolled military would neglect that many of the most severe human rights violations were ordered from the higher levels of government [10]. The patterns in which they were

perpetrated and veiled, as well as the discourse of Calderón's and Peña Nieto's governments, which criminalized the victims, revealed a systematic nature of these violations. Furthermore, 98% of these human rights violations were committed with impunity [113,114].

The state did not just directly commit human rights violations, but it also proved to be incapable of protecting the citizens from those perpetrated by non-state actors. The diachronic comparison has revealed that over time these attacks have increased in both quantity and quality.

Irregular actors have historical roots in Mexico. During the Fox administration paramilitary units, which had their roots in the so-called *guerra sucia* of the 1970s, acted against the people, especially in the south of the country. In addition, a stronger presence of the cartels became clearly noticeable, which increasingly threatened the people's basic rights [35,115,116]. The geographical spread of the cartels and their increasing strength led to a massive deterioration of the human rights situation under Fox's successors. One consequence of the war on drugs was that the dynamic of the drug cartels changed: their numbers rose and their activities diversified and extended to a broader set of criminal activities, which include extortion, kidnapping and human trafficking, especially of women and migrants [28,117]. Consequently, the cartels increasingly were targeting the civilian population. In addition to the cartels, paramilitary units continued to violate human rights. Particularly serious were the forced displacements, the forced disappearances and the homicides which were committed by these groups as these crimes violated the most basic human rights of freedom, life and physical integrity.

In all three *sexenios* a collusion between these irregular actors and the government agencies that participated in the human rights violations could be confirmed. This cooperation exacerbates the seriousness of these crimes, as the governments were responsible not only for omission but also for complicity and assent. This was particularly evident in the case of paramilitary units, which began to consolidate again under Calderón, but even more so under Peña Nieto. One striking case for the collusion between state and non-state violent actors are the forced disappearances. Human rights reports confirm a cooperation between government agencies and criminal networks in a couple of cases as police forces were contracted by criminals to conduct the disappearance and vice versa [59]. This is just one example of the cooperation between both actors in committing severe human rights violations.

The attempt to separate the analysis of human rights violations by actors has revealed significant difficulties. Getting valid information about the nature of the irregular groups was difficult due to their criminal and clandestine nature. In addition, the boundaries between state and non-state actors became increasingly blurred. In consequence, most cases remained unpunished. However,

human rights violations in Mexico were without a doubt committed by various actors and often in cooperation between them.

The diachronic comparison of gender-based human rights violations reflects a similar evolution as the general human rights situation. Under Fox, women's legal guarantee was much worse than that of men, as they were exposed to specific human rights violations related to their gender. Particularly problematic was the high level of the feminicides. Under Fox, up to 7,600 women were killed [118]. There was a clear deterioration between Fox and Calderón as violence against women began to increase in quantitative and qualitative terms. Between 2007 and 2012 the number of feminicides increased by 138%, as 12,267 women were murdered in this period [119,120]. In addition, the brutality with which these crimes were committed reached new dimensions. According to UN Women, feminicides had reached the level of a pandemic [121]. Not only did the number of feminicides rise, but the phenomenon also spread all over the country. The strongest increase was observed in the federal states in which the Drug War was more intense [98,122]. The same applies for the disappearance of women. Between 2011 and 2012 1,238 women disappeared [123,124]. This concerning tendency has continued under the government of Peña Nieto. The number of women who perish every day has doubled compared to Fox's *sexenio*. In Mexico, seven women are killed every day. The number of women, who were murdered between 2013 and 2015 represent 60.4% of those assassinated in the six years under Calderón. In 2015, murder was the most common cause of death among Mexican women between 15 and 29 years [125-127].

These developments can be explained by the militarization of society, as the military and the police were also involved in these crimes, as well as by the diversification of the activities of the drug cartels. The drug cartels, which acted mostly in complicity with state officials, saw a significant source of income from trafficking women. In general, women are particularly vulnerable in internal conflict situations, as they are often considered a type of spoils of war. This also applies to Mexico. However, the violence against women cannot be fully explained by just referring to the current conflict and the activities of the cartels. The precarious situation of women must be interpreted in the context of structurally and culturally anchored violence. The level of impunity in the case of gender-based violence, which is even higher than the general impunity, supports this interpretation. The generally high levels of various forms of violence suffered by women in the public and private sphere, the restriction of women's reproductive rights and the use of sexualized torture by state actors, harden this assumption and apply to all three *sexenios*. The generalized nature of the gender-based human rights violations and the enormous brutality with which they are perpetrated are clearly in blatant contradiction to all basic democratic convictions.

The analysis and comparison of human rights abuses has shown that there was a significant deterioration between Fox and Calderón and even between Calderón and Peña Nieto. Again, the regression that has taken place between the last two governments could not be represented numerically as under Calderón the worst values had already been assigned. This once again reveals that the *15-Field-Matrix* should be open to further differentiation of the non-democratic spectrum.

The human rights situation worsened even more by the de facto state of emergency that was implemented by Calderón and maintained by his successor. Although the possibility of declaring a state of emergency within which civil rights can be restricted or suspended was constitutionally established, neither Fox nor Calderón declared it. However, the latter resorted to militarization and thus de facto overruled the guarantees of the people. In order to provide a legal framework for the militarization of society, Calderón resorted to legal instruments such as special security laws, which constitutionally allowed the intervention of the military in security tasks and retrospectively legalized the massive use of the armed forces against organized crime [128]. Under Peña Nieto the special regulations and the de facto state of emergency, which are diametrically opposed to democracy, were maintained. This led to an ongoing restriction of civil liberties, especially in the regions most affected by the Drug War [23].

Furthermore, all governments used the so-called *arraigo* to fight criminals. This legal figure, which was declared unconstitutional by the Supreme Court, was legally legitimized under Calderón and excessively used by him and his successor [127,129]. This figure deprived the alleged criminals of their fundamental rights as they could be detained without a trial and therefore violated their basic rights.

The presence of organized crime did not just lead to a deterioration of the human rights situation, but it also increasingly began to reduce the independence of the judiciary by infiltrating its structures or putting pressure on

judges through bribery and death threats. As the cartels became stronger after the outbreak of the Drug War, violence and threats began to consolidate as an informal institution alongside the structurally institutionalized corruption. In addition, the exponential increase in violence had a direct impact on the work of the judiciary as the fear of reprisals by the cartels prevented people from filing complaints and judicial authorities from examining them and passing judgments [130]. Undoubtedly, the trend of an increased infiltration of the judiciary by organized crime and the consolidation of violence and threats as an informal institution further affected not only freedom but also the control dimension. However, the influence of criminal organizations was more prevalent in the lower levels of justice rather than in the higher courts, which are responsible for the control and oversight of the government. Therefore, the effect on judicial review and thus the control dimension was less pronounced than on the freedom dimension.

Doubtlessly, the severe democratic regression in the legal guarantee of the people was caused by the increasing strength of organized crime and the various forms of violence it generated, as well as by the repressive reaction of the federal government, which evidenced clear authoritarian features. This applies to both Calderón and Peña Nieto, but was even more pronounced under the latter (*Viodex4*). Regarding the overall assessment of the institution of *Legal Guarantee (Instidex4)*, it becomes clear that Mexico had never been a functioning democracy. However, the deterioration is evident considering that just under Fox the equality dimension had crossed the threshold to defective democracies while under his successors the freedom dimension had also passed this point. The comparison has made it clear that the dimension of freedom has deteriorated most significantly. The defects identified under Fox in the control dimension also persisted among his successors and were aggravated by greater interference of organized crime through threats and infiltration (see Table 6).

Table 6. Impact of Violence and Organized Crime on the Legal Guarantee

	Fox	Calderón	Peña Nieto
Impact of Violence and Organized Crime on the Legal Guarantee			
1. Human rights violations by state actors	4	5	5
2. Human rights violations by irregular actors	4	5	5
3. Gender-based human rights violations	4	5	5
4. Impairment of legal security by informal institutions	4	5	5
5. Existence of security laws and emergency paragraphs	2	3	3
6. Impairment of control by informal institutions	2	3	3
<i>Viodex4</i>	3.3	4.3	4.3
Overall Assessment of the Democratic Quality of Legal Guarantee			
Freedom	3.4	4.1	4.1
Equality	3.6	3.6	3.6
Control	2.3	2.7	2.7
<i>Instidex4</i>	3.1	3.5	3.5

3.5. Rulemaking and Implementation

One major achievement since the democratic transition has been the weakening of the imperial presidency and the strengthening of the separation of power. Major deficits however can be identified in the process of rule application. First, the widespread discrimination against women, indigenous people and poor people prevents people from being treated the same way by the administration and parliament. Second, the geographical conditions of Mexico impede basic services from reaching the whole population. Third, the institutionalization of corruption and clientelism limits the quality of rulemaking and application in all its dimensions. Besides these structural deficits, the Drug War and the increasing presence of irregular armed groups represent an even more serious challenge to the effective power to govern. The effect of violence and organized crime is measured by the following indicators, which are all part of the freedom dimension: (1) the existence of brown areas, (2) the existence of tutelary power, (3) the existence of exempted policy areas, (3) the enforcement of the monopoly of force and (4) the influence of organized crime on administration and security forces.

The diachronic comparison of the existence of brown areas, understood as territorial areas in which the range of the state is limited, has made it clear that even under Fox strong shortcomings in the scope of territorial control of the state subsisted. This was limited to the hard-to-reach regions of the country and furthermore challenged by criminal groups and rural caciques [62,131]. While structural deficits remained unchanged, organized crime increasingly boosted its territorial control over some of the country's municipalities in states like Michoacán, Guerrero, Sinaloa, Tamaulipas and Chihuahua. Evidence for this was the increasing violence generated by the turf wars between the cartels, which characterized both the *sexenio* of Calderón and Peña Nieto.

In addition, the presence of various tutelary powers, which were already strong under Fox, limited the effective power to govern [115,132]. From a functional point of view, a large number of actors, which undoubtedly included organized crime but also, albeit to a lesser extent the mass media, local *caciques* and major enterprises, has impaired the effective governance of elected officials during Fox's administration. Although there were no significant changes in terms of the quantitative scope of the veto actors, their potential to influence increased definitively. In the context of the Drug War, on the one hand, the military incrementally escaped civilian control as its competences were extended without strengthening the civilian control over it [90,133]. On the other hand, the strength and geographic reach of organized crime and its interest in political influence grew. This parallel development became visible at the end of Fox's term but became accentuated under his successors [33,134,135].

At the onset of the war on drugs, the number and geographical presence of irregular armed groups increased.

While the criminal groups did not originally interfere in the political sphere and were geographically concentrated in the northern states under Fox, with the beginning of the Drug War they extended their geographical reach to almost the complete Mexican territory and increased their interest in participating in political affairs. Recently in addition to these groups, various self-defense groups have emerged in states like Guerrero and Michoacán in order to defend the population against the drug cartels. These groups might be legitimate as they are a consequence of the absence of the state; however, they present a challenge for the effective power to govern.

Regarding the existence of exempted policy areas, a clear deterioration can be seen over time. While no evidence of such defects could be found under Fox, the takeover of non-military tasks in various policy fields by the military [90], which was observed under Calderón and Peña Nieto, can certainly be interpreted as a defect, especially since these policies were withdrawn from the civil power of disposition. Overall, the decision-making monopoly of elected officials has worsened between Fox and his successors due to militarization and the increasing presence and influence of organized crime.

What is especially concerning is the erosion of the monopoly of force. Even under Fox, numerous irregular violent actors frayed and challenged it [63,115]. However, the state's inability to guarantee citizens' security has fueled an increasing privatization of violence. In general, this is harmful for democracy as the security privatization "*eat[s] away at the institutional edifice of the rule of law because they shift responsibility for vigilance and maintaining public order to private hands*" [136]. The wave of violence that began to spread at the end of Fox's administration intensified dramatically among his successors, which in turn led to further privatization of security tasks.

One indicator of the erosion of the state monopoly of force is the number of homicides. Under Fox up to 9,725 people were killed in the context of the war on drugs [137], under Calderón 64,744 drug-related homicides were registered [138]. Between 2013 and July 2016, 76,788 homicides were committed [139]. Experts consider that 60% of those were perpetrated in the context of the war on drugs [78,140]. This data makes it clear that the security of the citizens was by no means guaranteed by the state and that the government had lost the monopoly of force.

Doubtlessly the enforced trafficking turf against the Mexican state had thus led to an escalation of violence from 2007 onwards, which has continued until now. In 2008 the cartels in Mexico evolved to be the most violent organized criminal groups in the world [7]. The higher level of violence among major cartels results from the desire to control strategic locations for moving drugs into the United States. However, the explanation for the extremely high number of intentional killings is not only the inter- and intra-cartel violence but also the fact that the cartels had responded to the Drug War by ratcheting up the

level of violence, killing both law enforcement and military personnel. Furthermore, they began to use indiscriminate violence against the population as a tool to create fear [7, 29]. The diversification of the criminal activities into those increasingly associated with targeted violence against the population like human trafficking, extortion and kidnapping was particularly problematic. Given these developments, which were also fueled and promoted by the counterproductive strategy of militarization, it was no longer possible to speak of a sufficient enforcement of the monopoly on the use of force.

Parallel to this development was an increasing infiltration of the state structures by the organized crime groups. Seeing the Mexican state as being captured by organized crime neglects the fact that the drug distribution networks in Mexico have developed under the umbrella of official protection [27]. As Astorga stated, "*controlled, tolerated or regulated by mighty politicians in northern states, drug trafficking seems to have been a business that was developed from within the power structure, and drug traffickers do not give the impression of having emerged as an early autonomous specialized social group, but rather as a new class of outlaws that depended closely on political and police protection and was banned from political activity*" [142]. Thus, the large influence of criminal groups on local state personnel has historical roots. In this clear interaction, the interlacing between state and illegal forces became institutionalized [90]. The need for armed force to realize their illicit activities had led to close connections between organized crime and the security services [141,142]. Thus, "*local and regional power spaces, in which drug traffickers and politicians co-existed, extended*" [143].

This interconnectedness between the illegal and legal spheres had by no means disappeared after the alternation [141,144]. Paradoxically, democratization had shifted the balance of power in favor of the cartels as the centralized, coherent strategy of the state to guarantee criminal organizations market shares and integrity no longer existed. New actors in the executive branch implied changed interest constellations and less predictable reciprocal arrangements [145]. This development was described as a transition from a hierarchical-centralized model to a fragmented relationship without a clear pre-position [142].

Fox first attempted, by means of implicit or explicit agreements and a certain level of permissiveness, to keep the cartels and the violence they produced under control [146,147]. As the relationship between the state and criminal sphere had changed, this strategy was not as successful as before and was instead accompanied by an

increase in violence. One consequence of the Drug War and the disturbed criminal-state relationship was that the cartels began to build up their own armed forces, which contributed even more to the explosion of violence as this led to a further privatization of violence and the rise of new actors, such as the *sicarios* [35,148,149]. The police apparatus was the most important recruitment center for the drug cartels. According to the government, the cartels have infiltrated more than half of the local police forces [150]. One emblematic case of a death squad, but by no means the only one, are the *Los Zetas*. They emerged as the specialized enforcement service entity of the Gulf cartel and mainly recruited elite soldiers and police officers [29,151]. *Los Zetas* are, to a certain degree, responsible for the unrestrained brutality of the Drug War. In this sense, the Mexican state itself had prepared these *sicarios* with military training [145].

Without doubt, there is an intervention of the organized criminal groups in state structures. In the last few years, this type of influence has gradually increased, focusing on mayors and governors, senators and deputies. Under Calderón, the increasing penetration of state structures by organized crime was evident, reaching not just the local but also the national authorities. This infiltration was established mainly through bribery, blackmail and campaign financing, but also violence and threats including murders of candidates for certain offices [10, 33, 152]. The Mexican cartels are thus an emblematic example of the synergistic employment of violence and corruption, which results in areas of impunity and leads to de facto shifts in governance [151]. This dynamic continued under Peña Nieto. Although the exact degree of infiltration of political structures remains unclear, there are numerous indications suggesting such a link.

The overall assessment of the quality of *Rulemaking and Implementation (Instidex 5)* revealed that Mexico had never been a functioning democracy as even under Fox the threshold to a deficient democracy had been crossed in the field of equality. While these defects persisted over time, the freedom dimension deteriorated significantly and passed the cutoff point under Calderón and Peña Nieto mainly due to the increasing presence of the drug cartels and the violence directly and indirectly generated by them (*Viodex5*). However, attributing this backward step only to the existence of irregular violent actors would neglect the fact that Calderón and Peña Nieto, and to a lesser extent Fox, contributed to the escalation of the Drug War and the violence through their counterproductive strategy to combat organized crime, and they thereby damaged rulemaking and implementation.

Table 7. Impact of Violence and Organized Crime on the Rulemaking and Implementation

	Fox	Calderón	Peña Nieto
Impact of Violence and Organized Crime on the Rulemaking and Implementation			
1. Existence of brown areas	3	4	4
2. Existence of tutelary powers	3	4	4
3. Existence of exempted policy areas	1	2	2
4. Enforcement of the monopoly of force	4	5	5
5. Influence of organized crime on administration and security forces	3	4	4
<i>Viodex5</i>	2.8	3.8	3.8
Overall Assessment of the Democratic Quality of Legal Guarantee			
Freedom	3.0	3.7	3.5
Equality	3.6	3.6	3.6
Control	3.3	3.3	3.4
<i>Instidex5</i>	3.3	3.5	3.5

4. Conclusions

As a first conclusion we can state that Mexico has never been a functioning liberal democracy, in contrast: in each of the analyzed periods, we can identify strong democratic deficits that significantly reduced the democratic quality. Furthermore, the investigation has confirmed the assumption that a democratic decline has taken place. The democratic regression between Fox and his successor was much more dramatic than between Calderón and Peña Nieto. However, this is also because the setback that took place between the last two *sexenios* could not be illustrated numerically. This finding reveals the limited validity of numerical results and emphasizes the need to supplement them with qualitative analyses and to disclose the findings at indicator level. What is equally clear is the need to open the *15-Field-Matrix of Democracy* and in general the existing democracy measurement instruments to a differentiation of the non-democratic spectrum that includes diminished subtypes of authoritarian rule as it is obvious that autocratic characteristics can evolve and become reinforced within democratic settings.

The war on drugs did not just reveal the incapability of the state to deal with organized crime and its collusion with it, but it also disclosed a more repressive and authoritarian style of governance. Human rights violations as well as attacks against human rights defenders and journalists were a major democratic defect in Mexico before the declaration of the war on drugs. Nevertheless, the number and severity of these violations has exploded since 2007. The same applies to the erosion of the state's monopoly of force and the existence of brown areas and tutelary powers. Many of these indicators would have been worse off under Peña Nieto than under his predecessor. The current president has not only perpetuated the security strategy of Calderón, although analysis has shown its disastrous effects, but he has also implemented an even more repressive way of

governance by repressing social movements and limiting the freedom of the press even more. Under his government, the number of disappearances has risen, various mass graves have been found and numerous extrajudicial killings have been reported.

Measuring the democratic quality of Mexico, but especially its evolution over time, has made it clear that the presence of irregular violent actors as well as the onset of the Drug War, and above all its intended and unintended consequences, have had a damaging effect on democracy, which ultimately affects all institutions, albeit to varying degrees. The institutions of legal guarantee as well as the implementation of rule have been particularly affected. This is illustrated not only by the extent of human rights violations committed by non-state actors, but also by the increasing penetration of state structures by organized crime, which reveals their growing political interest and suggests that the identified defects will become even more severe.

Without a doubt, violence in general affects democracy as it has effects on the entire political and social life of the population. Thus, the different forms of violence that threaten democratic institutions in a transversal manner must be explicitly included in the analysis of the quality of democracy. What turned out to be especially damaging for the democratic quality is not just the presence of violent actors and the violence that they generate, but also the repressive reaction of the government. This repressive reaction is not just directed against these actors but also against the population in general and certain sectors in particular. The overall development of the democratic quality of the five analyzed institutions makes it clear that a regression had taken place in all of them, except the elections (Figure 1).

Furthermore, the analysis showed that the dimension of freedom has been specifically affected by the decline of democratic quality (Figure 2). This can be explained by the

extreme violence and insecurity that directly or indirectly limit the exercise of political rights and civil liberties in some regions of the country. They have been directly affected in the sense of attacks against those exercising their rights and freedoms, and indirectly in the sense that a high level of violence makes it impossible for some people to exercise their rights as they cannot move freely and are paralyzed by fear. Equality experienced a slight improvement, yet it traditionally has a lower quality due to the structural problems of poverty, inequality and a strongly ingrained level of discrimination against poor people, women and indigenous people. The persistence of this dimension remaining at a relatively low level reinforces the assumption that the identified defects are of structural nature. This was not part of this article, yet it was an important finding of the aforementioned comprehensive analysis of Mexico’s democratic quality. Like the dimension of freedom, the control dimension worsened in the context of the war on drugs as the violence against activists and journalists as well as the collaboration

between drugs cartels and authorities limits the vertical and horizontal accountability. This also is evidence of the strong interdependence between freedom and control.

Doubtlessly, violence and the threat of violence consolidated as informal institutions, as organized crime increasingly resorted to these mechanisms in order to achieve and maintain an influence on political structures. In addition, the state actors themselves used these informal institutions in order to suppress unpleasant criticisms. The combination of this development with the deeply rooted corruption in the complete state apparatus and the mutual reinforcement of these informal institutions have proved particularly devastating, as this not only has an even more detrimental effect on democracy but also makes it more difficult to combat these mechanisms. This was particularly evident in the case of Mexico as the strength and persistence of organized crime is to a significant degree based on the infiltration of state structures through corruption and violence.

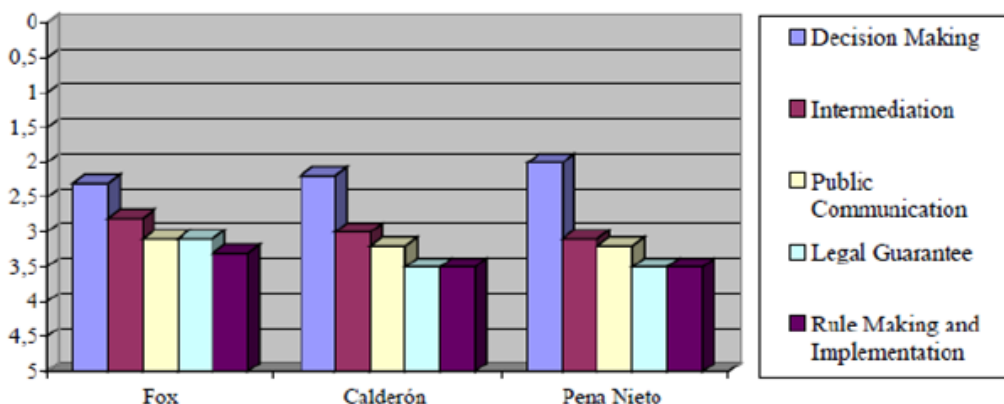


Figure 1. Institutional Changes between 2000 and 2015

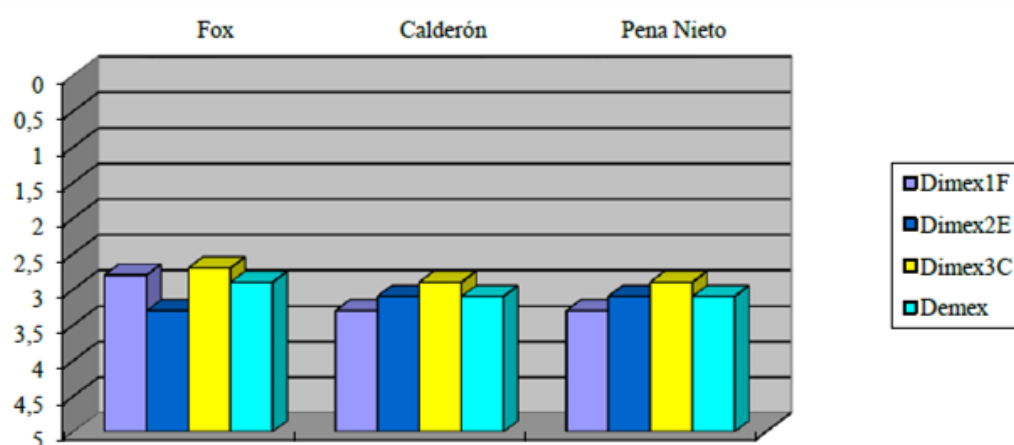


Figure 2. Dimensional Changes between 2000 and 2015

Taking into account the mentioned rules of regime classification, it becomes clear that Mexico never has been a functioning democracy as at least two fields fell below the threshold to a defective democracy in each analyzed time period (Table 8). However, the classification of all three *sexenios* as defective democracies must not obscure the fact that the bandwidth and the depth of these defects had increased significantly over time.

Clearly, the presence of organized crime has thus twice generated a crisis of Mexican democracy. It directly violates fundamental political rights and civil liberties and undermines the governments' ability to govern effectively. However, it would be inadequate to attribute democratic regression to the mere presence of non-state actors, as the state legitimized repression by the fight against organized crime. Thus, the authoritarian turn was carried out under the guise of restoring the monopoly of force. The adoption of the *Ley de Seguridad Interior* in November 2017 indicates that the identified shortcomings will continue to worsen as this law places the de facto militarization on a legal footing. This poses considerable risks to the human rights situation in the country and suggests that these, as well as the level of violence, will intensify.

The empirical findings generated for Mexico can be generalized to some extent, as several countries are confronted with the presence of irregular violent actors and high levels of violence. In addition, the hard-hand policies, which are implemented by several governments, have similarly devastating consequences. This is especially true for diverse Latin American countries, such as Brazil, El Salvador, Guatemala and Honduras, but by no means limited to them.

Table 8. Matrix Fields beyond the threshold to a deficient democracy

	Fox	Calderón	Peña Nieto
Freedom of Communication	2.9	3.4	4.0
Freedom of Legal Guarantee	3.4	4.1	4.1
Equality of Legal Guarantee	3.6	3.6	3.6
Freedom of Rulemaking and Implementation	3.0	3.7	3.5
Equality of Rulemaking and Implementation	3.6	3.6	3.6

5. Discussion

The *15-Field-Matrix of Democracy* has proved to be a useful tool to answer the research question, as its conception allows one to add case specific indicators and thereby making it possible to measure the effects of violence and organized crime on the democratic quality. Furthermore, its structure permits allocating the identified defects to the democratic institutions and dimensions. In addition, the quantification of the results was useful for the comparative purpose of the study.

However, the empirical findings made it clear that the

quantified exposure of results quickly reaches its limits as the five-point scaling prevented the numerical depiction of the democratic decline that took place between Calderón and Peña Nieto. The findings have shown that a further differentiation in the non-democratic area is necessary and that the diminished subtypes in the authoritarian sphere should be included since autocratic characteristics can increase even within democratic settings. This does not only apply to the Democracy Matrix, but also to other measurement instruments as these tend to focus either on the root concept of democracy or autocracy and therefore ignore the diminished subtypes on the other side of the continuum [153].

The research question has proven to be meaningful in the sense that the findings, which were achieved by analyzing the democratic quality including violence and irregular armed groups, are much more valid and realistic than those that are generated by assessments neglecting these issues. None of the traditional democracy indices adequately includes the diverse effects that the presence of non-state violent actors can have on democratic quality. This is particularly problematic given the fact that these actors represent a major challenge for many countries worldwide. Above all, the empirical finding that violence has risen in many Latin American countries after their transformation to democratic systems and thus can no longer be attributed to autocratic governments, exposes the lack of inclusion of violence and its effects on democracy as a blind spot in the traditional democracy measurement procedures.

However, the inclusion of irregular violent actors has also revealed problems that pose a significant challenge to the valid measurement of democratic quality. First, the access to reliable information is limited as these actors mainly have a clandestine and irregular character; secondly, the clear separation between state, para-state and non-state actors is not always feasible as the boundaries between them became more and more fluid and blurred. This is caused on the one hand by the increasing collusion between these different groups and the movements between them while on the other hand by the emergence of new actors who make the panorama even more complex; thirdly, the analysis of the relation between the state and the non-state actors has certain limits, such as the structure of Mexico as a federal state because the relationship changes according to the political and social context. In general, the relations of irregular violent actors with the state range from confrontation to coordination to acting on behalf of the state. The problem here is that the separation between state and non-state actors is necessary to assess their impact on the different democratic institutions. This was particularly evident in the analysis of legal guarantee on the one hand, and rule application on the other hand. While violence generated by non-state actors is a clear indication of the erosion of the monopoly of force and the weakness of the state, violence generated by state using para-state or non-state actors or collaborating with them, significantly

reveals the authoritarian nature of a regime and thus damage the institution of legal guarantee.

The analysis also indicates that the democratic quality is higher at the national level than at the sub-national level as the Mexican states are much more vulnerable to the influence of the drug cartels due to even higher indices of corruption, weaker control mechanisms and an inferior level of professionalism of the authorities. The organized criminal groups are reinforcing these defects as they have a much higher interest in influencing and controlling the lower levels of government. Controlling the states and especially the municipalities is more important for the drug cartels as they realize their activities at in these levels. This leads to a further research possibility as Mexico is a federation composed of 32 states, which differ extremely in social, economic and political aspects of each other. This structural heterogeneity makes it necessary to focus the analysis of the quality of democracy not only on the national level but also on the sub-national level. The realization of a comprehensive qualitative analysis of the quality of democracy in each of the federal units would be an important contribution to the research on democracy. This is not only in the case of Mexico but also in all federations in which one can assume the existence of significant differences among the federal entities and between the national and the sub-national level of government. Based on this argument, not only would the study of the 32 states be an essential contribution to the research on democracy, but it would also be an analysis of the municipal level.

Furthermore, in order to develop causal links, it may be useful to conduct longitudinal sectional comparisons. Annual surveys of the quality of democracy are essential for three reasons: (1) they help to verify causal relationships, (2) they serve to detect immediately a democratic regression and the reasons for it and (3) they

can indicate the extent to which implemented policy measures have led to an improvement of the democratic quality. Thus, the analysis of the temporal development should be kept in mind as an insightful long-term research project.

A further aspect that has so far been insufficiently taken into account in the democracy measurements is the gender-perspective. The analysis made it clear that the situation of women differs significantly to that of men. This does not only apply to gender-specific violence and human rights violations, but also to the exercise of political rights and civil liberties. Women are confronted with an ingrained level of discrimination that limits their ability to exercise their rights and freedoms on the same level as men. Women are still underrepresented in parliaments and governments around the world. Those who become socially and politically active are confronted with severe resistance that often manifests itself in physical or psychological violence. This is not just true for Mexico but for almost all world nations. Out of pragmatic reasons this article just focused on gender-based violence, nevertheless it is suggested that the gender-perspective should be included in a more profound way in democracy assessment as it can be assumed that the democratic quality for women is less than that for men.

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Appendix: Operationalization of the 15-Field-Matrix of Democracy

Field	Variable	Indicator
<i>Decision-Making</i>		
1/1	I. Freedom of Vote	1. Respect of the secret vote 2. Infrastructure of polling stations 3. Readability of the ballot 4. Obstruction of free voting by informal institutions 4.1. Inducement of the vote by customary law 4.2. Inducement of the vote by clientelism 4.3. Impairment of the vote through violence 4.4. Impairment of the vote through coercion and threats
	II. Effectivity of the elections	1. Temporal limitation of the term of office 2. Effectiveness of the office occupation
	III. Openness of access to candidacy	1. Representation of social <i>cleavages</i> 2. Party pluralism 3. Barriers in candidate nomination 3.1. Formal barriers in candidate nomination 3.2. Factual barriers in candidate nomination
	IV. Impairment of the candidacy	1. Impairment of passive suffrage

1/2	I. Universal active suffrage	<ol style="list-style-type: none"> 1. Equal weight of votes 2. Right to vote for non-citizens 3. Right to vote for citizens living abroad 4. Barriers for the exercise of the right to vote <ol style="list-style-type: none"> 4.1. Formal barriers to exercising the right to vote 4.2. Factual barriers to exercising the right to vote
	II. Universal passive suffrage	<ol style="list-style-type: none"> 1. Formal barriers to exercising the passive suffrage 2. Factual barriers to exercising the passive suffrage
	III. Equality of election campaigns	<ol style="list-style-type: none"> 1. Equality of competition <ol style="list-style-type: none"> 1.1. Equality of media access and reporting 1.2. Equality of campaign funding 2. Impairment of equality by informal institutions <ol style="list-style-type: none"> 2.1. Impaired by <i>malas prácticas electorales</i> 2.2. Interference of irregular actors
1/3	I. Control capacities of the electoral institutions	<ol style="list-style-type: none"> 1. Independence of the electoral institutions <ol style="list-style-type: none"> 1.1. Formal independence 1.2. Factual independence 1.3. Party representation in the electoral institutions 2. Administrative capacities of the electoral institutions
	II. Effectiveness of the electoral control	<ol style="list-style-type: none"> 1. Effectiveness of the electoral control by the electoral authorities 2. Complaint possibilities for the citizens 3. International and national election observation
<i>Intermediation</i>		
2/1	I. Guarantee of the right to self-organization	<ol style="list-style-type: none"> 1. Formal freedom of association 2. Factual freedom of association
	II. Guarantee of the freedom of action of intermediary actors	<ol style="list-style-type: none"> 1. Responsiveness of the government 2. Guarantee of freedom of demonstration and assembly <ol style="list-style-type: none"> 2.1. Formal guarantee of freedom of manifestation and assembly 2.2. Factual guarantee of freedom of manifestation and assembly
	III. Influence of informal institutions on intermediary mediation	<ol style="list-style-type: none"> 1. Infiltration of intermediary structures by organized crime 2. Impairment of intermediary mediation through clientelism and corruption
2/2	I. Equal treatment of intermediary actors by the state	<ol style="list-style-type: none"> 1. Transparency of party financing 2. Consideration of the intermediary actors in the decision-making process 3. State support measures
	II. Representativeness of intermediary actors	<ol style="list-style-type: none"> 1. Representativeness of intermediary actors
2/3	I. Controllability of intermediary actors	<ol style="list-style-type: none"> 1. Control capacities of intermediary actors 2. Resources of intermediary actors
	II. Openness of the state authorities for control	<ol style="list-style-type: none"> 1. Transparency of government action 2. Formal control rules
	III. Obstruction of control	<ol style="list-style-type: none"> 1. Obstruction of control by state and non-state actors 2. Obstructing control by informal institutions
<i>Public Communication</i>		
3/1	I. Guarantee of freedom of communication	<ol style="list-style-type: none"> 1. Formal guarantee of freedom of communication 2. Factual guarantee of freedom of communication <ol style="list-style-type: none"> 2.1. Impairment of freedom of communication through violence 2.2. Impairment of freedom of communication by legal means 2.3. Impairment of freedom of communication through economic means 2.4. Access to information
	II. Media diversity and pluralism	<ol style="list-style-type: none"> 1. Freedom of reporting 2. Effect of media monopolies
3/2	I. Media provision	<ol style="list-style-type: none"> 1. Media infrastructure 2. Opportunities for media usage
	II. Access to media	<ol style="list-style-type: none"> 1. Openness of the media to social sectors 2. Media access during election campaign
3/3	I. Medial controllability	<ol style="list-style-type: none"> 1. Independence of media 2. Control capacity of the media 3. Openness of the state authorities to media control
	II. Obstruction of control	<ol style="list-style-type: none"> 1. Obstruction of control through threats and violence 2. Obstruction of control by censorship

		3. Obstruction of control through corruption 4. Obstruction of control by cultural historical factor
<i>Legal Guarantee</i>		
4/1	I. Legal Guarantee	1. Human rights situation 1.1. Formal legal situation 1.2. Extent of human rights violations 1.1.1. Human rights violations by state actors 1.1.2. Human rights violations by irregular actors 1.1.3. Gender-based human rights violations 2. Governmental handling of human rights violations
	II. Enforceability of rights	1. Knowledge of rights 2. Access to justice
	III. Effectivity of the justice system	1. Independence of the judiciary and ombudsman 1.1. Formal independence of the judiciary and ombudsman 1.2. Instrumentalization of the judiciary 2. Granting a fair trial 3. Efficiency of the administration of justice and jurisdiction
	IV. Impairment of legal guarantee	1. Impairment of legal guarantee by informal institutions
	V. Extraordinary jurisdiction	1. Existence of military tribunals 2. Existence of security laws and emergency paragraphs
4/2	I. Equal treatment of all by the judiciary	1. Equality of all before the law 1.1. Formal equality 1.2. Factual equal treatment 2. Impairment of legal use by informal institutions
	II. Access to justice	1. Equality of access to justice 2. State support measures
4/3	I. Control capacity of the judiciary	1. Independence of the highest court and the ombudsman 1.1. Formal independence 1.2. Factual independence 2. Resources of the judiciary
	II. Effectiveness of control	1. Effectiveness of the judicial review. 2. Effectiveness of control by the Ombudsman 3. Effectiveness of control by citizens
	III. Impairment of control	1. Impairment of control by informal institutions
<i>Rulemaking and Implementation</i>		
5/1	I. Decision monopoly of elected officials	1. Existence of brown areas 2. Existence of tutelary powers 3. Existence of exempted policy areas
	II. Effectiveness of rulemaking and application	1. Efficiency of the Executive and Legislature 2. Administrative capacity 3. Enforcement of the monopoly of force
	III. Limitation of rulemaking and application	1. Influence of organized crime on administration and security forces 2. Limitations of rule-making through corruption
5/2	I. Equal treatment of all by the Parliament and the Administration	1. Equality of all before the parliament and the administration 1.1. Formal equality 1.2. Factual equal treatment 2. Restriction of equal treatment by informal institutions
	II. Accessibility to Parliament and Administration	1. Equality of access to parliament and administration 2. State support measures
5/3	I. Separation of powers	1. Effectiveness of parliamentary control 2. Immunity of deputies 3. Restriction of control by informal institutions
	II. External Control	1. Control by autonomous bodies 2. Control by the citizens

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