

Lesson 5  
The Island of Rights in the Sea of Extortion  
(On the new Mexican state)

Claudio Lomnitz  
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*Introduction.* Today I return to one of the points where we began in this conference cycle: the idea that we're confronting a new type of state, characterized by a high degree of sovereignty-- that is, autonomy-- of its central executive power, and by the something close to the abdication to one of the traditional functions of the modern state, which is the regulation of policing and criminal justice. Today I delve further into that idea.

My argument will be as follows: the new state began to gestate in the context of the neoliberal reforms of the 1980s and 1990s, when an economic space developed that was governed with certain criteria of legality and transparency that could be measured and judged not only internally, but also outside of Mexico, so that global financial markets might have the information that they needed to make new investments to the country, and to appease US and Canadian citizens and labor unions who had their own informational needs with regard to a set of conditions that needed to be met for them to support commercial integration with Mexico. I refer to that rule-governed economic space as "the island of rights." It had been prefigured as early as the 1970s with the establishment of a free trade zone that ran the length of the US-Mexico border, but the idea took a leap forward with the proposal of the notion that Mexico would now be a part of "North America," by way of a free trade agreement that was promoted during the government of Carlos Salinas de Gortari (1988-1994), NAFTA, and that finally came into effect on January 1, 1994.

Mexican promoters of NAFTA had the idea that this trade agreement, with its many regulations and its rigorous procedures for certification and accountability, would serve as a kind of beach-head for the development of the rule of law in Mexico, which was a kind of state that had never existed previously. The viability of implementing the rule of law-- albeit in the limited spaces of Mexico's new export-oriented economic platform-- was protected by the terms of NAFTA themselves, and the notion of Mexico's NAFTA enthusiasts was that the rule of law would spread beyond those export industries soon enough. The island of the rule of law would thus grow in extension and reach, until one day it would cover the entire country.

For example, this ambitious project did require changes to happen in Mexico's police because, as we saw in our second lecture, police depended up until that point on the systematic use of extortion, tempered only by the limits placed on policemen from their superiors, often in response to specific, *ad hoc*, requests from powerful politicians. Such a modus operandi was of course contrary to the rule of law, that expects equal access to police protection, and the application of rules. The fact that this violent and corrupt police

played an important regulatory role for the informal economy, and that it offered some support and protection in cases or places that had been singled out by politicians, and that they did this largely with their own sources revenue was not immediately taken into consideration. In order to thrive, the NAFTA-sponsored island of rule of law needed, in principle, to be able to count on a different kind of police force, less sensitive to political clientelism, less reliant on bribery and extortion, more professional, and capable of protecting citizens' rights. The rule of law requires a police that does not rely on extortion for its basic income.

However, this need to change the police was at odds with another equally urgent pressure, which was to preserve the mechanisms for regulating order in the ample sectors of the economy that were not up to the standards of code that were expected on the island, even though these economic sectors offered services that were important to keep the costs of Mexico's export economy internationally competitive. The formation of a modern police force for the entire country would imply investments of the highest order-- in sheer financial terms, certainly, but also in expert training and general education. Meddling with the police could also have its political costs, in particular because what reformists sought was for the police to change its everyday system of operation-- no less. That would mean bringing new blood to the force-- cadets with a high school education, for instance, or even with university degrees, and new mid and high-level leadership. Moreover, if it was serious about extending the rule of law, the government would also need to modernize and vastly strengthen the capabilities of its district attorneys' offices, courts, public prosecutor's offices, and prisons, and although neoliberal presidents from Ernesto Zedillo onward recognized the importance of intervening in these spaces, their efforts were inconstant, important conceptual mistakes were made, and there were problems of execution as well. So many, perhaps, that when the War on Drugs was declared, in January 2006, government resources were channeled preferentially to the military, and municipal police forces were increasingly neglected, while moves were made to bring the state and federal police under military command.

That situation continues to develop into the current day. The project of reforming the courts, DAs, prisons and police was postponed, if not scrapped all together, and the effort to reform the police and the justice system was finally abandoned, while the government continues to pour more and more money into what is by now galloping militarization.

It was the War on Drugs that spelled the end of the first period of gestation of the new state, that had been characterized by confidence in the idea that the rule of law would spread quickly beyond its NAFTA-protected beachhead. The decision to declare a war on the drug cartels was taken almost immediately after the 2006 presidential elections, when the losing candidate, Andrés Manuel López Obrador, challenged the validity of the elections and dramatically instated a parallel 'legitimate' government, in which he was the president. Having thus battered the legitimacy of the electoral process, confidence in extending the rule of law by consensual means diminished, and the government opted instead for further centralizing political power at the federal level and for declaring a

national emergency of sorts-- a war on drugs. That is when the formula 'A lot of sovereignty, not much justice' began to take shape.

On the other hand, economic growth did not accelerate rapidly enough to formalize Mexico's enormous informal economy and so integrate it to the operating standards of the NAFTA isle. The policy measure that probably worked the most to integrate the informal economy, designed by economist Santiago Levy, was to use public investment to try to offer universal health care, and through that means support the formalization of micro-family businesses, increase their productivity, and so help consolidate a true integration with the economies of the US and Canada. That idea made some important inroads, but it was far from complete when it was interrupted by the current López Obrador government, that slashed public health budgets after 2018 and dissolved the Seguro Popular program. The attempt to formalize by way of reducing medical expenditures-- that had a long way to go in any case-- took a further, very deep, hit with the COVID crisis, that led to steep increases in medical expenditures, especially for Mexico's poor.

In short, rather than grow until it had encompassed the entire economy, NAFTA remained an island, with around half the country living adjacent to it. This situation was made more complex with exponential the growth of the illicit economy, that grew in tandem with the legal and formal transnational economy, and took advantage of the deep recessions of the 1980s and 90s and of Mexico's democratic transition to infiltrate local politics. We had discussed this in lectures 3 and 4.

That is how the competition for political power between the two nodal sectors of the new economy began-- the formal sector, and the informal sector-- each with its most powerful part involved in the transnational economy, in other words, by the businesses that were involved in NAFTA, on one side, and by the so-called cartels that are involved in the drug economy, and in other legal and illegal businesses, on the other. This competition quickly moved to the political terrain, to a sufficiently worrisome degree that in 2006 the government, that still represented the interests of the formal economy, launched its war against the cartels. That declaration was provoked, in no small part, by the worrisome political influence that had been achieved by the illicit economy.

On the other hand, the rise in petty crime, together with the consolidation of organized crime, favored the sort of politics that is known as punitive populism, in other words, politicians and political parties campaigning on platforms that favor building more jails, tougher sentencing, and the multiplication of legal interdictions. This sort of political platform took precedence over finding ways to change policing and overhauling the judicial system, which were projects that were more difficult to achieve, and less immediately effective from an electoral point of view.

Moreover, the war on drugs was launched without a correct analysis either of the strength of the illicit and informal economies, or of the implications that such a war would have on the system of security and justice. The government did not have the resources to conduct a 'war' while still preserving the rule of law. It lacked both the institutional and the fiscal resources to do that. And it was there, at the crossroads between a project of

expansion of the rule of law through North American integration and a project of consolidation of internal control by way of the military, that the new state took its form, governing with states of exception (manifested both in relatively frequent massacres and in the routine use of "cautionary" imprisonment), effected by the Armed Forces, while losing its capacity to control local politics as well its traditional mechanisms to regulate and oversee the operation of informal and illicit economies.

The transition from the early, drug-war, moment of the new state, to the regime that now calls itself the Fourth Transformation (i.e., the López Obrador presidency and the movement that accompanies it) signified an inversion, a flipping over, of the state's fundamental alliance: whereas the earlier governments had represented the interests of the formal economy, of the "island of the rule of law" that was built on NAFTA, the current government is closer to the interests of the informal economy, including of the illicit economy. In this sense, the movement that pompously calls itself Fourth Transformation--trying to claim a status parallel to Mexico's independence movement or to the social revolution of 1910-20, is in fact a sadder, second transformation, of the state that was born out of the complex repercussions of implementation of neoliberalism and North American integration. According to my count, 'first transformation' is what happened when the the War on Drugs was declared, leading to neglect of the project of expanding the rule of law, particularly as regards police and criminal justice, in favor of the expansion of the state of exception by way of a military option; the 'second transformation' (always lower case), is currently under way, and it began when to sector that was aligned with the project of the "island" lost control over the government.

This new phase, which is governed by interests that represent economic sectors that are oriented to the national (versus the export) economy, by no means implies the abolition of the North American economy, because the informal and illicit economies both have a relationship of co-dependence with it. Rather, the Mexican state in its current phase uses the instruments of government to increase political pressure on the formal economy, and widen the margins of negotiation of national businesses, formal and informal-- using the governmental apparatus to apply political pressure on property relations, prices, and transaction costs. Put another way, the Mexican state in its current phase is committed to re-politicizing the economy, against the ideal of the rule of law, and against what Karl Polanyi referred to as self-regulating markets, in order to increase the margins of operation and the political clout of the informal and illicit economies, as well as of some national entrepreneurs in the formal sector.

The difference between the state that began to develop under the neoliberal aegis and the current state does turn on a left-right axis, but rather on alternative uses of the state as an ally of the formal-export oriented economy versus the informal and illicit economies. This does not imply that there are no longer various strands of the left and of the right in Mexico-- they are there-- but it does mean that left and right as traditionally understood don't adequately name or represent the stakes of the current divide, that has veered toward a form of identity politics marked by a polarity between the social classes that are culturally, educationally or economically tied to local economies, and those that are-- again culturally, educationally or economically-- able to move freely in the formal

spaces of North American integration. Rather than a competition between left and right, the ideology of the new state is anchored in the terrain of nationalism, and alternative visions of the nation. On the other hand, this polarity elides some shared interests between the two positions, because both parts need the island to continue to exist-- albeit with contrasting horizons of growth and well-being-- , both need to guarantee some kind of status quo in the sea that surrounds the island, both favor the concentration of power in the presidency and militarization (albeit in very different degrees), and, finally, both ended up abandoning attempts to reform the system of justice and policing, albeit-- once again-- for different strategic reasons, and with distinct ends.

*The problem of the island.* The idea that the transnational formal economy would serve as the rock on which the rule of law would be established always faced practical difficulties. We still don't have a documented history of what exactly happened in that regard, so what I am here proposing is a reading, as well as a set of questions, rather than a firm set of conclusions that are firmly anchored in a thorough empirical investigation.

The first question to raise concerning the dynamics of dissemination of the rule of law on the basis of the regulatory apparatus introduced by NAFTA concerns the relationship between the new export-oriented businesses and their immediate physical surroundings. We know that these businesses' operation was monitored, and had to conform to NAFTA as regards to the security of their property rights, access to supply chains and distribution, the labor regime (unionization, etc.), and environmental standards, but what was the relationship between these businesses and the world immediately beyond the industrial park?

Investments in Mexico's export-oriented manufacturing base-- that grew astronomically with NAFTA, to the point where Mexico exports more manufactured products than the rest of Latin America put together-- relied on the development of specialized and highly productive workers, but also on keeping the cost of this labor force down, which implied also relying on services provided by the informal economy, that provides meals and domestic help, and many other services. The NAFTA-businesses' labor force also required a lot of public investment in transportation, schools, urban services, police, etc.

Nevertheless, in many cases investments were attracted to this or that town or city in exchange for deals that allowed them to pay a minimum of taxes, at least for a predetermined number years, so that the relationship between the "NAFTA island" and its immediate surroundings was not as immediately conducive to the extension of the rule of law as one might think. The idea that drove the policies that were geared to attract foreign capital was the those investments' daily expenditures would generate a sufficiently large spill-over for the consolidation of the cities' tax base to grow and so, little by little, lead to consolidation of proletarian residential neighborhoods that were initially built under precarious and irregular conditions, often lacking paved roads, lighting, sewage, and other basic services. In other words, the hope-- when it was formulated at all-- was that the services that were in the hands of the informal sector would slowly be formalized as the residential areas around the factories consolidated. True, this idea was usually more of a

belief than a hard-nosed economic calculation-- since, in any case, it depended on variables that beyond the government's power to deliver, relying, for instance, on the numbers of migrants who would arrive to try to find work in these new "poles of development," or on the actual number of businesses that would be attracted by the opportunities that were being granted to them. NAFTA was a bet, in any case, so no firm calculations on the development of the towns and cities that were opened to investment was truly possible.

As a result, the conditions of the informal activities that flourished around the new industrial base varied from place to place; but in no case was there an immediate or straight-forward extension of the rights and work standards from the NAFTA isles to their informal suppliers, and there were ways or moments in which a kind of apartheid developed, with a sharp contrast between the clear rules that governed the formal export economy and the constant negotiations that were required in the daily operation of its immediate entourage.

Perhaps the most revealing expression of this tension, because it was the first to erupt in scandal, is the hundreds of unsolved feminicides that occurred in Ciudad Juárez during the 1990s, which revealed the city's deeply insufficient investments in public lighting, transportation, police, and housing for the women who worked in that city's assembly plants. The case also revealed a disconnect between its export- manufacturing base and city governance; the assembly plants seemed to be insufficiently identified with their immediate surroundings-- it was known that they could as easily established themselves in Ciudad Juárez, or Tegucigalpa, or Guanzhou-- and that they had chosen Juárez at least in part because of convenient tax arrangements. Thus, from the start the new state was involuntarily generating images of the rule of law as a privileged, insular, condition, surrounded by a society that was poorly regulated, and that had to get by with poor and insufficient public investments.

*Codependency between the island and its surroundings.* At the same time that they began competing in the political arena, a co-dependency developed between the NAFTA islands and their immediate, predominantly informal, surroundings. Transnational corporations leaned on the informal economy and on public investment-- even when it was insufficient or of poor quality-- to cover at least some of the basic needs, and the cities that received them needed those business to provide jobs and business opportunities for their entire population, including those in the informal economy. Beyond this, on some occasions formal investors have also wanted access to local resources that did not always have a legal provenance: access, for instance, to the exploitation of an aquifer for the operation of a mine or for agricultural exports, or to a natural sand deposit that lies on *ejido* lands. In such cases, the companies might rely-- directly or indirectly-- on the intervention of armed groups or of politicians who have ties to the illicit economy in order to gain access those resources.

In these sorts of situations-- that are not uncommon in Mexico's substantial mining industries as well as in the burgeoning new agribusiness-- the connection between the NAFTA islands and their environs can lead to a quite complicated division of labor around

policing, combining private security firms that watch over the island, with military surveillance over roads, and organized crime securing access to resources that are beyond the immediate reach of the company, or guaranteeing safe passage to and from the mine.

Hybrid systems of protection and coercion multiplied, and were formed on the basis of a mix of various public forces-- municipal, state or federal police, Armed Forces (Army, Marines, or National Guard)-- complemented by private security firms and armed units belonging to organized crime. These mixtures are by nature unstable, since they respond to leaderships that have varying interests. We have shown in our past three lessons that a political group that has gained control over a municipal police force can be in conflict with the head of the state's police force, or with the army major who's in charge of the military zone. Similarly, a company's private security firm may or may not find the support that it would hope for in local or state police, or in local armed organized crime. This is because the armed organizations that are tied to the illicit economy generally try to acquire diversified portfolios, and to develop interests both in the licit and the illicit economy-- drug trafficking or gasoline theft, for instance, wedded to (legal) transportation businesses, ranch ownership, or real-estate investments-- so that the armed groups may be somewhat unreliable partners.

Thus, the isle needs to develop a dense network of local connections that imply constant negotiations-- large and small-- characterized often by extortion, bribery, mobilization of political connections, and political pressure. This is what I had in mind in the title of this talk when I referred to the 'sea of extortion,' although the appellation is too simplistic and certainly too dramatic, since many of these negotiations do not reach the terrain of extortion proper, though they do have the possibility of extortion in the backdrop, since these negotiations occur with the understanding that the rule of law does not extend to the economies in question, and therefore that recourse to public force, too, must be negotiated.

Finally, it is worth recognizing that these ties of interdependence between the isle of the rule of law and the sea of extortion and negotiation also spark competition within the informal or illicit side of the equation. This competition is sometimes resolved with violence, by armed groups that seek to monopolize control over the territory in which they operate commercially, and with that goal in mind, to control also the strategically key institutions connected to local politics.

*The logic of polarization.* One of Ernesto Laclau's most frequently cited ideas regarding populism as a political logic is that polarization-- the routine practice of politics on the basis of the division of society between friends and enemies-- generates in populism a kind of consensus that is flexible in its content and scope, since the figure of the leader, that is essential to this sort of politics, functions as an 'empty signifier,' whose programs shall vary along with the coalitions supporting him, and according to the ways in which their/his adversaries-- the anti-people-- are defined. For this reason, again in LaClau's view, populism can be on the right or on the left, a progressive or a regressive force, authoritarian or (popular) democratic.

I'm not qualified to enter the debate on what is and what is not populism, or what are its characteristics, nor am I interested in doing so. My concern is more modest: I wish to characterize the new state that has emerged in Mexico, but in order to try to achieve that aim I do take a path that is contrary to LaClau's, who sought to define a 'political logic.' Instead, I am trying to identify the substantive class dynamics that have defined the profile and marked the limits of the new state.

The political form that we call populism has an intrinsic relation to democracy, as some have argued, since democracy is characterized by a latent tension between the institutional management of the state and the idea of popular sovereignty, that is anchored in the ideal of universal suffrage. This tension between the will of the people and the work of the state explains the condition of possibility for the emergence of a leader who represents-- or claims to represent-- the majority against the institutions of the state and its established modes of representation. Here I am interested in something else.

The new state in Mexico began to gestate after the 1982 crisis and the institutional reforms that were unleashed as a result. Today, this new state has turned to populism, but its characteristics transcend the liberalism/populism duality, even though there are tangible and very significant differences between those two alternatives, even if they may be opposite avatars of a single process of state formation.

The end of the era of Import Substitution Industrialization and Mexico's turn to neoliberalism-- manifest in the project of the commercial integration of "North America"-- presented the Mexican state with both a challenge and a promise. The challenge was that it had to abandon or severely restrict the scope of application of some of its traditional practices of political control such as, for instance, the corporatist organization of political society (divided into social classes that were also pillars of the official party), or the state's monopolistic control over the politicization of the economy (accomplished through the extraction of tribute-- what we today call 'corruption'-- in exchange for guaranteeing the operation of what Polanyi called 'self-regulating markets').

This challenge created serious political difficulties, precluding any possibility of continuing to govern with a single-party system (that Mexico had managed to maintain-- not without difficulties-- since 1929). But the transition to a neoliberal economy also presented Mexican political society, and the proponents of neoliberal reform in particular, with an opportunity, which was finally to create a viable project for the installation of the rule of law, understood as a system wherein all persons and institutions are accountable to laws that are equally enforced and consistent with the principles of international human rights. This possibility opened up thanks to NAFTA, a treaty that emplaced the rule of law in a number of areas of Mexican life, and would become part of a novel experiment for Mexico, that had never been ruled in this fashion.

So, although neoliberalism signified a major crisis of governability, that laid the way for the collapse of a regime that had been in place for the better part of the 20th century, it also opened up a new horizon, the achievement of the rule of law, which served to justify no end of more or less sound, more or less improvised, policies and institutions. That was



the only way to negotiate the political pressure that came from sectors working outside of the NAFTA island, and whose lives were being affected, sometimes gravely, by the deep transformation that free trade wrought.

From the start, then, the new state had two big challenges, it needed to design a workable system of representation and political control-- since the earlier one could not continue functioning under the new economy--, and it had to try to extend the "Island of the Rule of Law" beyond the formal export economy to which it was initially tied. It is in that dialectic that a new state began to take shape.

In its beginnings, this state had no intention of neglecting its policing and criminal justice system but rather the opposite, it wished to transform it, to reform it, to bring it in line with the rule of law. The rise of the new Mexican state is, in this sense, the story of the defeat of the project of achieving the rule of law for the country as a whole. That story has the Drug War as a key turning point, but it cannot be explained exclusively with reference to it.

*The failure of national (elite) pacts.* Given the scope of the challenge of governing that the old political class faced, Mexico's transition to democracy turned early on to the idea of a national pact, based on agreements between signal members of various elites, as a useful-- perhaps indispensable-- mechanism to transit from a hegemonic, one-party, state, to a democratic government with institutions capable of implementing the impartial and opportune application of the law. This sort of compact seemed to be necessary to lend credibility to new institutions: only thus might they achieve credibility and respect from the citizenry. Instead of being run by members of the old political class, and rather than relying on the informal mediation of traditional *caciques*, the state's new democratic institutions would be autonomous, and they would be placed in the hands of exemplary citizens, whose personal reputation was beyond question.

Mexico's democratic transition thus leaned on two related strategies. The first of these was to seek agreements between leaders of varied-- and sometimes opposed-- interest groups, by way of creating fora that allowed these leaders to meet, talk freely, gain some trust, and arrive to some shared principles for governance. This was tried in several moments, starting perhaps with President Miguel de la Madrid's Pacto de Solidaridad Económica that brought together labor and business leaders to agree on how to manage and distribute the hardship that came with recession and hyper-inflation; the Grupo San Angel was organized some fifteen years later to facilitate the transition away from the PRI's control of the presidency, and more recently the Pacto Por México sought to establish ground rules between the three main political parties, geared to strengthening the state in exchange for various political concessions. These sorts of initiatives brought prominent politicians of different persuasions, opinion leaders, media tycoons, intellectuals and journalists, union leaders, captains of industry and other weighty figures together, with the idea of finding common ground and executing a transition toward a modern system of political parties, reliable elections, and the consolidation of an institutional framework that expanded the rule of law and embraced it as a system of government.

Curiously, the effort to create what liberals refer to as a 'level playing field,' had to rely on an antiquated, 19th century, sort of elite figure-- the *notable*-- which Mexico still held some sway. The *notable* is a person with a well-known name and last name, whose honorability is everywhere known. Often *notables* come from important families. Usually these people-- that the press frequently refers to with the prefix "*don*" (or *doña*) or sometimes as "*maestro*", in the case of prominent artists or intellectuals-- are prominent members of the liberal professions, or artists, or well-known university professors, or valiant leaders of civil society. Occasionally they might be politicians who had stepped outside of the grey-zone to which they were generally confined in the one-party system and accomplished something that was widely appreciated.

These *notables*, together with leaders of industry, politicians, union leaders, were then brought together in a kind of Parnassus, where they acknowledged their differences and reached agreements that would help transition Mexican political society peacefully, and guarantee spaces and concessions to each sector. Nevertheless, this social imaginary-- the ideal of a summit agreement--, necessarily left out prominent leaders of the illicit and informal economies. There were no leaders of taxi-driver associations, or market vendors, figures from organized crime, or leaders of regional peasant communities whose livelihood was being undermined by free trade. As a result, the notables flooded the opinion pages of Mexico City's papers, while the summits as a whole were detached from emergent organizations that were taking shape in response either to dire circumstances, or to untold, but sometimes also illegal, opportunities that were wrought by the new economies.

Ironically, this process ended up destroying the notable as a politically relevant figure, since the influence of the notables depended, in the end, on a courtly logic that was still operational in the neo-baroque regime of the PRI, but that fell apart with the arrival of new economic elites and, more broadly, of a new system of values that came hand-in-glove with the new economy. Eventually, even the republic's presidents began neglecting the deference that they'd once shown to this estate, and every day they felt less of a need to be close to them, or to the high culture that was that class's most elevated medium of circulation.

It is true that the system of notables appeared to have been reanimated after the 2018 ascension of Andrés Manuel López Obrador, whose obsession with inscribing himself and his movement in the frame of patriotic history had as a consequence a fondness for surrounding himself with people with auratic, historical, last names-- a Vasconcelos here, a Cárdenas there, a Scherer over there... perhaps a descendant of a revolutionary leader, a niece of Antonio Díaz Soto y Gama over there, or else one of the remaining historic leaders of the '68 student movement, or the daughter of a well-known victim of the Dirty War of the 1970s... But the president did all of this no longer as part of a strategy to guarantee the legitimacy of his governing institutions, but rather to consolidate his personal image and bestow it with the weightiness of History, with a capital H. He needed that to become not just a president-in-office, but rather a leader who, like King Arthur, identifies his own body with the body of the people, for, as he said on the night that he won the elections: "I no longer belong to myself."

The notables' influence then went into a free-fall, and in many cases they were reduced to an ornamental role, subordinate to the truly powerful. Their ability to protect even their own honor was often wormed away by bots and tweets, and the anonymity that characterizes so much public vilification in the digital era. And just as the notables, who had existed for two-hundred years, went by the wayside, so too did the idea that the country could direct its destiny by way of a summit agreement.

Instead, what emerged was a form of politics that relies on polarization to organize the political field. Polarization turns on two alternative projects: the champions of a rule of law that is in line with international treaties, standards, and global objectives, including human rights and environmental objectives, and that is anchored in a globalized (formal) economy, and the sectors that favor the politicization of the economy, making it sensitive to political negotiation within a nationalist frame that is (ideally) brokered by the state. In other words, the central contradiction in Mexico appears to be organized around those who would use nationalism to further what Karl Polanyi called a socially 'embedded' economy-- which is a position that has at its heart informal or illicit economic activities, that always need to be negotiated, but that also includes prominently an interest in gaining direct control over government jobs and revenue, against sectors that prefer to strengthen the rule of law by way of deeper cultural, economic and political imbrication in a globalized sphere, a position that has cultural implications, too, since it requires moving beyond-- if not outside-- the nationalist frame. What is interesting about this polarity, though, is that neither side has any real-world possibility of eradicating the other. So, for instance, the language of human rights and the rule of law is a recourse for the entire society by this point, with no exceptions, and the clientelist, *ad hoc* negotiation of concessions-- beyond any rights-- is an equally quotidian and universal practice.

This competition between a formal-globalized economy that is anchored in internationally monitored and agreed-upon rules and a local economy that favors political intervention in markets does not correspond to contradictions a la Marx, between capital and labor. Rather, the informal and formal economies are, as we have seen, co-dependent, and each has its own workers and its own entrepreneurs. A country that is as complex as Mexico is no longer confined to a national economy, either in the formal or in the informal sector. For that reason, the new Mexican state does not actually seek to bury the NAFTA island, not even now, when the government is in the hands of the national-popular side of the polarity. On the contrary, the current government fought tooth and nail to renew the North American trade agreement-- agreeing, in order to secure the US's renewal, to dedicate thousands of troops to catching migrants and keeping them out of the United States--, even as the López Obrador strengthens its alliances with the opposite camp, and hands over to it a wealth of government jobs and subsidies.

*Suspicious Truths.* In my second lesson I described how and why the Mexican state became estranged from its institutions of criminal justice. This occurred because the uncoupling between the myriad local police corps and the institutions that they're meant to be coordinated with, often due to the capture of various portions of the policing and justice apparatus. That situation has led to conflicts-- sometimes even armed conflict-- between municipal and state police forces, between state and federal forces, or between police and

the military. This disarticulation makes it difficult to arrive to credible judicial resolutions of exemplary cases, such as the case of the 43 Ayotzinapa students, or the case of mass graves for murdered and tortured people that belong to the state of Morelos' Attorney General's office, or the massacre of 72 and then of almost 200 additional Central American migrants in San Fernando, Tamaulipas, or the 35 presumed Zetas who were beheaded in the Port of Veracruz, or the 13 police officers that were recently murdered in the town of Coatepec de Harinas, or the 8 state police officers who were ambushed and killed in the town of Aguilla, Michoacán a couple of years ago, or the 28 inmates who were killed in an uprising in the Acapulco prison in 2017, or the 50 prisoners who were killed in the Topo Chico penitentiary in Monterrey in 2016, or.. or... or... the list of unsolved but potentially 'exemplary cases' goes on and on.

It is very difficult to produce a broadly shared view of the truth in any one of these cases, or in any other case like them. This is due not only to insufficient investments in the justice system-- in professionalization of forensic experts, training police investigators, etc.- - but also the conflicts or lack of coordination between various institutional authorities. The Enrique Peña Nieto government spent copious amounts of money to establish what they pronounced was the 'Historical Truth' of the Ayotzinapa case, but even their thousand-page report did not succeed in establishing a widely believed version. The López Obrador government, that has continued to invest profusely in this case, has also failed in this regard. This is because, in matters of criminal justice, the new Mexican state no longer has the capacity to establish truths that can be generally credited, because it lacks a judicial system-- judges, District Attorneys, investigative police, forensic experts-- that is sufficiently professional, trusted and well-funded for their results to be believed as a fall-back position.

The effects of this are sorely felt by anyone seeking justice, as can be ascertained the the aforementioned example of the mass graves found in the towns of Jojutla and Tetelcingo in the state of Morelos in 2015 and 2017. Those graves are in municipal graveyards, in sections that belong to the Attorney General of the state of Morelos, and were meant for the interment of unclaimed, duly and legally processed corpses. Thanks to the work of family members of victims of forced disappearance in the region, it turned out that these graves had been used instead to inter a couple of hundred murdered, tortured, and unregistered bodies (at least 211, though there is a section of the Jojutla burial site that has not yet been excavated, and where more are thought to be buried). The collectives of the families of the disappeared of the state of Morelos have not stopped demanding a convincing investigation of the case, which has not yet happened. The Federal Prosecutor has refused to take the case on, so Morelos' Attorney General is supposed to lead an investigation of his own office.

In such a dysfunctional context-- we're talking here about over 200 murder victims, illegally buried in the Morelos state Attorney General's graves-- the organizations of family members of the disappeared do not trust *any* governmental institution with the work of DNA identification of the bodies. Rather, they have demanded that four different institution carry out separate, independent, DNA tests, and that they then cross-check results between the four institutions, to be sure that a positive ID can be credibly

established for each victim. In other words, the families of the victims are convinced-- thanks to their previous experiences, I should add-- that there is no government institution that can be trusted with the process of DNA identification of the presumed victims of organized crime. In Mexico's new state, governments have all-but forfeited their chance to establish any credible version of the truth with it comes to criminal justice, and this incapacity to create shared truths has led to the creation of a new set of state rituals. I shall conclude today's lecture with a brief note in that regard.

*Rituals of the New State.* In my introductory lecture I referred to Graeber and Sahlins' profitable remarks on the advisability of separating sovereign acts and the sacralization of sovereign power. The acts through which sovereignty is established-- the acts of the founder of a royal dynasty, for instance-- are, as a rule, extraordinarily violent, and they frequently include acts of incest, fratricide, parricide... That is how kings are born and kingdoms are established. This is because the sovereign is always an outsider with respect to the customary order, and violence is used precisely to demonstrate that externality or, more precisely, to invade and overwhelm that customary order. This externality of sovereignty is what makes kings sacred beings, separate from everyone, and so capable of judging others from that space of separation, so much so that Graeber and Sahlins claim that "the monstrous and violent nature of the kind is an essential condition of his sovereignty."<sup>1</sup>

In order to domesticate the unpredictable violence of the king, societies develop rituals to routinize his power, and so to attenuate his propensity for violence and make his acts more predictable. This argument has some kinship with another, that Moshe Halbertal developed in his discussion of sacrifice in monotheism. For Halbertal, sacrifice is different from a normal gift because there is an unbreachable abyss between the condition of the sacrificer and that of God, so that no gift that can be offered, no sacrifice, is actually capable of compelling God to do anything. That is the frightful lesson of the story of Abel and Cain: who both sacrificed the products of their labor to God: the goat-herd Abel sacrificed a ram, while the farmer Cain offered the fruits of the earth. And God accepted Abel's sacrifice, but rejected Cain's. Why? We cannot know. Halbertal argues that this uncertainty-- the anxiety of not knowing whether one's sacrifice will be accepted or rejected by God, leads to obsessive ritualization. The logic is, simply, that if sacrifices are carried out in highly standardized, punctiliously ritualized, ways, the likelihood of their being accepted increases, because, in principle, there would be no difference between sacrifice A, sacrifice B, and sacrifice C. People fear sovereigns, because they are inherently violent, and because of the lack of symmetry between them and their sovereign, and this infuses even submission with a degree of uncertainty.

When he was inaugurated as President, López Obrador declared that "I no longer owe myself to me." The apparent meaning of this statement-- that has often been repeated-- is that the president's power is owed to the people, but there is also a second implied meaning which is that, since López Obrador no longer responds to his own interests, he is

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<sup>1</sup> *On Kings*, p. 5.

different from everyone else. He is no longer self-interested, and is therefore apart from society; it is from there that he can judge even his own kin if they were proven to be corrupt (so he said). The president can carry out violent acts of sovereignty, because he is outside of the "social fabric."

This exteriority inspires fear, because it is a place from which violence can be exerted and normality can be subverted, and so the President's entourage ritualizes their interactions with the sovereign with panegyrics and speeches, forms and formalities. The president's words and gestures become the subject of punctilious, daily, exegesis. This is sacralization at work, and the new Mexican state-- both in the period led by the champions of the island and now that it is championed by an ally of local and informal economies-- has developed those new state rituals, in the face of the violence that presidents can let loose.

*Criminalization of the Victims.* The first sacralizing ritual of Mexico's sovereign power was the criminalization of the victims of violence. This strategy was first developed during the presidency of Felipe Calderón, but it is still a part of the arsenal today. It consists of separating the victims of violence from the rest of the nation, to such a degree that the dead or the disappeared are treated as if they were nationless people or, to put it another way, as if they were not members of the same political community.

This strategy of blaming the victim, and separating the victim from the political community, also served to sacralize the sovereign, since the violence of the Armed Forces was identified ex-ante and by definition with sovereign justice. The Armed forces have the president as their Commander-in-Chief, after all, so through them, the sovereign gets identified with a kind of justice that rises above the courts. Thus, the violence of the state becomes sacralized as a purified violence, capable of transcending petty or corrupted institutions such as the police or the courts, or as a form of transcendental-- quasi divine-- justice.

*Abdication, Infiltration.* As a popular supplement to this ritual, which is geared toward purifying the violence of the state, other rituals and symbols were by organized crime, that served to indicate the kind of identification that they sought with that fetishized state. The instability of these identities is of crucial significance. Thus, there are some militias that seek (a) to be camouflaged with the people, or (b) to develop and flaunt symbols of class or even caste distinction with regard to the lower folk in their communities, or (c) mimesis with the Armed Forces. So, for example, when the army enters towns that are under the power of a cartel, there have at times been popular protests, often with a lot of women and children in the front lines bearing signs and banners as in a spontaneous popular rally. These protests are sometimes orchestrated-- it is known-- by the cartels themselves, whose members blend in with the populace, and stand in opposition to the army. In such situations, 'organized crime' presents itself as being one with the people, and presents the army with a situation wherein fighting their enemies might well imply fighting the people.

On the other hand, there are other moments when specific criminal organizations have chosen adopt the all of the trappings of the military, wearing modern military

uniforms with the insignia of their cartel, bearing military armament, riding on Humvee-type vehicles that also bear the insignia of the cartel, etc. In those cases, the cartel seems to want to communicate to the people that they are capable of acting responsibly, predictably, in a visible manner, like the state. To the government, they are saying that the territory that they occupy should not be intervened.

These swings suggest the sort of articulation that organized crime seeks with the state. In some cases, organizations wish to be confused with "the people", in others they prefer to be recognized as a local or regionally dominant elite, a new class of big-men, and in yet others they are at pains to appear as an organized, bureaucratic force that is capable of enforcing order in the towns that it occupies.

In the new Mexican state both "society" and "the state" thus live in fear of having been "infiltrated," and there is a deep current of anxiety with regard to the figure of the *community*, as much as there are obsessions with regard to the integrity of the *state*. Sometimes, this complicated politics of identification is reflected in the names that criminal organizations give themselves, and that oscillate between corporate images ("La Empresa," "El Cártel del Milenio," "Cártel del Golfo") and communitarian sorts of images, such as "La Familia Michoacana," or "Unión Tepito." Just as the new state is haunted by the suspicion that the crowd that presents itself as "the people" may perhaps not be speaking for the people, but for the private interest of organized crime, so too are communities sometimes unsure of whether local armed groups are their protectors or their invaders. In short, the new state is characterized by blurred lines between the illicit economy, society and the government; this generates anxiety and processes of ritualization that are used to assert or revive the purity of any one group or organization in regard to the other.