9 Dynasties, Double-Dealings, and Delinquencies

Some Entangled Features of Subnational Politics in Mexico

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Introduction

This chapter makes two main contributions to the literature on subnational democratization and to the study of formal and informal institutions. First, it provides a conceptual framework to understand subnational democratization processes as complex entanglements of liberal and illiberal – and also formal and informal – structures and practices. Second, it provides an empirical analysis of how some of these structures and practices become entangled with formal democratic institutions at the subnational level in Mexico.

Mexico's most important political achievement in the last few decades was the replacement of single-party rule with a democratic regime where votes are fairly counted, political parties alternate in office, and citizen preferences are to some extent respected. Yet despite the major institutional developments that paved the way for fair vote-counting, formal institutions fail to deliver what most citizens expect from a high-quality modern democracy. Major policy areas of critical importance to the electorate are strongly affected by informal processes and traditional practices that persist from pre-democratic times, or that even gain traction under the "really existing" version of political decision-making that has emerged from the country's imperfect and contested transition to multi-party electoral politics. Such informal practices are far from peripheral or marginal phenomena. In fact they are crucial components of the democratic system. Overlooking the study of such informalities would severely misrepresent the lived realities of public life as experienced by most Mexican citizens. The institutional conditions they must contend with often involve complex and opaque interactions and entanglements between formal rules and informal practices (tacit rules, procedures, and collective expectations) along the lines just indicated. However, such informal and often illiberal practices do not completely negate Mexican democracy although they may create one that is low-intensity or of low-quality, particularly in some subnational jurisdictions.

Turning to the subnational level, democracy has spread unevenly across the Mexican territory, and the 32 federal entities provide evidence of widely

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variable and distinct entanglements of liberal and illiberal structures and practices. Uneven democratization has generated low-quality democracy in some locations, while in other states democratic practices are above the national average. Our recent work has been concerned with describing and explaining quality variations within large federations in general, and then Mexico in particular.[1] We proposed the concepts of illiberal structures and practices to refer to how subnational units can vary within nationally democratic countries (Behrend and Whitehead, 2016a and b). We build on this framework here to show how formal democratic institutions can become "entangled" with informal structures and practices that existed prior to democratization, or that arise in parallel to the democratization process. These diverse trajectories reflect specific subnational biases and distortions: not all states suffer from the same combination of democratic deficiencies or virtues, so the entanglements evidenced in each subnational entity need to be compared and investigated empirically. Some of them can strengthen democracy, but others can hinder the development of high-quality democracies.

We focus on three of the main domains where informal institutions and local structures and practices can become entangled with formal democratic institutions in ways that distort or reduce democratic quality at the subnational level: namely, political dynasties (Behrend, 2021); double-dealing; and "democratic delinquencies" (Whitehead, 2021). The first is an informal institution based on a social structure, while the second and third are informal practices.

The chapter proceeds as follows. In the first section, we develop the concept of "entanglement" and place it within the broader literature on informal institutions in Latin America. We then adapt the notion of entanglement to the analysis of subnational democratic variations. In the following sections we focus on political dynasties, double-dealing, and democratic delinquencies as distinct domains of entanglement that affect the quality of subnational democracy in Mexico. We then provide case studies covering the outcomes across a sample of Mexican states. The final section concludes.

Informal Institutions and Entanglements

Institutions are rules and procedures that are officially sanctioned and are supposed to be publicly enforced (Helmke and Levitsky, 2006). They are anchored in the political system. Structures are durable social characteristics that are grounded at the social level. Practices are more short term and relational and focus on interpersonal relations.

As Helmke and Levitsky (2006) point out in their work on informal institutions in Latin America, there is a broad consensus about the centrality of political institutions, but formal institutions alone have proved insufficient for analysing the region's politics. Camp (2018) elaborates on this for Mexico. In most cases, what matters is not only whether formal

institutions are adequately enforced, but how they interact with other – informal – structures and practices that can shape, distort, or reinforce how both formal and informal institutions work.

Informal institutions are understood as "socially shared rules, usually unwritten, that are created, communicated, and enforced outside the officially sanctioned channels" (Helmke and Levitsky, 2006: 5). Informal institutions coexist and interact with their conceptual opposite, formal institutions, that are understood as "rules and procedures that are created, communicated, and enforced through channels that are widely accepted as official" (Helmke and Levitsky, 2006: 5). They interact with formal institutions either by complementing, accommodating, competing with, or substituting for them (Helmke and Levitsky, 2004: 728/9). They also interact with social structures and practices that derive their political cohesion not so much from enforcement rules as from local history, inherited advantage, customs, learned behaviour, and collective expectations. Whereas institutions depend on the enforcement of rules, structures and practices are more flexible, adaptive, and socially embedded.

Of course, formal and informal institutions, social structures, and practices, exist in all modern societies, and shape multiple public domains. Our concern here is with their impact on democracy, specifically on recently democratized large federations, and on Mexico as a canonical exemplar. In the Mexican case a key *formal* institution enforces precise formal rules of electoral integrity (the Instituto Nacional Electoral (INE)) with the judiciary charged with broad aspects of official constitutional compliance, while various *informal* institutions such as business, labour, educational, and religious networks, also have the capacity to enforce some compliance with their rules. At the same time various durable social structures (such as the political dynasties discussed below) also shape Mexican democracy. These coexist with other practices that are more local, negotiable, and relational, such as clientelism, indigenous *usos y costumbres,* – and specifically delinquent activities, such as the *huachicoleo* that is examined below.

In the ideal liberal democracy formal institutions would work harmoniously and authoritatively, informal institutions would be complementary, and social *fuerzas vivas* (both structures and practices) would be permeated by a supportive ethos. The "rule of law" would therefore be consensual and binding on all. But in practice such democracies are few and far between, so the study of subnational politics in contemporary Mexico provides a salutary reality check. The "many Mexicos" (Byrd Simpson, 1960) vary on multiple dimensions, but they share very high levels of labour market informality and socio-economic inequality, and the establishment of democracy was a fitful and incomplete process that never established a clear-cut break with prior authoritarian rule. Especially at the local level, and in some subnational jurisdictions, previously well-developed informal institutions, structures, and practices often survived more or less intact. Key social and political actors could partially evade the democratic enforcement logic of the new regime, and collective expectations of society-wide compliance

were never strongly implanted. So, although electoral integrity was much strengthened, other aspects of the rule of law were less embedded, in particular in the critical domain of citizen security – the most important source of public trust in the political system.

The result is that Mexico's formal and informal institutions coexist with difficulty, and with limited enforcement capacities. Pre-democratic structures and practices are often ill-adapted or little changed from the past. Formal and informal institutions interpenetrate and compete for control, and traditional social structures and practices resist and may seek to displace institutional compliance disciplines. The consequent fragmented order and low trust environment provide strong incentives for the spread of "double-dealing" – a form of strategic interaction discussed more fully below. While such conduct is to be found in all settings, in an authoritative rule of law system it can be marginalized, whereas in contemporary subnational Mexico recurrent evidence of widespread impunity promotes double-dealing and thereby reinforces citizen distrust.

In such conditions formal democracy is distorted or refracted through its entanglement with existing structures and practices, in particular those operating at subnational (state, city, and municipal) levels. Here we focus on the entanglement between institutions, social structures and political practices and how key democratic institutions such as federalism, elections, courts, Congress can both coexist and interact with social structures and political practices that at times distort democracy and at others strengthen it.

The idea of entanglement highlights the fact that, even in political systems that are considered democratic there can be mixes of liberal and illiberal structures and practices that are in tension and constant flux. In previous work (Behrend and Whitehead, 2021), we define illiberal structures and practices as structures and practices that do not safeguard political and civil rights and that consequently erode subnational democracy. At the opposite end of illiberal practices, we have the concept of liberal structures and practices, which could be defined as practices that safeguard political and civil rights. Practices refer to "actions" that governments, governors, or politicians undertake. As noted earlier, they refer to interpersonal relations. Structures refer to relatively durable social characteristics. By illiberal practices, we do not refer to isolated actions that governments undertake but rather to repertoires of actions (practices) that are repeated over time and that constitute a form of interaction between governments and citizens (including opposition politicians, journalists, and other members of organized groups). Although the existence of illiberal structures and practices in a democratic context is not sufficient to characterize the regime as a whole, these entanglements are important for democracy and democratic quality because they point to how diverse political structures and practices *interact* in really existing political systems.

Beyond the social sciences entanglement can be seen as a legitimate approach – in quantum physics and in evolutionary development, and then by extension in human affairs.[2] Entanglement in political processes

occurs when formal and informal structures and practices are generated, interact or share proximity in such a way that each cannot be explained independently of the other. One of the main principles of entanglement is "non-separability" (Wendt, 2015: 33). This means that the outcomes that political scientists and comparativists seek to explain cannot be understood as the result of causal processes that flow in only one direction or that can be isolated.[3] In the study of democratization, the entanglement of formal institutions and informal structures and practices means that they cannot be fully separated, since their properties depend on this relationship, and they are mutually constitutive. For example, the causal effects of institutions cannot be understood independently of the informal structures and practices they are linked to. But at the same time, informal structures and practices develop in response and in adaptation to formal political institutions. The concept of entanglement and non-separability helps explain why similarly designed institutions can have such varied effects in different settings, even within a single country. Entanglement is therefore opposite to determinism (Wendt, 2015), which, in this context, is the notion that similarly designed institutions will have similar effects in all settings.

Entanglement also needs to be differentiated from causal configurations, which is another concept developed to address causal complexity. The idea of causal configurations refers to a series of factors (or variables) that, when combined, produce specific outcomes (Ragin, 2008). Entanglement, in contrast, does not involve uncovering a "causal recipe" (Ragin, 2008: 9). Rather, it involves uncovering and understanding the diverse political and social processes that interact and mutually constitute each other, thus producing distinct results. In entangled political processes the causal arrows flow in many directions. Of course, this does not mean that "everything matters" and that generalization has to be ruled out. On the contrary, it means that a set of formal institutions and informal structures and practices that interact and become entangled to produce specific political outcomes need to be identified and scrutinized, and that how these factors become entangled needs to be explained. The mix of structures and practices that become entangled in each subnational setting may vary, and the way they become entangled may vary as well, but this does not mean that there is an infinite number of entanglements, and that generalization is impossible.

Between the two polar opposites of a society where politics can be adequately understood according to the rules that are laid down on paper, and a society where formal rules are consistently ignored, entanglement draws attention to how formal institutions and informal structures and practices interact to produce distinct outcomes. The entanglement of formal and informal structures and practices may help understand why similarly designed political systems produce different outcomes. This stands out as an important explanation of subnational variation.

The analytical benefits of the concept of entanglement, as opposed to direct causation of causal configurations is that it allows us to see a different reality. If our concepts only enable us to analyse simple causal

processes, then political complexities generated when formal and informal structures and practices are reciprocal and mutually constitutive will fall out of our range of vision.

Mexican Subnational Entanglements

Building on our previous work on subnational illiberal structures and practices,[4] we argue that subnational units in democratic countries contain domains of entanglement between different types of political structures and practices, some of them more liberal, some more illiberal. In very few cases we find subnational units that conform to an ideal-type democratic system, whereby each indicator scores well and stands on its own. Here we argue that federalism, which is one of the most important formal institutions that organizes Mexican politics, allows different levels of government to interpret rules and adapt them to local circumstances. We focus on three structures and practices that are entangled with democratic institutions in Mexico at the subnational level: political dynasties, double-dealing, and democratic delinquencies. Even if some of these structures and practices existed in the previous authoritarian period, they are not merely a remnant of the past that refuses to go away. They have adapted, influenced, and become influenced by democratic institutions and, as such, they are both constitutive and constituted by them.

Our first domain of entanglement concerns the existence of political dynasties in a federal country and in a context of competitive elections. In federal countries like Mexico, subnational elections are organized and supervised by state authorities. These two formal institutions – federalism and elections – become entangled with an informal rule: the importance of family connections for a career in politics. Subnational political dynasties are grounded at the social level, but they have persisted in a context of democratic elections and federalism. Indeed, political dynasties have existed in national and subnational politics for many years, but when they become entangled with democracy and competitive politics, families are forced to adapt to a context of campaigning and winning elections. Representative institutions thus shape the practices of political dynasties. But at the same time, representative institutions are shaped and constituted by the political families and dynasties that merge their private interests with those of the state. Political dynasties are not in themselves undemocratic, not if family members are elected following democratic rules and procedures that respect civil and political rights. But they can lead to low-quality democracies because, in practice, family members have informal advantages in getting elected. Political dynasties affect elite rotation, party alternation and representation.

Double-dealing is the behavioural strategy incentivized by the coexistence of rival logics of compliance competing for the allegiance of a given community or social network. This can, of course, take place at national level, but at that level regulatory oversight and the risks of public

exposure is relatively high, in contrast to the lower visibility and greater scope for obfuscation that exists in quite a few subnational locations, not just at the local and municipal levels, but also in some dysfunctional state governments. Double-dealing can flourish at the interstices between federal and local rules and procedures, especially in a competitive multi-party system where partisan divergences incentivize non-cooperation. But it is an even more tempting strategy where the justice system is weak or co-opted, the media can be intimidated, and informal *fuerzas vivas* (active local groups and interests capable of moulding political outcomes, ranging from propertied interests to unions to churches and extra-legal agencies) can exercise *de facto* enforcement powers without much fear of official supervision. Again, this is not inherently anti-democratic. Some double-dealing can ease the path towards political reform and may even encourage traditionally authoritarian groups to become more flexible and to gradually embrace a more pluralist outlook-for example, by selectively liberalizing the local media, to allow the expression of more diverse viewpoints, albeit within informally negotiated boundaries. But this strategy is liable to generate resistance to full compliance with formal democratic norms, and it can undermine trust in give and take of political exchanges that are crucial for democratic stability and coexistence.

In a more drastic register, our third informal domain of entanglement – the practice of democratic delinquencies – refers to organized activities geared specifically to the distortion or even capture of targeted democratic institutions for illicit gain. Democratic delinquencies can also stall the development of high-quality democracy at the subnational level. Democratic delinquencies therefore occur at the margins of the rule of law and they may involve security forces, local populations and elected municipal authorities. These are but three examples of subnational structures and practices that become entangled with representative institutions and produce distinct versions of subnational democratization processes.

Political Dynasties and Informal Structures

Thirty years after the onset of democratization and the demise of single-party rule, political families and dynasties continue to be important in Mexican politics. At the subnational level, governors with blood or marital links to other politicians have governed in 27 of the 32 states (84%) since 1989 (Behrend 2021).[5] Many governors, whether from the PRI, the PAN, the PRD, or, more recently, MORENA, belong to political dynasties, a fact that, as Camp (2018) notes, is linked to one of the most generalized informal rules of Mexican politics.

This section concerns political dynasties, a concept that refers to family succession in a single elected position. A political dynasty exists when a family relation succeeds an elected public official *in the same position*, either immediately or in a subsequent period. These relations can be based on marital links, lineage, or extended family. Dynasties are distinguished from

political families, where relatives hold elective office simultaneously, previously, or subsequently, but they do not necessarily hold the *same elective office*. Political dynasties also need to be distinguished from the concept of nepotism. Nepotism involves designating family members in unelected positions. Political dynasties often engage in nepotism, and nepotism may be central to capturing the local state. Yet, unlike nepotism, the concept of political dynasty refers to electoral politics.

The importance of political dynasties is by no means limited to the subnational level. Many Mexican presidents, before and after the transition to democracy, were related to other elected politicians. Former President Enrique Peña Nieto, for example, was related by blood or marriage to several former and subsequent governors of the State of Mexico (Camp, 2018), which he governed before becoming president. However, the entanglement of these informal structures of elite recruitment with formal electoral politics is most salient at the subnational level. Political families and dynasties can be found in many countries with free, competitive, multiparty elections. Political dynasties are not in themselves undemocratic since family members can be elected following democratic rules and procedures with guaranteed political and civil rights. But the pervasiveness of political dynasties can lead to low-quality democracies because, in practice, family members have informal advantages that help them get elected. Political dynasties may also generate problems of accountability if politicians hesitate to hold their relatives accountable for misdeeds or abuses while in office.

Political dynasties matter for several reasons. First, the question of "who governs" (Dahl, 1961) and who gets elected is central because it indicates whether a democracy is permeable and responsive to different interests (Behrend, 2021). The prevalence of political dynasties means that family ties largely determine the chances of acceding to elected office. In part this may reflect the fact that politicians' offspring, like the offspring of doctors, lawyers, or other professionals, wish to follow in their parents' footsteps (Smith, 2018). But democratic dynasties may also indicate that a closed political elite pursuing narrow self-interest has captured the democratic process, with damaging effects on accountability and on economic and social development (Behrend, 2011, 2021; Smith, 2018). Second, subnational political dynasties matter for democracy because of their potential connections with powerful economic groups operating both within and outside the local arena, as in the heartland State of Mexico (Behrend, 2021). In other cases, such dynastic complicities are confined to the subnational level.

There are only five states where none of the governors elected since 1989 belonged to a political family – Aguascalientes, Durango, Guanajuato, Hidalgo, and Sinaloa. In Chiapas, almost all governors had family links to other elected politicians, while in Tlaxcala, Coahuila, Nayarit, Sonora, and Zacatecas at least half of the elected governors belonged to political families.

Political dynasties, as defined here and elsewhere (Behrend, 2021), are less widespread than political families, but they are still prevalent. In

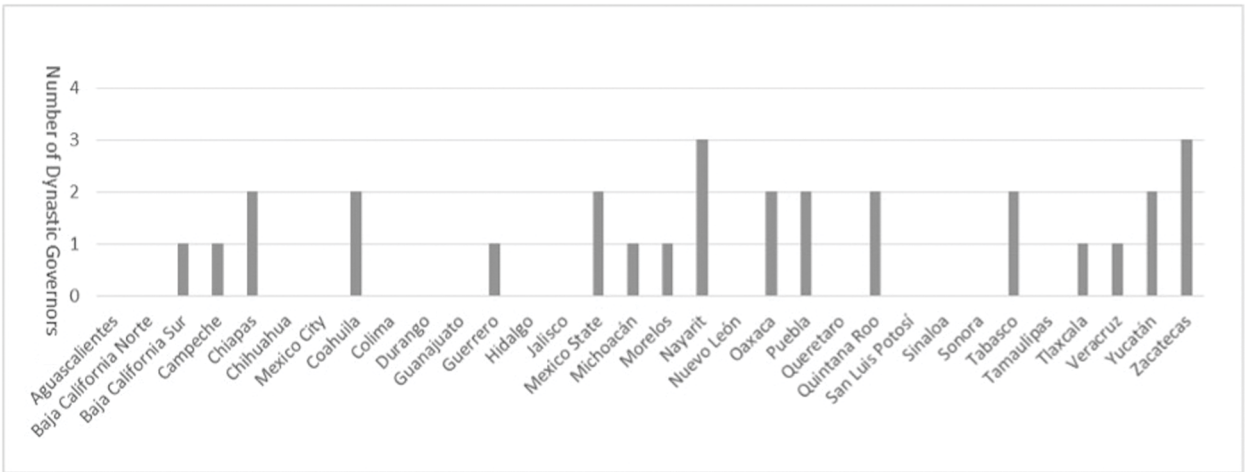

Figure 9.1 Number of dynastic governors after 1989 by state in Mexico.
Source: Dataset of Mexican Political Dynasties, Behrend (2021).

Mexico, 17 out of 32 states were governed by political dynasties at some point after 1989 (53%) (Behrend, 2021). Figure 9.1 shows the number dynastic governors elected in each Mexican state after 1989. While most cases involved a single dynasty, some displayed alternation between two different dynasties. This can be a sign of the closure of the political game in these states and can point to the existence of a local oligarchy. Nayarit is the state with the longest period of dynastic rule; it was governed by political dynasties for 15 years. Four other states were governed by political dynasties for 12 years (two complete periods) or more—Chiapas, Coahuila, Yucatán, and Zacatecas. Many subnational political dynasties in Mexico originated *during* the hegemony of the Institutional Revolutionary Party (PRI), but also a few cases arose *after* the transition to democracy.

Some of the PRI-based political dynasties disappeared after the onset of democratization. In Hidalgo, for example, the Lugo–Rojo dynasty had five elected governors before the onset of democratization, but its last member was elected governor from 1987 to 1993. Another member of the family became interim governor for four months in 1998–1999, when the elected governor resigned. Since then, no members of that dynasty have been elected governor. But this has been the exception rather than the rule.

On the other side some states developed new political dynasties as democratization proceeded. Tlaxcala is a case in point. Before the 2021 elections, Tlaxcala had no political dynasties in the period under analysis. Yet, in the June 2021 gubernatorial elections, the granddaughter of the former PRI governor (1957–1963) was elected for the new MORENA party.

Such gubernatorial dynasties reflect one of the most generalized informal rules of Mexican politics, the importance of family relations for a political career (Camp 2018). As democratization boosted gubernatorial power and autonomy, traditionally ruling families have gained elective positions at the local and state level and new ones have arisen. This crucial informal practice of political recruitment in Mexico has survived the transition to democracy and shows how informal rules become entangled with competitive elections. As a result, even though votes are fairly counted and democratic rules are respected, some individuals have greater chances of being elected due to their family origins.

Double-Dealing

Mexico's local democratization processes are highly diverse, with formal processes filtered through a wide variety of informal institutions and socially embedded structures and practices. Many of these are inheritances from the pre-democratic past, but others are adaptive innovations to the new incentives that arise from an imperfect and uneven national process of political liberalization and reform. The overall result of these changes is that for many communities, groups, and social interests there is considerable uncertainty about which of the old or new principles of strategic political action are currently most applicable. Two arenas are selected here where

such conflicting pressures can be shown to generate considerable incentives for double-dealing: subnational justice systems and the provincial print media. Both domains involve the ostensible performance of democratic services, but can be subject to countervailing informal pressures from local vested interests and *fuerzas vivas* carried over from pre-democratic times.

Under competitive elections with electoral integrity (as provided by Mexico's INE) voters can pursue some of their objectives according to the standard logic of political pluralism. But what if state governors use their positions to loot the public accounts, to intimidate the media, to engage in no holds barred legal operations (hence the phrase "lawfare") against their political rivals? These are all practices that democratic critics previously associated with Mexico's one-party system. This would constitute gubernatorial "double-dealing" – campaigning in accordance with the incentives of a competitive party system, but governing as if nothing had changed from the authoritarian past. After all, the established six-year tenure and "no re-election" provisions carried over from the PRI system still provide considerable incentives for Mexican governors to double-deal in this way, and in a considerable number of states much of the electorate remain accustomed to just such practices. Although democratization was supposed to rectify such misconduct, in practice it may have accentuated them. Under the hegemonic party system, governors were somewhat restrained in their use of office for power accumulation purposes since the federal authorities might intervene against them if they overplayed their hand. Once party alternation shifted the locus of gubernatorial appointment power from the presidency to the local electorate such central controls evaporated, and state governors gained more leeway to maximize the wealth and power of their entourage before leaving office, without much fear of a federal backlash.

De-regulation, for example, allowed many governors to launch crony capitalist projects. Snyder (2001) documents how de-regulation of the coffee sector in Puebla resulted in crony capitalism and the strengthening of a local oligarchy. Such double-dealings by governors illustrate how democratization can reinforce illiberal structures and practices. Subnational autonomy allowed governors leeway, provided they could control local politics and suppress consequent scandals. Over the past decade such double-dealing officeholders have fled into exile or struggled to evade prosecution once their opportunities for malfeasance reached their six-year limits (*Los Angeles Times*, March 31, 2017). To be clear, not all state governors have responded by double-dealing in the manner outlined earlier, and the scandals generated by those who most abused their privileges of office could produce salutary effects on their successors. So, both positive and negative outcomes could arise.

A critical arena for double-dealing is the justice system – both at the national and the subnational levels. In constitutional theory a neutral and impartial rule of law underpins other features of a democracy, such as the separation of powers and popular sovereignty. But longstanding Latin American (including Mexican) practice encompasses an alternative

informal frame of reference. There is much evidence of double-dealing by a wide array of police, judicial, prosecutorial and prison officials, at all levels of government. At the highest federal level, the notoriously overbearing – indeed arbitrary – conduct of Mexico's current *Fiscal General de la República* (even on matters where his family or his personal assets are involved), suggests conflicts of interest that cast a long shadow over public trust in the impartiality of law enforcement throughout Mexico (Lemus, 2022). This is not an isolated case – indeed a major new report has alleged that the recent predecessor deliberately orchestrated the evidence to falsify the "historical truth" about a notorious 2014 human rights state crime (*Proceso*, August 21, 2022). The impression that such very public episodes create is of massive double-dealing in the justice system that destroys trust concerning protection of the rights of the innocent.

This helps explain very low public confidence in the efficacy, professionalism, and integrity of national prosecution services, and all the more so as regards most state and municipal courts, police services and prisons. Some of the dysfunctions of the local justice system are attributable to underfunding and poor governance rather than explicit double-dealing, but officials working for an untrustworthy and discredited agency have limited incentives to conform to their formal duties. Either from demoralization or in response to misdirection from above they are often cross pressured over how resolutely to perform their official tasks. This helps account for the impunity that so many state governors have recently relied upon as they engaged in their looting sprees. The negligence of state legal authorities when Governor Duarte of Veracruz (2010–2016) abused his office is an exemplary case. Not all Mexico's subnational justice systems are that compromised, and indeed many individual legal officials endeavour to correctly discharge their formal duties – even at considerable personal cost. In some important jurisdictions they risk becoming expendable scapegoats, as indicated by recent litigation in various northern states including Chihuahua and Tamaulipas.

Such divided loyalties and conflicting incentives extend beyond the electoral and judicial sectors, with subnational double-dealing not only in the public sector but also sometimes tainting the media, the labour movement, state universities, some agricultural and business interests, and even the church and indigenous communities. These can all potentially serve as positive agencies of democratization. But in many cases their operatives have been schooled to doubt the reliability of formal rules, and local opinion can be permeated by distrust in the integrity of all officialdom.

For illustrative purposes let us consider the subnational media. Under one-party rule the options available to most local journalists were fairly clear and circumscribed. What they could report, how they should present it, and which topics they should avoid was not hard to discern in a stable authoritarian context. Democratization opened enticing new career horizons and attracted more readers. In some parts of Mexico this positive democratizing dynamic remains in place and has generated a more vibrant

and better-informed civil society. But in other locations the old outlook still governs most local journalism. In between, a substantial section of the profession has found itself in the firing line, caught between two rival logics of reportage.[6] And Mexico has become particularly notorious for its high rate of assassination of (mostly unprotected local) journalists. Drug cartels and criminal organizations are currently penetrating larger cities and even attempting to capture control in certain state governments. This territorial expansion places more Mexican reporters under perilous cross-pressures and induces larger-scale double-dealing.

Democratic Delinquencies

Democratic delinquencies mostly involve organized activities geared specifically to the distortion or even capture of targeted democratic institutions for illicit gain. Such activities seek to colonize vulnerable enclaves *within* a still broadly democratic regime, rather than to subvert the entire political system – although the cumulative effect of a succession of delinquencies can become threatening to democracy as a totality. Delinquency is an umbrella term that embraces a very wide spectrum of activities from tacit complicity in such slippery white-collar abuses as money laundering to the most explicit and flagrant excesses of violent organized crime. A partial inventory of specifically democratic delinquencies includes: directing illicit funds to political parties and candidates for election in exchange for promises of financial and legal advantages after they take office; inducing legislators or regulators to shield criminal enterprises from investigation; penetrating municipal and city governments so that complicit officials can extort local communities; suborning police and military officers to act as tools of partisan manipulation; intimidating monitors in poorly supervised polling stations to tamper with ballot boxes.

Such constellations of abusive behaviour are widespread in much of Latin America (and elsewhere). Without fully negating democratic governance in the region, they can nevertheless seriously distort and downgrade its quality and undermine citizen trust in public authority. Powerful factions within these regimes can benefit from tolerating and even facilitating these delinquencies. Mutual complicities can develop between influential democratic politicians and delinquent *fuerzas vivas.* Such deviations from high-quality democratic standards can become self-sustaining and systemic without necessarily precipitating regime change. They may instead give rise to durable, but fragile and low legitimacy democratic equilibria "low intensity" democracies in O'Donnell's parlance (O'Donnell 1993).

Sceptics might dismiss the concept of democratic delinquency as a contradiction in terms. If a political order is democratic then it surely must be opposed to the forces of crime and delinquency? And if politics is dominated by delinquent groups and practices, then surely the rule of law, and accountability of political representatives to the public interest, has been abandoned? But reviewing the really existing state of democratic

governance in much of the western hemisphere the starkness of this binary contrast is hard to sustain. It reduces democratic conduct to the observance of formal rules, and it relegates informal social practices to a shadow world of corruption and extorsion. But given the double-dealing features of many local justice systems, democratic delinquencies in subnational Mexico includes behaviours that may not be clearly illegal. The concept needs to also encompass a broad penumbra of indirect involvements, passive complicities, and reluctant entrapments. On this more nuanced assessment these two spheres can become mutually entangled, with high levels of delinquency penetrating major segments of the subcontinent's formal institutions (even though these often retain substantial components of democratic commitment and potential); and with potentially emancipatory energies present in the informal realm, notwithstanding the delinquent and possibly even practices that also flourish there. On this view, "democratic delinquency" is not an oxymoron. Delinquent entanglements can encompass diverse forms of abusive practices ranging from technically incorrect conduct to flagrant criminality.

If both the apex and the lower branches of Mexico's formal justice system are widely believed to be untrustworthy, ineffective, and subject to elite manipulation and misgovernment, the bulk of the population may have little faith in the integrity of the formal justice system However, this does not necessarily eliminate all options for self-protection and collective action. Thus, where the municipal police are incapable or unwilling to provide any law enforcement some desperate municipalities have been known to resort to the creation of *autodefensas*. If lawyers and journalists are silenced by death threats and expulsions, other sources of community leadership (unions, churches, even traditional indigenous authorities) may step forward to fill the void in local authority and to provide communal guidance and direction. When federal authorities such as the new National Guard established by President López Obrador in 2019 are deployed into troubled zones as forces of military occupation perhaps acting beyond the reach of the law, informal *fuerzas vivas* may construct alliances or invite in countervailing informal sources, including seeking protection from organized crime and locally embedded cartel groups. There are many different variants of informal agency to consider here, some of them passively defensive and others more aggressively delinquent. All involve complex and shifting forms of entanglement between unofficial actors and interests that need some way to cope with the insecurities arising from the formal system's derelictions of duty. For the sake of illustration, current practices of *huachicoleo* can stand in for this larger array of possibilities.

Huachicoleo is a specific form of Mexican delinquency involving theft and resale of oil from Pemex pipelines (León Sáez 2021). A typical instance involves an informal community located close to a pipeline that colludes to siphon off enough crude to fill a few tankers that can then sell the fuel at a discount to compliant petrol stations. Recently the state oil monopoly has suffered major financial losses through oil theft taking place in many

poor locations across Mexico. From time-to-time tragic explosions have occurred, even causing serious loss of life to local participants (*Reforma,* April 4, 2022). This delinquency takes place at the intersection between formal and informal networks and highlights the close entanglements arising between the two sides.

From the formal perspective, Pemex headquarters operates a centralized information system that registers unplanned falls in pipeline pressure and identifies the time and place of each incident. In an effective rule of law regime this would alert the local police authorities who would intervene to curb the practice and detain the culprits before they had gained momentum. Moreover, the delinquent tankers would be easily identified before they could recirculate their booty through commercial outlets, and complicit petrol stations would be promptly sanctioned. When Mexico's formal state bureaucracy and justice system failed on all these accounts *huachicoleo* expanded into a big business. It spread to other forms of oil theft, all dependent on the complicity of a web of Pemex employees (e.g., overloading tankers and then draining them down once they left the depots). When US oil prices were lower than in Mexico the perpetrators were even able to supplement their profits by smuggling in oil from the North and adding it to their illicit resale networks.

Now, consider the same question from the standpoint of informal community participation. In poor municipalities near major pipelines local leaders are aware that great natural resources derived from the Mexican subsoil pass nearby, with no benefits accruing to their people. In fact, danger, disturbance, and the risk of contamination are the main consequences of abutting a pipeline. No doubt Pemex generates huge profits for some people, but it can be hard to detect much trickle down in many locations. Seen in this light the unauthorized retention of a small proportion of the nearby oil for the direct benefit and employment of needy locals may not seem so unjust as standard rule of law theory would suggest. Moreover, most policing in Mexico is conducted at the municipal level, is very poorly remunerated, and can be closely connected to local interests. So those formally charged with protecting public property may be weakly incentivized to act against the wishes of their immediate neighbours. In any case, they have to consider the power of the *huachicoleo* network, and the consequences for their own job security if they attract the hostility of the occult *fuerzas vivas* engaged in this activity. Local democracy enters here, because municipal police depend in part on the instructions received from elected mayors and councils. Moreover, rather than rewarding them for correct discharge of their official duties higher authorities may sanction them.

Thus, formal, and informal institutions (such as the municipal police and some truckers and petrol retailers) are deeply entangled in the operations of the oil theft business, which has often been characterized by a *contubernio* between municipal officeholders and their covert funding sources. It is important to stress that this dyadic relationship only prospers because it is embedded in a broader web of tacit complicities. The majority

of participants are not actively delinquent, they simply look the other way, fail to resist, or report, take small advantages without direct criminal engagement. Similar considerations apply to a wide array of other democratic delinquencies – as when *autodefensas* stray beyond self-protection, or evangelicals promote intimidatory political agendas.

The prevalence *narcocorridas* and *narcomantas* in numerous localities demonstrates the delinquent interest in reaching some sectors of public opinion. Elected politicians with criminal associations and criminals with political associations deal with unreliable prosecutors and cross-pressured law enforcement agencies. Such crime and delinquency are so extensive and recurrent that they can distort and degrade overall political decision-making and undermine citizen compliance with official regulations. Delinquent behaviour becomes normalized in multiple domains, including police, courts, prisons, municipalities, legislative assemblies and even governors and ministries. But subnational experience also shows that such delinquent penetrations of democracy are very uneven and always subject to pushback. Even political leaders and parties that become heavily entangled with delinquent forces can nevertheless retain a strong sense of political as opposed to criminal purposiveness.

Democratization and Subnational Entanglements

The previous sections show how political dynasties, double-dealing, and democratic delinquencies become individually entangled with democratic institutions at the subnational level in Mexico. But to what extent do these informal structures and practices combine? What kinds of more complex entanglements can be observed in the Mexican states? This section aims to illustrate these entanglements through five subnational examples that show how these structures and practices appear together.

Perhaps the most exemplary case is located in the State of Mexico. The subnational political dynasty formed by Isidro Fabela in the state in 1942 also achieved national influence. Three members of the dynasty governed the state during the period of single-party rule, and two members of this dynasty have governed the state since the onset of democratization, Enrique Peña Nieto (2005–2011), who then became federal President, and Alfredo del Mazo Maza (elected for the period 2017–2023). The State of Mexico is one of the few states where, despite multi-party rule at the municipal level, the PRI has maintained control of the governorship, due mostly to the cohesion of its political elite. At the same time, democratic delinquencies are also strongly present there. In 2022 it was one of the states most affected by *huachicoleo* and it is among the states that are ranked low in the Democratic Development Index (IDD) of the Instituto Nacional Electoral (INE).[7] This result does not seem too surprising given the entanglement of these two practices with the formal institutions of democracy. But other cases show entanglements that are less intuitive.

The state of Hidalgo, for example, has not had any political dynasties since the transition to democracy and is the second-highest ranking state in the IDD.[8] However, democratic delinquencies are deeply entangled with local democracy (notably via control of the state university) and it was among the jurisdictions most affected by *huachicoleo* in the period spanning from 2016 to 2019.[9]

Guanajuato also evidences complex entanglements. Its democracy was among the highest-ranking according to the IDD, and it developed no political dynasties after democratization, but after 2019 its place on the IDD ranking began to drop sharply and it is now among the lowest.[10] Guanajuato is one of the five states that were hardest hit by democratic delinquencies such as cartel capture and *huachicoleo* over the last few years.

Veracruz is an extreme case of entanglement of illiberal structures and practices that have seriously diminished democracy. It has figured persistently among the lowest democratic performers in Mexico according to the IDD, and political dynasties were also important both before and after the transition to democracy. Miguel Alemán Velasco, son of former president Miguel Alemán Valdés (1946–1952) was elected governor from 1998 to 2004. The Grupo Alemán, as the family business conglomerate is called, owns media, airline, tourism, and other firms (see Lucas, 2019). Under Governor Duarte de Ochoa (2010–2016), legal authorities were subordinated to the executive, the murder of journalists was among the highest in the country and the state was classified as one of the most dangerous places for the media in Latin America.[11] Criminal violence in the state was scandalous (Olvera and Andrade, 2021).

Puebla is among the states that developed political dynasties after the transition to democracy. It ranks low on the IDD and is one of the states permeated by democratic delinquencies such as *huachicoleo*.[12] After the onset of democratization, Puebla developed a new political dynasty. Governor Moreno Valle, the grandson of a former governor with close links to the political and economic elite from the State of Mexico, was elected governor from 2011 to 2017 for the PAN, although he had risen to prominence as a PRI politician. Despite party alternation many past practices persisted in Puebla (Durazo Herrmann, 2016). During his mandate, allegations of corruption abounded (Aroche Aguilar, 2018). Double-dealing is also deeply entangled in the political life of Puebla. There were many allegations of illiberal practices such as media control and threats against opposition journalists. When Moreno Valle's mandate ended, his wife stood for governor and was elected in 2018, although her mandate was short-lived. Ten days after her election she and her husband the former governor died in a helicopter accident (Morales, 2020).

This brief overview shows that illiberal structures and practices do not combine to form coherent wholes, but rather become entangled with diverse liberal and illiberal structures and practices in different subnational entities according to their local particularities. From this point of view, democratic processes may get thwarted or held back by such entanglements. On the

other hand, viable projects of democratization and reform will only be possible if their design takes into account the real dynamics of political change, including a full appreciation of realities of subnational entanglements in a specific national context.

Conclusion

In theory, any consolidated democracy is governed by authoritative and coherently liberal formal institutions that are congruent with supportive informal institutions and in harmony with underlying social structures and practices. The democratic rules of political life are underpinned by matching behavioural and attitudinal dispositions. Comparative experience demonstrates, however, the unreality of this postulated and idealized end-state. In practice, formal democratic rules are not invariably stable, harmonious, and universally binding. The informal institutions that are supposed to back them up may actually possess substantial autonomy and perform other functions. Illiberal social structures and relational practices can continue to exercise substantial influence over parts of political life and may generate unsupportive attitudes and behaviours. This has recently become evident even in some of the most venerable and exemplary of the world's leading democracies (e.g., the United Kingdom and the United States). Although formal institutions command most public and scholarly attention these background influences are always latent and may periodically take centre stage. They merit regular analytical attention since, rather than serving as merely peripheral or secondary factors, they are actually integral to the politics of all "really existing" democratic regimes.

This chapter addresses an exemplary case where their significance is most visible. Subnational politics in Mexico provides a privileged setting for examining features of democratic reality that are also present, but less in evidence, elsewhere. The chapter has focused on the informal institutions and the social structures and relational practices that presently contribute such a strong influence on the quality and stability of democratic life in many of Mexico's varied 32 subnational state jurisdictions. It has highlighted the importance of "entanglements," as opposed to unidirectional causal mechanisms, in shaping the outcomes of competitive politics. Citizen experiences of subnational democracy vary greatly across different parts of the "Many Mexicos". To provide depth and specificity to this observation the chapter has focused on one salient social structure (political dynasties), and two relational practices (double-dealing and democratic delinquencies). These three are prominent features of the current political scene, but other unofficial institutions and illiberal structures and practices could also deserve consideration, depending upon the contextual and historical specifics of different localities. They may ebb and flow depending on the horizontal and vertical pressures in play (Eaton, 2020), and although their entanglements can generate low-quality security traps and other poor democratic outcomes (Bailey, 2009) they should

not be characterized as unambiguously negative for democratic viability. Although illiberal practices often run counter to the logic of formal democratic institutions, they can also sometimes have a positive effect, particularly when they help reconnect politics with a disaffected citizenry and if they stimulate efforts to broaden participation and universalize rights. The path to better democratic governance in subnational Mexico (and elsewhere) involves creative engagement with informal institutions and illiberal structures and practices, rather than monocausal reliance on blueprints of formal institutional design.

Notes

1 Behrend and Whitehead (2016a, 2016b, 2017, 2021).
2 For example, Wendt (2015); Sheldrake (2020).
3 According to Wendt (2015: 33), "non-separability refers to the fact that the states of quantum systems can only be defined in relation to a larger whole. It is the basis of non-local causation in quantum mechanics, and what makes quantum phenomena irreducibly holistic".
4 Behrend and Whitehead (2016a and b).
5 This data comes from an original dataset of the family relations of all elected governors since 1989 developed by Behrend (2021).
6 Rapporteurs Sans Frontiers "Mexico's Tragic Record on Missing Journalists" (August 2018) lists 21 who have gone missing in the previous 15 years. Michoacán, Veracruz, Nuevo León, Coahuila, Tamaulipas, and Guerrero were the states recording most such murders. The situation worsened thereafter. See also Chapter 10 of Lemus (2022).
7 See https://idd-mex.org/. Retrieved on 19 August 2022.
8 Op. cit.
9 See www.forbes.com.mx/los-5-estados-con-mas-huachicoleo-durante-2018/. Retrieved on 19 August 2022.
10 IDD, op. cit.
11 RSF, op. cit.
12 IDD, op. cit.

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