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**POLICING, REGIME CHANGE AND  
DEMOCRACY: REFLECTIONS FROM  
THE CASE OF MEXICO**

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## **Policing, Regime Change, and Democracy: Reflections from the Case of Mexico\***

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### **Abstract**

*This paper explores the experience of attempts to mount new policing operations and restore order in post-revolutionary Mexico, with the aim of generating policy insights for contemporary countries experiencing regime change, and in particular Iraq. It describes how and why the challenges of policing regime change in post-dictatorship Mexico laid the foundation for that country's descent into chaos. Central to this process were the problems engendered by trade-offs between democracy and public security, whereby the privileging of attempts to secure the latter over the former ultimately worked against both, producing further police corruption and abuse of power. More generally, the paper seeks to understand which organisational, political, and societal conditions are more or less likely to lead to the establishment of stable, professional, and non-partisan police who in turn play a positive role in facilitating democratic regime change. The experience of Mexico suggests that the more a new regime needs to count on citizen militias with their own political, ethnic, and religious exclusivities, as opposed to professional police with a commitment to non-partisan social inclusion, the worse the societal fragmentation and the greater the likelihood of persistent violence. The paper concludes that in situations where new regimes have been born out of violent conflict it might be unwise to rush into constitutional reforms that enhance and set in stone police powers. While putting off the task of constitution-making may prolong the effort to establish the foundations for democracy, the question is which elements of the constitution should be dealt with right now, and which might wait until a more propitious moment. In Iraq, a focus on building state institutions and making them accountable, transparent, and pluralistic is likely to provide a more fruitful way forward at this stage than constitutionally enhancing greater police powers.*

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\* The author wishes to thank both the Carnegie Corporation of New York and the John D. and Catherine T. MacArthur Foundation for research support on policing and political transition that led to this essay. The bulk of this essay was written with the Mexican case in mind, and with a view to the early stages of regime consolidation in Iraq, not more recent developments. As such, its aims are to inspire more general reflection on the dilemmas and challenges of policing in conditions of regime change, not to advance specific propositions about Iraq. For further information please contact: [dedavis@mit.edu](mailto:dedavis@mit.edu)

## **Policing, Regime Change, and Democracy in Comparative Perspective**

In many ways, the easiest step in regime change is the initial battle to displace an unwanted administration. Far more difficult is the task of consolidating a new regime that will take its place. This is especially so in the aftermath of violent conflict or war, both civil and externally-led, where disorder and the use of military force are the *modus operandi* of political transformation, and where differences of opinion – even among loyalists to the regime change cause – can prevent consensus about what the new nation should look like. In such instances, of which Iraq today is among the most visible and troubling examples, one of the principal objectives for any new coalition of political leaders is to keep old regime protagonists out of the picture while also restoring enough social and economic normalcy to bring new citizen supporters into their orbit. But these often are contradictory aims, especially if the efforts to route old enemies require heavy policing operations internal to the country, and if patterns of policing themselves become a point of contestation and further public insecurity. In an environment where regime change has been undertaken with the larger aims of establishing democracy, such contradictions may call into question both the legitimacy of the government and its ability to function democratically, two conditions that can speed a return to the authoritarianism of the past.

An additional problem with mounting new policing operations while democratic regime change is under way is that it usually entails a vicious purging of old police forces and the assembly of new ones, two difficult tasks in which it frequently is hard to know which citizens can be trusted to protect the new regime against the old, and in which the new police that are chosen may have little of the training, expertise, or knowledge necessary to secure the rule of law. Precisely because there is so little trust in the available citizen candidates for a new police force on both these counts, often the easiest option is to employ military personnel in policing activities, an organisational renovation that carries with it a series of new problems, ranging from the militarisation of police mentalities to the application of violent means to solve social and political problems to the privileging of public security over all other reconstruction aims, including the establishment of new and self-sustaining political institutions and practices.

Complicating matters even more, the aims of securing public order and regime security through deployment of a militarised police force frequently stand at odds with the establishment of democratic institutions and practices. Again the evidence from the situation in Iraq is instructive. When the U.S. initiated armed combat with Iraq, the administration declared that nation-building was not its aim, but rather, 'liberating' the Iraqi people from a brutal dictator. Yet precisely because these aims were so narrowly defined, and because the occupation administration continued to be obsessed with the military requisites of ridding the country of Saddam Hussein and his loyalists (many of them still armed), very little attention was paid to the task of establishing democratic institutions and practices. Instead, occupation administrators and their democratically elected counterparts in the new Iraqi government struggled to solve the security question, working under the assumption that the requisites of nation-building – including the establishment of democratic structures and practices as well as the civic institutions necessary to make a constitutional democracy vibrant – would fall into place after a viable police force was well-established.

Historical evidence seems to suggest otherwise, however. Or at least this is so if we take a closer look at the case of Mexico following the 1910 Revolution that ousted its long-time dictator, General Porfirio Díaz. An examination of the evolution of policing during this key moment of regime change, with a view to its impact on longer-term political developments in

Mexico, gives ample evidence that prioritising the requisites of policing and public security over those of creating democratic institutions can set a country on a downwardly spiralling slippery slope of armed conflict and deteriorating rule of law. In the Mexican case, policing dynamics undermined, rather than strengthened, longer-term efforts to establish democratic institutions and practices – not just by buttressing the formation of a centralised, authoritarian state with inordinate coercive power and little accountability, but also by introducing arms and other violent means of guaranteeing social order and political power into the fabric of everyday life.

In what follows, I describe how and why the challenges of policing regime change in post-dictatorship Mexico laid the foundation for that country's descent into chaos, why the trade-offs made between democracy and public security established neither, and why the changes enacted in policing institutions and constitutional practices in order to protect the citizenry from the counter-revolutionary challenges of the old dictatorship ultimately led to the development of a new, perhaps more insidious, form of non-democracy built around a rotting edifice of police corruption and abuse of power. My hope is that such knowledge will generate policy insights to help administrators and police practitioners learn from history, so that Iraq and other contemporary countries experiencing violent regime change can avoid the pitfalls that befell Mexico.

Clearly, the comparison of Mexico with Iraq has its limits. Mexico's 1910 Revolution, while also violent, was 'home grown'. Iraq's involved foreign invasion, while the post-regime external occupation of the country contributed to sustained violence and associated security problems of its own. Likewise, Mexico's post-dictatorship political picture was much less complex in social, regional, and international terms than is contemporary Iraq's, which occurred a century later when media, technology, and the global spotlight on armed conflict brought many more actors and issues into relief. In Mexico, the main point of contestation among regime-change protagonists was class and regional power within a single nation-state, with ethnic and racial differences within the population subordinated to these general aims.<sup>1</sup> In Iraq, the tribal, ethnic, and religious differences within the citizenry are even greater, and they are exacerbated by the actions of contesting forces outside the nation and in the larger region of the Middle East, all of whom hope to imprint their security aims and political priorities either openly or clandestinely.

But this may be precisely why the comparison is helpful. If the trade-offs between democracy and public security in a less divided and more insulated country like Mexico nonetheless led it down such a troubled path, one can expect an even more contested and virulent version of the same roadmap in contemporary Iraq. Reflecting on these general dynamics, then, and what larger principles are at stake as war-torn countries turn to the task of setting up a new police force, just might give policymakers a head start in addressing the challenges of democratic regime-change in the contemporary world.

Before beginning, a few words about sources and methodology are in order. The research on Mexico was conducted by the author and is based on primary and secondary sources, including historical archives visited in Mexico City.<sup>2</sup> The main difficulties were a dearth of

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<sup>1</sup> For one of the best overall accounts of the Mexican Revolution, see Knight (1986).

<sup>2</sup> Mexico City Historical Archives (*Archivo Histórico del Ayuntamiento de la Ciudad de México*) and the Mexican National Archives (*Archivo General de la Nación*). The AGN catalogue is available on the web (<http://www.agn.gob.mx/>) and more information on the Mexico City archive can be obtained at <http://lanic.utexas.edu/project/tavera/mexico/ayuntamiento.html>. For more academic discussion of both archives

materials, as the time focus on the early part of the twentieth century, and the fact that not all historical documents have been well archived, which kept resources to a minimum. Any limitations, however, were balanced by the author's deep knowledge of the country, drawn from more than 20 years of research on the history and politics of Mexico.<sup>3</sup> Several key published works on the history of policing and the history of local government also served as primary reference materials, some of which also relied on the same archival resources. These studies, available in Spanish for the most part, include works by Picatto (2001), Illades and Rodríguez (1996), (Rodríguez Kuri 1996a); Iñigo (1994), and official government documents (PGR 1994).

Material on Iraq is mostly drawn from press accounts, and can hardly be considered systematic or scholarly (in terms of meeting scientific standards of evidence). The problem is not just that access to factual material about one-the-ground conditions in post-invasion Iraq has been limited, but also that the press accounts themselves may be biased. Also, only a few key national sources were used (Boston Globe, New York Times, National Public Radio), and no foreign sources, unless cited in the US press, were systematically analyzed. Hence there is considerable interpretive leeway in the presentation of what is occurring in Iraq.

Despite these limitations, this paper does not pretend or purport to be a deep analysis of the Iraqi policing challenge. Rather, it uses the more reliable and scholarly material on Mexico to ask questions about possible policing dilemmas and challenges facing countries undergoing regime change, and offers these insights as a basis for considering the fate and future of policing and democracy in contemporary Iraq.

### **Literature on Policing and Democratic Transition: Speaking to the Silences**

In more scholarly terms, this paper seeks to understand which organisational, political, and societal conditions are more or less likely to lead to the establishment of stable and professional police who in turn play a positive role in facilitating democratic regime change. Such questions are rarely asked in the contemporary literature on policing, which by and large has failed to interrogate the causal relationship between police practice and democratic regime change. Indeed, much of research on professionalised policing starts from the assumption that police forces have not played an important role in fostering democratic transition because democratic state-building is usually seen as preceding rather than following the advent of modern and centrally controlled police forces (Emsley 1991). If scholars do look for the relationship between democracy and policing, it is usually to identify the impact of the former on the latter (Bayley 1976; 1985), rather than vice-versa.<sup>4</sup>

Additionally, most scholars work under the premise that policing is a particularistic, nation-specific matter that reflects emergent cultural values and unique histories either in a nation at large or within policing subcultures, an emphasis that explains why most scholars suggest there is considerable permanence over time in police systems (Bayley 1985: 81; Waller 1994: 276; Shelley 1995: 105). To be sure, the literature has identified a variety of variables that are important in comprehending differences and similarities of policing and police institutions over time, ranging from criminal and prosecution systems (McEldowney 1991: 15), the

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and other historical materials on policing and criminality in Mexico City, see Picatto (2001: 220-223) and Bliss (2001: 217).

<sup>3</sup> See Diane E. Davis (2004; 1994) for two deep historical accounts of Mexican political and economic development in the twentieth century.

<sup>4</sup> Among the newer historical instances where such a focus is clearly evident, see the literature on South Africa's democratisation and its impact on policing (Levin, Ngubeni, and Simpson 1994; Brogden and Shearing 1993).

civilian versus military nature of policing (Bayley 1975: 330; Emsely 1991), timing of inception of first national police system (Bayley 1975; Kalmanowiecki 1995: 13; 2003), role behaviour and professional image (Bayley 1975; 1976), internal organisation (Bayley 1975: 330), the nature of accountability (Bayley 1975; 1985), the balance of class relations and the ideological context of state power (Bayley 1975; Davis 1991: 14; Shelley 1995). But most of these studies have looked at cross-national differences, rather than changes within the same country over time, thereby reinforcing the sense that culture and history set police patterns (through police organisational structures and subcultures), independent of political regime type. Such assumptions are further reinforced by the large body of literature claiming that police organisations show a natural tendency towards autonomy, especially in democratic societies (Shelley 1995: 42; Berliere 1991: 49).

The main exception to this rule emerges within the literature on authoritarian or colonial policing, which suggests that in times of radical regime change, the function and character of police institutions also drastically changes. This is clear in work by Cranskaw (1956) on the Gestapo in Nazi Germany and by Waller (1994) on the Soviet Union as well as Hill (1991) on New Zealand. But even so, these are works where the radical regime change was from democracy to authoritarianism – or some form of caretaker colonialism which abrogated the democratic rights of the colonised, not the other way around. Moreover, among scholars examining these political regimes, the focus is primarily on the impact of regime type on police organisation and activities, especially as seen in the use of police to repress enemies of the state or establish social control (see also Anderson and Killingray 1991; Brewer et. al. 1996; Huggins 1998), and not vice-versa.

Given these assumptions and the predominant empirical focus of much of the writing on police, then, we can conclude that very few have asked larger theoretical questions about the role of police in democratic regime change, be it positive *or* negative, especially when such political transitions are born through violence.<sup>5</sup> Perhaps this is because there are so few historical examples in which large scale violence internal to a nation actually ousted its dictatorship sufficiently to enable democratic regime change, a caveat that itself should lend pause to observers of contemporary Iraq whether or not they are focusing on police. But if we were to look more carefully at violent national conflicts in which transcending dictatorship and producing democratic regime change was a stated goal, even if it was not fully realised, and in which police were called upon to establish security in the wake of continued violence and conflict over the transition, as in the Mexican Revolution, we might be able to assess the policing and security conditions that help or hinder a country's democratic transition.

In doing so, we focus on four areas of inquiry developed within the general police literature but that have not necessarily been applied to studies of democratic transition. The first concerns the establishment of a clear legal order and effective administrative state apparatus, and whether they come before or after the development of police institutions and/or regime consolidation (Anderson and Killingray 1991: 5); the second concerns the relationship between the military and police, and the impact of this relationship on police action and regime consolidation; the third concerns the degree of centralisation necessary for regime consolidation and establishing an effective public security apparatus, and their impacts on police activities; and the last concerns the conditions under which police will become overtly

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<sup>5</sup> While Waller (1994: 278) does see changes in internal police practices of the KGB as laying the foundation for the emergence of a new Soviet political leadership committed to perestroika, this clearly occurred within a non-violent context and whether it really constituted a democratic regime change, as opposed to partial democratic reform is entirely up to debate. Another likely comparison, the Nicaraguan revolution, a

or covertly involved in political activities in ways that strengthen or weaken a democratic regime.

Overall the literature suggests that police work most effectively and least abusively when a state's legal and administrative systems are well established prior to the development of policing institutions (McEldowney 1991). Further, these conditions are most likely to be met at later stages of state formation after the military's key role in regime consolidation is established and police replace the military as they key source of social order and public security (Brewer et al. 1996). The literature also suggests that the more centralised the state regime, the more likely it is that police will respond to the state and not to citizens (Bayley 1976; Shelley 1995; Huggins 1998). And finally, the more the current political order is threatened by violence, or the more the initial and principal mandate of the police is to defend the political regime, or the more police's own interests are threatened, the more likely are the police to become involved in political processes (Bayley 1985; Waller 1994) in ways that might circumvent the democratic order.

Our task in the upcoming pages is to see if any or all of these conditions were reproduced in post-revolutionary Mexico, why or why not, and with what effect on the character of policing as well as the success of the country's democratic transition. The paper proceeds as an historical narrative, highlighting the early stages of post-revolutionary regime formation and state consolidation and identifying the key moments when police were brought into the picture. While the bulk of the material is focused on the peculiarly problems of democracy and state consolidation in Mexico, it highlights the parallels to Iraq when applicable. The paper ends with a discussion of how the policing path taken in post-revolutionary Mexico, despite good intentions, ended up nullifying many of the revolution's democratic aims while also exacerbating violence, police corruption, the abuses of one-party rule, and a deteriorating rule of law in which questions of democracy routinely take back seat to questions of public security, even for citizens themselves.

### **Setting the Stage: Post-revolutionary Violence and the Challenge of Consolidating a New Political Regime**

In the aftermath of Mexico's 1910 Revolution, the country's newfound political leadership struggled to establish a new administrative structure for governance, a new constitution, and a new social order that would give life to the anti-dictatorship and pro-democratic ideals that inspired much of the violent anti-government fervent in the first place (Hart 1978). A key concern motivating the revolutionaries had been the authoritarian actions of the Porfirian dictatorship, and widespread citizen resentment of the fact that the country's leader, General Porfirio Díaz, had betrayed the democratic principles of the nation (and the liberal constitution's guarantees of no re-election) to impose himself as the President of Mexico by sheer military and political force. After close to three decades as President, many citizens had had enough, and they united behind a coalition of labor, peasants, and rural middle classes to call for Díaz's forced expulsion (Hart 1987; Krauze 1976).

The Porfirian dictatorship had been very popular, however, both within the upper ranks of the military, many of whom were personal if not allies of President Díaz, and by the upper classes who benefited greatly from the economic model that the dictatorship pursued in partnership with foreign and domestic capital. As a consequence, the routing of Díaz from the Presidential Palace was highly contentious and entailed considerable violence. When Díaz finally fled in 1911, moreover, his departure did not end the months of political and military violence that led up to and constituted the revolution. If anything, it ushered in a new and

more contested period of violent political conflict for Mexico and Mexicans, especially as directed against those who lived in and around the country's capital city, the seat of national government and the most important single locale in the country for those who sought a new hold on government. As a result, Mexicans in the capital city and other strategic surrounding areas spent nearly a decade (some would say two) ensconced in violence intended to consolidate the country's political transition from the decades-long military dictatorship of Porfirio Díaz (Davis 1994).

The first several years of violence involved battle with counter-revolutionary forces, both military and civilian, who were still smarting from Díaz's retreat in 1911. Many of these forces rallied around the ex-dictator's nephew (and prior Mexico City Police Chief), Felix Díaz, who maintained a residence in Mexico City and served as a point of coalition-building among those powerful military and elite forces who sought a return to the politics and ideology of the pre-revolutionary regime. Still, counter-revolutionary forces were by no means the only groups who posed a security challenge to the new political leadership. An equally significant problem for the new regime was the appearance of intense conflict within its own pro-revolutionary political ranks and vis-a-vis civilians who supported the Revolution but disagreed about its future. Conflict within and among a variety of pro and anti-revolutionary forces, still armed, lasted for almost two decades after Díaz's disappearance from the political scene, with the first ten years the most violent and politically contested (Knight 1986).

Both situations suggest a possible parallel with Iraq today, where even with the physical departure of Saddam Hussein from the country violence continues unabated, and may even be accelerating. Insurgents struggling to overthrow the new government come from a variety of political forces, moreover, adding to the sense of confusion and political chaos. Indeed, anti-Saddam forces have been as likely to question the governance strategies and security failures of occupation military forces and/or the new Iraqi regime as have the pro-Saddam loyalists that clandestinely remained within the country. As in Mexico in the years after the ouster of the dictatorship, then, a facile, non-violent resolution is post-Saddam Iraq is far from sight.

In response to such unstable conditions, those citizens concentrated in or immediately around the capital city and seat of government are usually among the most targeted by violence, and thus the most vocal in clamoring for greater protection and a viable police force. Preliminary evidence from Iraq seems to be true in Baghdad and in areas of the country that had long been Baathist strongholds;<sup>6</sup> but it certainly was true in Mexico City in the decade after Díaz's formal defeat. In the Mexican case, because revolutionary leaders were so busy fighting counter-revolutionary forces and each other, they did not turn their attention to the task of restoring local order quickly enough, and citizens soon began to arm themselves. Soon thereafter, the revolutionary leadership sought to harness these forces on their own behalf, and did so by formally recognising existent citizen militias, or organised groups of self-defense units, by offering them guns as well as registering and supplying them through the new revolutionary government's military leadership. But because citizens with arms were also quite difficult to control, and because they often used their arms to pursue their own personal or political agendas, not all of which were in sync with the ideological aims of the new political elites in power, revolutionary leaders eventually moved to formally disarm the

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<sup>6</sup> In early July of 2005, two years after Saddam's ouster and several months after the first elections in Iraq were held, the level of violence and urban disorder produced by insurgent attacks (downed electric lines, lack of water) in Baghdad reached such heights that the city's Mayor threatened resignation (Griffith 2005).



citizenry and develop a brand new police force to help secure order in the capital city and elsewhere.

As in Iraq today, in the face of a partially armed citizenry and a still unconsolidated regime change, Mexico's post-revolutionary political leaders had little recourse but to develop new police institutions that they could control and mobilise in the service of consolidating a new democratic regime (Picatto 2001). But they could not start from scratch, having to both mount a new force and render inoperative the old police, many of whom had supported the Porfirian dictatorship. How they accomplished this was to patch together a rough and tumble police force comprised of personnel whom they thought they could trust to help keep the local peace as they sought to consolidate their still questionable hold on power (Iñigo 1994). Many were provincial peasants whose loyalties to the Revolution had been clearly established in their willingness to join the armed struggle against the old regime in the early phases of the Revolution.

This, however, also meant that many of the new police were rural folk, with little understanding of policing or even city life, and with little understanding of the law or how to guarantee it. They also had few social, personal, or even political connections to the citizens they were charged with safeguarding, many of whom had remained politically uncommitted in the revolutionary struggle to oust the old regime,<sup>7</sup> factors that further exacerbated an environment of mistrust. Given the evident clash of sentiments about the new political order, and the legitimacy problems facing the new police force, how was public security guaranteed, with what short as well as long-term consequences?

### **The Ambiguous Role of the Military in Local Policing**

In the immediate aftermath of triumphant revolutionary battle, leaders of Mexico's new regime learned the hard way the importance of establishing a local police force that could be counted upon to protect their hold on the state. President Gustavo Madero, who took over the reigns of state power from the dictator Porfirio Díaz in 1912, was assassinated a year later in an attempted military coup, in no small part because he was unable to count on local police in Mexico City to protect him from counter-revolutionary military forces in the city. Some say the biggest mistake Madero made was his failure to completely disband the Mexican Army, which still retained Porfirian loyalists in its leadership ranks even after Díaz fled the country, and which remained headquartered in military barracks within striking distance of the presidential residence (Hart 1987; Knight 1986). The fact that Madero was a civilian rule was also significant. While his civilian status was a welcome change to the multitude of citizens who sought a break from the military control of the state that Porfirio Díaz's administration embodied, it also meant that he knew very little about the military mentality more generally, and he had few connections – social or political – to military elite as he sought to consolidate his new democratic regime.

Equally important to Madero's political defeat (and assassination), albeit much less analyzed in the historical scholarship, was the fact that Mexico City's police forces were themselves

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<sup>7</sup> Because the old regime of Porfirio Díaz had privileged Mexico City at the expense of many rural areas, by pouring investments and building modern amenities in the capital (one of the many gripes of the revolutionaries in the first place), and because many of the fruits of the Porfirian economic model's largess were concentrated in the public and private sector employment opportunities in Mexico City, many residents were quite unsympathetic to the Revolution, which was likely to be seen as a rural-based scramble for national political power. Among capital city residents, it was mainly industrial laborers that led the ranks of revolutionary protagonists. For more on revolutionary dynamics in Mexico's capital, see Davis (1994).

still riddled with pro-dictatorship (i.e. Porfirian) loyalists. This should have been no surprise given the fact that in the immediate pre-revolutionary period, as noted before, the Chief of Police in Mexico City was the dictator's nephew, General Felix Díaz. Mexico City also was home to the institutions of the state and to the economy's most important business firms and commercial enterprises. These bourgeois forces had long developed good relations with the Porfirian state as well as with the local police who worked on behalf of the private sector, repressing street vendors and keeping labor and other undesirable social forces under control. This consolidation of political power in a small circle of business and elite allies who controlled key institutions of coercion, including the police, also made it easier for Díaz's to carry out his desired infrastructural projects and commercial or industrial policies in the capital city. For precisely this reason, in fact, the new presidential administration of Gustavo Madero should have questioned the local police's loyalty to him as well as to the city's business leaders.

Although this is a lesson that was lost on Madero, who was committed to writing a new constitution and thinking more of building democratic institutions at the national level, it was not lost on Madero's political successors, whose efforts to weaken – if not undercut – both Porfirian-era police institutions and independent citizen militias pushed them down a slippery slope of institutional reforms. These changes steadily empowered police vis-à-vis civil society, turning them inward on themselves as an organisation even as it connected police and military institutions in ways that strengthened the authoritarian features of the new state.

The foundations for this slow but steady transformation started with Madero's original decision to arm citizen militias, as noted earlier, and continued with his revolutionary successors when they were able to seize power away from the military and political elite who sought to re-take the state after Madero's assassination.<sup>8</sup> In the political chaos and revived conflict among various regime contenders in the two years following Madero's death, revolutionary forces also had little recourse but to rely on citizens to help them wage battle against counter-revolutionary elements, especially in the capital city, given the Porfirian police force's failure to do so. Emboldened by the results in sidetracking Díaz loyalists, revolutionary forces soon turned to these local citizen militias to fight their intra-coalition battles (Rodríguez Kuri 1996a). Initially, such militias in Mexico City were used primarily for the purposes of fighting against contending peasant factions in the revolutionary coalition who approached the capital, leaving the military to fight the counter-revolutionary forces in the provincial battlefields.

This division of labour was most evident when the more moderate forces in the revolutionary coalition, Generals Venustiano Carranza and Alvaro Obregón, rose to the position of the country's supreme leader and then presidency, and who used citizen militias from Mexico City to help keep their considerably more radical rural counterparts, Emiliano Zapata and Pancho Villa, from capturing the capital city and seizing control over the post-revolutionary state. At this early point, conditions were still too unstable to call national elections for president, so the use of force was the most direct route to the higher seats of government. But the arming of urban citizens, who would fight the battle against anti-revolutionary, pro-Porfirian elements further contributed to street level violence, especially in the capital city, and thus the urgent need to establish public order. Moreover, while many of the original citizen militias had been strong supporters of Madero, and an even larger number major

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<sup>8</sup> For a serious discussion of the difficult process of state consolidation, and the ten years of infighting among leaders of the revolution, see Knight (1986)

enemies of the peasant forces loyal to the radical revolutionaries Zapata and Villa, many Mexico City citizens did not necessarily feel the same passion for the political vision advanced by Presidents Carranza and Obregon, military men from the north of the country.<sup>9</sup> Thus, it soon became obvious to the regime leadership that some type of police force – and hopefully a new and politically loyal one — must be established in order to meet the twin aims of establishing social order and public security.

In the effort to restore order, starting in 1915 General Carranza ordered the revolutionary armed forces under his command to police the city (Rodríguez Kuri 1996b). The army by then was comprised of personnel that Carranza and his allies felt they could both organisationally control and trust to root out political enemies. But many Mexico City citizens abhorred the uncivilised, drunken, and uneducated recruits who formed the core of the military rank-and-file, and as a result they put very little confidence in the regime-led army's policing capacities. Many of these forces came from northern regions of the country far from the capital (where they had established their relationships with Carranza and other revolutionary leaders in the initial battle stages of the Revolution), and thus knew very little about Mexico City or about the citizens and neighborhoods they guarded.<sup>10</sup>

Moreover, many citizens felt that military recruits abused their power by wielding guns and other firearms that were now only available to the military (neither citizens nor the existent police were allowed to be armed, except through petition in exceptional circumstances). For this reason, revolutionary leaders also allowed the longstanding municipal police to carry on their duties, but to keep them focused on urban activities like regulating commerce and offering building permits. Soon, however, it was clear that the superimposition of military forces into the policing domain, and their empowerment as guarantors of public security more generally defined, created its own problems – not just organisational competition but also political and armed conflict over who should be calling the shots, and why. Indeed, drunken skirmishes and fist fights between military and police personnel were relatively common occurrences.<sup>11</sup> And overall, the co-existence of police and military forces, with both answering to a centralised state, de-legitimised the police even as it reinforced the new government's authoritarian and militaristic tendencies.

### **The Emergence of a Civilian Police Force**

In order to counter the growing legitimacy problems that surfaced by mixing police and military personnel, and by using the army for policing purposes, in June 1916 Pres. Carranza issued a decree to strengthen municipal-level “policing and vigilance, which he considered necessary to the task of purging the country of armed partisans left over from the intense

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<sup>9</sup> For further information on these key revolutionary leaders, and especially the relationship between Villa and Madero, see Katz (1998) and Krauze (1976).

<sup>10</sup> Before the war, policing in Mexico was comprised mainly of community-level vigilance directed toward health, sanitation, and public servicing concerns (street maintenance, traffic flows, and so on), built on the Spanish colonial tradition of *'Buen Gobierno'*, or good governance. This was very much the model Hegel had in mind when he identified policing as central to the integration of society and the establishment of connections between citizens and rulers. For more on policing in Mexico and how it changed in the period surrounding the Revolution, see Picatto (2001).

<sup>11</sup> Material on conflicts between police and military, and the decrees and organisational reforms to centralise municipal policing into a single Federal District police force, come from the municipality of Guadalupe Hidalgo, in the Mexico City metropolitan area. Sección: Policía (Caja 228-235) of the Mexico City Historical Archives.

revolutionary movements.”<sup>12</sup> To Carranza’s credit, this decree emerged in the context of a call for a move from a “military to a constitutional regime” and in tandem with his vocal support for a restoration of democratic elections at the level of the municipality, where police were generally appointed. That is, the shift in focus on strengthening police capacities at the local level was part and parcel of an effort to move Mexico more deeply toward democratic status. But the rights to participate in municipal elections were not only to be denied to “active members of the military”, perhaps in a nod to citizens’ concerns about army personnel behaviour, but also in response to “those individuals who had aided the governments or factions hostile to the constitutionalist (i.e. Carrancista) cause, either through armed struggle or public service.”<sup>13</sup> By issuing this decree Carranza felt he could solve the problem of public insecurity, political instability, and perhaps even the elusive political legitimacy of the new regime with one fell swoop: by re-establishing democratic rights but circumscribing them so greatly that the new police emanating from municipalities would be more likely to be loyalists to his political vision than independent forces responding to local citizens. At minimum, they would not be counter-revolutionaries.

But the fact that a constitution outlining the legal rights that police were intended to protect was not yet created, and the fact that the state’s administrative capacity was still at a very low level, meant that these police were most likely to be working on behalf of the revolutionary leadership than a consolidated and stable democratic state or its citizenry. Moreover, this edict itself opened a whole Pandora’s box of political problems about the centralised versus decentralised character of the new regime. Both municipalities and a growing cadre of opposition political parties began to question the new regime’s efforts to meddle in their affairs with respect to policing and other concerns, and these controversies soon muddied the policing waters to the point that the regime leadership abandoned the idea of providing police services on the municipal level, and sought a more centralised structure.<sup>14</sup> By 1917, the revolutionary government had created a new structure of policing in the capital, erecting a new police force for the most central areas of the city, known as the Federal District proper, which operated as a jurisdiction constitutionally subject to federal control. Among the organisational aims to be met by this new police force were to offer a new police under direct regime control (its chief would answer to the President) that would co-exist with other locally-appointed police at the level of the municipality, as well as to facilitate better coordination of police and military goals, something that was insured by naming a military man Chief of the new police.<sup>15</sup>

But even these transformations did not ‘solve’ the problem of policing, and in fact they again created new ones that hindered the consolidation of a truly democratic regime in post-

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<sup>12</sup>Pacheco Miranda (1998: 134). Note that Carranza was not yet in a position to issue such a decree, at which time he was considered to have finally triumphed as victor in the internecine battles within the revolutionary coalition. Before then, in fact, he had difficulties even staying in Mexico City, and had moved his operations (and temporarily, the nation’s capital) to other regions of the country.

<sup>13</sup> Pacheco Miranda (1998: 134).

<sup>14</sup> For a good discussion of the conflict over democratic rights afforded to *municipios* (i. e. municipalities) in Mexico City, and how these rights were eventually undermined throughout the 1920s, see Pacheco Miranda (1998) and Lear (2001).

<sup>15</sup> It is noteworthy that the first two police chiefs after 1912 were civilians, but starting in 1913 (at the point of Madero’s assassination), it was primarily military personnel – usually Coronels or Generals – who dominated. With the exception of a short-lived period during 1915 when two civilians headed the force (and a year in which the chief of police in Mexico City actually changed five times), all subsequent police chiefs from 1916-1929 were military personnel. After 1929 this pattern continued, with a civilian police chief appointed only twice thereafter (in 1930 and 1931-32) between then and 1988. For names and terms of office see *El Nacional* (1996).

revolutionary Mexico. For one thing, the amalgamation of military and police personnel generally involved the imposition of military techniques and the adoption of military mentalities in daily police practices. In such an institutional environment, coercion rather than democratic deliberation became the *modus operandi* of power. Military control of the city's main police organisation furthered reinforced these trends, and both sets of changes further distanced police from civil society, a separation that served to de-legitimise the new police force even as it isolated and reinforced the police's identity as agents of an increasingly militarised state. One result was the development of greater police 'autonomy', that is, greater individual and institutional discretion to act independently of civil society and even of the political regime, by virtue of the coercive power and military force accorded to police by inter-penetration with the military (which, both analytically and in practice, was not necessarily reducible to the political regime).

Moreover, while the new police forces may have been able to formulate organisationally coherent policing strategies, and do so with the backing of the military, they were still hamstrung by their location in the larger administration of justice system. That is, while the new police may have been organisationally enabled to act on behalf of the military or the regime's articulated public security aims, doing so often put them in conflict with judges, lawyers, prison officials, and other key actors in the justice system, as well as with political forces in society at large who sought to strengthen the municipalities, the building block for democracy in Mexico. All this meant that the kinds of goals achieved by these new policing arrangements were frequently at odds with the hoped-for constitutional and liberal ideals of Mexican politics and society, not to mention the aims of democracy, larger commitments that had inspired many to support the Revolution in the first place, and that in the abstract the new regime was eager still to uphold. But police practices were not happening in the abstract, and something had to give.

### **The Dual Challenges of Post-revolutionary Policing: From Routing Counter-revolutionaries to Arresting Price Gougers**

It is worth remembering that the new centralised police institutions and practices erected in post-revolutionary Mexico burst on the scene in highly contested and unstable social, political, and economic conditions, in which police were called upon to do much more than 'normal' police duties. In addition to trying to restore the urban order by identifying currency gougers, arresting looters, rounding up homeless rural migrants who flooded city streets, citing tequila (*pulque*) vendors who routinely violated liquor laws, etc., the country's new revolutionary leaders sought a police force that could help insure that their political opponents did not get the upper hand. Of course, given the high levels of suspicion and mistrust between citizens and the police as well as citizens and the new regime, sometimes it was hard to distinguish the 'political' from the 'normal' policing functions, especially if you were a policeman. Everyone who violated the law was in some ways thwarting the power of the new state; while many of the city's commercial classes – those most likely to be at the receiving end of urban regulation – were generally assumed to have questionable revolutionary credentials. Many local merchants sought to work mainly with the old police, and to avoid the newly centralised police forces, who were readily identifiable because of their distinct uniforms and badges.

The growing mistrust between citizens and the state was further exacerbated by an ongoing conflict between the new regime and longstanding defenders of municipal democracy, who for over a decade fought the Carranza government's repeated, and for years failed, efforts to

exempt the municipality of Mexico (i.e. the central areas of Mexico City eventually known as the Federal District, where the main economic and social infrastructure and almost all national offices of government were located) from the constitutional guarantees of the *municipio libre*, or free municipality. The greater the citizen dissatisfaction with and political opposition to the regime's centralising tendencies – in policing and other domains – the greater the paranoia on the part of the regime and the police in their employ.

However, the motto of 'Municipio Libre' had been one of the rallying cries of the revolution (much as installing democracy was a rallying cry for Saddam's military opponents), and Pres. Carranza had to work within this constraint. Of course, this did not stop him from trying to place the Federal District activities – policing, infrastructural development, and so on – under Presidential dominion. And clearly, his desires in this regard were not unrelated to his concerns that with a democratic municipal system still in place, police would answer to local (and elected) not national (and militarily-imposed) authority. An independent police force could be disastrous in downtown Mexico City, the most economically vibrant and bourgeois section of the city, filled with Porfirian loyalists and other skeptics of revolution.

Yet, because Carranza did not have the widespread political support to defeat fellow revolutionary sympathisers who sought to protect the new regime's democratic character, he chose to 'solve' the policing problem by changing the legal status and juridical sway of the most loyal police forces in such a way as to facilitate or impede their institutional power. This entailed separating policing functions into categories of activities that tied some police to the community (i.e. democratically-elected municipalities) and others to the regime via the judicial system. And it was this separation of police functions – pushed through the Constitution by Carranza in 1917 within months after yet another defeat on his attempted rollback of municipal autonomy for Mexico City – that ultimately undermined Mexico's democratic potential and laid the foundation for police corruption, impunity, and a deteriorating rule of law.

The changes enacted in the 1917 Constitution, the document that Carranza and his revolutionary coalition used to establish the ideological and legal blueprint for the new democratic regime, separated Mexico City police into two types of coercive forces, labeled 'preventative' and 'judicial' police. The category of preventative police encompassed all those traditional activities of urban regulation that contributed to the social, commercial, and aesthetic 'order' of the city, a set of tasks considered to constitute good governance (*buen gobierno*) and more related to more conventional views of public security. Preventative police functioned like beat cops who kept an eye out social disorder and violations of urban regulations. The category of 'judicial' police encompassed those forces legally charged with determining whether a crime had occurred and arresting these violators of the law. Put differently, judicial police were given the power to legally sanction (i.e. arrest), investigate, and try or jail citizens for infractions of the law.<sup>16</sup>

In practice, this distinction was somewhat problematic, since even after the Constitutional reforms were enacted, 'preventative' police still retained the authority to detain citizens on *potential* violations of the law, but only for a certain number of hours (no more than 36) if

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<sup>16</sup> In theory, the 1857 Constitution also provided for the establishment of a so-called judicial police. But they were considered only "decorative;" and during both congressional and constitutional debates on the reform all sides agreed that Carranza's proposal to separate the tasks and legal responsibilities of preventative and judicial police was an entirely "novel," innovation. See **Diario de los Debates**, December 1916 (núm. 12, 19, 29, 30) and January 1917 (núm. 43, 44, 52).

they did not pay an initial minimum fine, and because they were expected to actively help judicial police with the criminal end of the investigation by gathering evidence for subsequent arrest and prosecution. Nonetheless, the judicial police were more empowered in the criminal prosecution process, such that with this constitutional reform it was 'judicial' police who were granted the greatest authority to prosecute and legally uphold the law.

The clear division of labour between preventative and judicial police, while creating considerable ambiguity and overlap in police functions, was quite purposeful; and the contested political environment and ongoing violence were one reason why. Part of Carranza's rationale for introducing this reform was his contention that many of the existent 'preventative' police – meaning those longstanding municipal police employed by the 'free' *municipios*, and many of whom held counter-revolutionary or non-revolutionary sentiments – were politically unsympathetic to his administration efforts to consolidate a new regime, and that their power should be limited. Indeed, before his reform of the constitution, preventative police had the power to detain and/or fine almost anyone under the pretext of their violating the law, a practice that Carranza worried would give them undue power to thwart the new regime's political aims (if only by giving them the legal power to harass or persecute revolutionary loyalists). His aim was to restructure the power and authority of police so that these longstanding police were limited in the scope and extent of their punitive and prosecutorial activities. One way to accomplish this was to limit their powers and concentrate them in a new police corps, the judicial police, that would answer directly to the state (i.e. Public Ministry) rather than citizens (i.e. the local beat cop station organised at the level of the municipality).

It is worth noting here that the constitutional reform of police practice also was intended to 'remedy' several inter-related constraints on Carranza and the revolutionary leadership posed by the persistence of the Porfirian legal apparatus, not just the problems inherent in giving beat cops or street police ('preventative') the power to arrest citizens. Indeed, an additional target in this reform was the country's court system. During the initial period of post-revolutionary instability, and before, the courts had been no friend of the revolutionary government. Most of the nation's judges and trial lawyers were social and economic elites who supported the Porfirian government and frequently used their authority to quell revolutionary reforms. Up until the time of the Carranza police reform, moreover, judges and lawyers had the singular authority to seek, try, and convict 'criminals', or those citizens charged with serious offences or violations of the law as laid out in the 1857 Constitution. The creation of the 'judicial' police, who would serve in some sort of intermediary capacity between judges or lawyers of the court system on one hand and street police on the other, was conceived as a way to counter the Porfirian biases in the legal and police system.

To the extent that starting in 1917 the powers of the courts and street police were reduced and a newly formed 'judicial police' were given the authority to investigate, arrest, and bring citizens to trial, the post-revolutionary government was able to minimise the counter-revolutionary tendencies of police and judges who sought to undermine their larger state formative aims. Yet precisely because judicial police were formally considered a part of the executive branch and not the judicial branch, owing to their organisational location in a public ministry (*Ministerio Público*) staffed by national cabinet appointment, they were even more likely to act in concordance with the interests of the new regime, an assumption that could not be made about police and judges – many of whom owed their appointments to the pre-revolutionary Díaz government. And needless to say, after the reform was enacted it was

revolutionary loyalists who were most likely to be offered positions as 'judicial' police, therefore reinforcing the political loyalties of this newly empowered police force.

Most important, perhaps, this particular reform also reflected the fact that post-revolutionary police powers were conceived of as conceptually prior to many of the substantive constitutional reforms to enact a stable democratic nation, a situation that in some ways reversed the theoretically preferred order of things – in which to ensure the greatest success, the police's role (especially as distinct from the military) is to be determined by its capacity to act on behalf of the constitution rather than the state. With this commitment between the police and the constitution – or citizens and the rule of law – supplanted by a commitment between the police and the new revolutionary state, the likelihood for abuse of power and relinquishment of the democratic franchise loomed large.

### **The Rise of Political Policing**

One of the most significant short and long-term effects of the 1917 police reform was the extent to which it ensured that institutions of policing became even more politicised, and thus used for eminently political purposes – a trend that was reinforced by the appointment of military generals as police chiefs and administrators, already noted. By the late teens and early 1920s, when the democratic versus authoritarian nature of the regime was once again up for grabs, Mexico City police, both judicial and preventative, were routinely ordered by their superiors in the regime to harass and arrest protesting laborers, renegade social movements, and opposition party activists.<sup>17</sup> Another was the fact that the most empowered police in this system (i.e. those with the power to arrest) were more likely to be directly linked to national rather than local political authorities and concerns. This ultimately laid the groundwork for centralisation of state power in a variety of domains, not merely policing. These changes also reinforced disunity, division, and competition among different types of police forces even as it set up a nearly irresolvable power struggle in which local and national authorities struggled to control the general policing of the city and/or particular police forces within it. Indeed, with the newly empowered judicial police forces reliant on strong personal and political connections to the national revolutionary leadership, via its executive branch appointments, the balance of power within all police services – not to mention the legal system as a whole – changed dramatically. And with privileged access to the national state and enhanced legal capacity to investigate and try criminals, the role and power of judicial police rapidly began to outpace that of both preventative police and the court system, leading to even greater competition and conflict between preventative and judicial police as well as a de-legitimisation of the rule of law, or at minimum its subordination to purely political concerns. The first link in this treacherous chain of developments was established and then reinforced by the development of a variety of different police forces in the post-revolutionary period, some overlapping in function but each answering to a different set of authorities (local vs. national, city vs. municipality, politicians/parties vs. elected or civilian officials, different agencies of the local or national state). Not only did this institutional fragmentation of Mexico City police make it more difficult for party or governing official to control them, it also established competition among them for access to rent-seeking capacities. This was especially clear with respect to the relations between preventative and judicial police, since

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<sup>17</sup> The 1920s was a particularly contentious period in Mexico City, and ongoing social movement rallies and organised labor actions against the state marked everyday life. This was part of the reason that the post-revolutionary government deviated widely from its commitment to democracy and abrogated the rights of citizens to elect representatives and a mayor in Mexico City. For more on this, see Lear (2001) and Davis (1994).



after 1917 preventative police no longer monopolised the power to arrest or investigate criminals. With juridical police holding this monopoly, they had access to much larger sources of bribery and corruption because they were the last stop before a suspected criminal was sent to courts and jail. They wielded their rent-seeking power accordingly.

Yet preventative police did not sit quietly by and watch as judicial police were now empowered to wield greater power over citizens. Rather, they readily sought other forms of rent-seeking to fill their pockets, primarily related to the regulation of urban commercial and social activities, thereby further contributing to a growing culture of impunity that began to govern police activity in Mexico City over the subsequent decades. Further complicating matters, preventative police also used the minimal powers they retained even in the 1917 juridical reform to strengthen their rent-seeking position vis-à-vis both citizens and the judicial police themselves.<sup>18</sup> After all, to the extent that they were still able to impose minimal fines and hold citizens for up to 36 hours, even as they were expected to work with the judicial police to collect data that would be channeled to the Public Ministry (*Ministerio Público*) for investigation and possible prosecution, they still held considerable power to extract bribes or kickback payments.

These developments fed upon each other by upping the ante for bribery from both citizens and from other police or judges at various stages of the criminal prosecution process. Not only did the separation of arrest from prosecution make it possible for rent-seeking and corruption to occur at all levels, preventative police and citizens themselves had great incentive to engage in small scale bribery right at the level of the street, since this exchange could prevent a case from even getting to court (where bribery 'costs' were much greater, given what was at stake in the judicial proceedings). Making matters worse, judicial police themselves were quite aware of this, and thus they too frequently crossed the legal bounds of their job by usurping preventative police duties. The flagrant disregard for the law, even among the police, reinforced the precedent of impunity and disrespect for the law on the part of the police from early on. With citizens faced with distinct yet competing authorities at a variety of discrete points in the journey from suspicion to arrest to prosecution to conviction, the greater the total sums of money involved, the greater the impunity, and the less authority or centralised control over police the state had over the entire process. This fueled a vicious cycle of greater the rent-seeking (i.e. corruption) on the part of individual police; and to the extent that many of the police agents implicated in these corrupt processes were political appointees who answered to the executive branch and/or the municipality, governing authorities themselves became parties to the corruption.

By the 1920s, if not earlier, there existed a well-established pecking order of bribery and corruption in the police, such that the beat cop on the ground could not acquire or keep a job without direct payment to superiors. This further fuelled the police shakedown of citizens (especially small retailers), thereby estranging the police from citizens even more. And the greater the rent-seeking, the more the flaunting or disregard for the rule of law, since regulation or enforcement of the law was merely another commodity to be bought and sold within the police. By the late 1920s and early 1930s, post-revolutionary Mexico's political

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<sup>18</sup> In the debate over the reform the then-existent (preventative) police forces opposed the shift, as did many judges and lawyers. Unable to outvote the revolutionary forces in congress and in the Constitutional Convention, they could not fully avoid the reform. But their influence was seen in several compromises that worked themselves into the text after much extended debate, including reserving the capacities for preventative police to impose fines, detain suspects for up to 36 hours, and to work with judicial police in the gathering of evidence. See *Diario de los Debates*, January 12, 1917, núm. 52.

profile was firmly set: a highly centralised political system, built on use of police to protect the fragile state and undermine political opponents, and a justice system that itself became ever more corrupted through police reforms and police actions. By the 1940s and 1950s, the police had become some of the most corrupted forces in the country, working in tandem with the military to grease the wheels of impunity and become involved in illegal activities that further undermined their legitimacy as a force of social order (Alcocer 1997; Andreas 1998; Alvarado and Arzt 2001). By the late 1960s and early 1970s, their power and capacities to abuse the institutions of policing on behalf of an increasingly centralised, non-democratic state led them to direct their ire against citizens and to flaunt their impunity in a variety of ways, ranging from stopping motorists for bribes to shooting student protesters who clamoured for democracy in the famous 1968 massacres at Tlatelolco (Aguayo 1998). By the 1980s and 1990s, police and military involvement in drugs, guns, and money laundering put them beyond the control even of the state, turning them in to the tail that wagged the regime dog, rather than vice-versa (Zepeda 1994; Bailey and Godson 2000).

Mexico's descent into this unenviable quagmire occurred for a variety of reasons, but some of the most important can be traced to the requisites of post-regime change policing and public security, the amalgamation of police and military aims and organisations in the service of this aim, and the undermining of municipal-level democratic institutions and practices that were shunted aside in the struggle to establish politically loyal police forces capable of ensuring 'public order'. By privileging police functions over all else, and by failing to acknowledge that regime changes are messy processes where ambiguity about who is on your 'side' may be the necessary corollary to establishing a liberal, pluralist, and democratic order, Mexico laid the seeds for its own troubled path. Today, almost seven decades later, Mexico has finally shaken its state centralised and authoritarian heritage, after years of citizen struggles for democracy. But even so, the country has not yet disposed of its rotten internal core: one of the most corrupt police forces in the world and continued evidence of policy-military linkages, both of which are reported to have catapulted Mexico high on the list of international drug and gun-running operations chains and home to mafias, money-launderers, and numerous other 'illiberal' forces.<sup>19</sup>

### **Concluding Remarks: The Challenge of Policing Democratic Regime Change**

It would be foolish to assume that as it seeks democratic regime change, Iraq will follow the path taken by Mexico and end up saddled with the same tremendous burdens. But signs so far leave little scope for much optimism. Among the most worrisome developments that seem to parallel the Mexican case are the clear involvement of military in the tasks of policing, evidenced in recent proliferation of police-military patrols, and the existence of an armed populace that does not necessarily share a commitment to the occupation administration's short-term agenda. The disbanding of the Iraqi army, in fact, released into society almost "300,000 Iraqi soldiers who simply went home with their weapons in the face of the American led invasion."<sup>20</sup> With armed attacks on the rise, growing numbers of suicide bombings, and a thriving insurgency with access to weapons, there is little evidence to suggest that the security situation is any where near under control. The fact that a large number of the attacks seem to be directed toward police themselves lends further concern about the newly elected government's capacity to restore order.

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<sup>19</sup> For more on the problems of contemporary police corruption and impunity, see Davis and Alvarado (1999) and Davis (2006; 2003).

<sup>20</sup> See Alawi (2003: 11).

Some of this owes to initial policing decisions. When occupation first officials determined that old police forces would need to be disbanded and a new police force constructed, they first turned to civilian militia groups in the search for available recruits, as in Mexico. This decision was made in no small part because they had experience with vigilance and came supplied with their own arms, but also because U.S. forces could count on their fervent commitment to rooting out Saddam loyalists in Iraqi society at large. But to no one's surprise, the designation of Shiite organisations and other militia forces as the temporary guarantors of order exacerbated the militarisation of ethnic difference even as it further empowered coercive forces with a penchant for revenge, two factors that merely reinforced the climate of violence and instability. To their credit, within a few weeks US commanders admitted the error of their ways when they acknowledged that "although they initially supported Iraqi militias, the groups [had] become a de-stabilising force and should be disarmed."<sup>21</sup> By then, however, U.S. administrators were not only back to square one with respect to establishing order; they also were faced with yet another dilemma: how to disarm these newly strengthened and re-armed civilian militias.

In response, occupation administrators and local officials opened the search to almost any male Iraqi who could pass an initial screening test proving no obvious political loyalty to Hussein. In such an environment, the question of how well trained the fledgling new Iraqi police could be, and whether they truly were capable of guaranteeing a modicum of law and order, let alone political stability, was back on the table. As a result, the military were brought directly into the business of public security vigilance, up to the point of infiltrating or second-guessing police patrols. Yet for these reasons, especially given the current intensification of street conflict and urban guerrilla warfare, fear is rampant and trust has been the first casualty. U.S. military personnel – not to mention the newly armed police and Iraqi citizens themselves – are routinely sabotaged in the most ordinary of daily activities, and in the daily bombings and skirmishes in which injuries and casualties for all those involved continue to pile up.

Perhaps the most serious implication of these developments is the sorry fact that the police do not always have the confidence of the military who put them in place, let alone the civil society forces they are empowered to protect.<sup>22</sup> Just as the military and the country's fledgling democratic regime finds itself caught between a rock and a hard place, needing police forces but not confident that they have the skills or wherewithal to carry out larger security aims, so too the fledgling Iraqi police themselves are in the same sort of double bind – unable to count upon full support either from the military (who still sees them as untrained and unprofessional) or from the citizenry, which remains pluralist and divided in outlook. Without trust in the police, the security situation became even more problematic, and the governing leadership reneged on its earlier decision to disarm and bypass militias.

In late May 2004, almost a year after the initial decision to forego the assistance of armed local militias and create a new police force, U.S.-led administrators announced that they were

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<sup>21</sup> *Boston Globe* (2003: 1).

<sup>22</sup> This was well exemplified in a late-September 2003 clash in southern Iraq in which the guerilla ambush of a U.S. military squadron drove occupation officials to order the detainment of an entire 20-man force of Iraqi police, under the guise that they were negligent for not alerting the U.S. military forces of the potential citizen attack. The assumption on the part of the U.S. military was that the Iraqi police could (or should) have known about the upcoming attack. The more insidious undertone of the accusation was that the police's failure to preemptively act on behalf of the occupying military forces was tantamount to treason, or should be treated as a serious criminal offense at minimum. In this situation, the police were in fact seen as the criminals.

now ready to turn policing functions back to the militia. While part of the rationale for this decision was the acknowledged “failure to disband militias,” a state of affairs that itself was intricately linked to infighting among Iraqi religious factions and citizens’ overall unhappiness with occupation forces and their aims, one must also recognise that the failure to establish adequate policing institutions as an alternative to the militias also factored into the decision to return policing power to militias. As one observer put it, “the rapid military training offered to the Iraqis failed to turn them into effective fighting forces,” especially in the face of armed Iraqi insurgencies, militia-linked and otherwise.<sup>23</sup> Both the occupying forces and the Iraqi governing leadership have become painfully aware that someone needs to be responsible for establishing order; and the hope was that “tolerating militias would lead to greater security in the short term.”<sup>24</sup>

But this also meant that the vicious cycle began again: groups (i.e. militias) with particular ethnic and religious identities, many of them linked to political parties, would be in a position to coerce their enemies – whether domestic or foreign forces. The biggest casualties, then, are not just peace and stability, but also democracy. As the security situation deteriorates and the policing forces face an accelerating rather than decelerating insurgency, the problem is merely to find a few able bodied men who are willing to serve. The situation is so dire that Iraq’s leaders can hardly afford to make new police recruits pass a political litmus test, as police are killed or sabotaged in sectarian violence almost as fast as they can be trained. The question, then, is whether these constraints come back to haunt Iraq’s fragile new democracy. Who is to say whether those who do eventually join the policing service are coming to the task with a clear political agenda, or whether the mere experience of surviving in such a politically contested and violent environment will be enough to embolden them to participate in politics in ways that will undermine future democratic gains even if a new regime gets consolidated.

So what is to be done, and might there be lessons learned from the Mexican case? The first and most obvious one is also the most simple: violence begets violence. As long as officials of new regimes – democratic or otherwise – make a commitment to routing insurgents and political opponents through warfare techniques, citizen mistrust and violence is likely to continue. And the more they need to count on citizen militias with their own political, ethnic, and religious exclusivities as key partners in this process, rather than professional police, the worse the societal fragmentation, the more distrust, the more violence, and more the recourse to arms. Conversely, if building a stable and democratic state where differences among groups were accepted as part of the fabric of society, and where disagreements were to be resolved through a general rule of law applied equally to all, independent of access to arms, the situation might improve. Given this, if the creation of a new police system were to be acknowledged as the first in many steps of democratic regime reconstruction or nation-building, rather than merely as a strategy for targeting enemies, then the country’s new political leaders might be less willing to forego democratic rights in the name of public security.

Second, in situations of such violence and instability, it actually might be unwise to rush into constitutional reforms, at least with respect to regulations that enhance the power of the police and set in stone their relationships to the state and the administration of justice system. In the Mexican case, early constitutional reforms that restructured police organisation and power

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<sup>23</sup> Filkins (2004: 1).

<sup>24</sup> Filkins (2004: 1).

were introduced in order to facilitate the public security objectives of the new regime at a time when it had just barely consolidated its hold on the state. While this may have seemed wise to revolutionary leaders at the time, it ultimately laid a foundation for practices of impunity and corruption that were very hard to shake. In Iraq, conditions now continue to be highly unstable, and the public security issues are on everyone's mind, citizens, political leaders, and occupation administrators alike. Thus, it is advisable to tread carefully. Conventional wisdom has it that setting a new constitution should be the first step in establishing a stable and democratic political order. But most of the positive experiences in these regards come from countries where the Constitutions were enacted after violence and disorder was relatively quelled. That clearly is not yet the case in Iraq.

While putting off the task of constitution-making may prolong the effort to establish the foundations for democracy, the question is which elements should be included right now, and which might wait until a more propitious moment. If the new regime leadership would focus first on building state institutions and making them accountable, transparent, and pluralistic, this might establish just enough breathing space for Iraqi society to exit from the chaos, disorder, and conflict that now reigns supreme. Until that is done, any effort to constitutionally enforce greater police powers might set the basis for future problems, and in the short-term might even get in the way of establishing legitimacy, accountability, and transparency. If the policing problem can be solved with citizen support, instead of through constitutional mechanisms, moreover, the country may actually be set on a much more auspicious path. True regime change – that is to say a stable and democratic state – will be much more likely to be the legacy left for future generations.

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