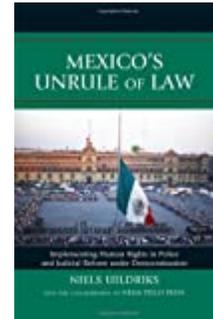


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Niels Uildriks. *Mexico's Unrule of Law: Implementing Human Rights in Police and Judicial Reform under Democratization.* Lanham: Lexington Books, 2010. xviii + 313 pp. \$70.00 (cloth), ISBN 978-0-7391-2893-0.



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Mexico's crisis of security has reached unprecedented levels. According to a recent report released by the attorney general's office, nearly fifty thousand people have died in events related with organized crime and the war against drug dealing since the beginning of President Felipe Calderón's administration in 2006.[1] This upsurge of violence is also reflected in the national homicide rate, which rose from ten per one hundred thousand inhabitants when Calderón took office, to twenty-two in 2010.[2] Most sources agree that the rate for 2011 is even higher, probably reaching levels not seen in the country since the 1960s.[3]

As the government takes ever more desperate measures to control the violence, a worrisome trend has accompanied this unfortunate course of events: the increasing number of reports of human rights violations perpetrated by security forces. During 2011 alone, the National Commission for Human Rights (CNDH) received more than 3,500 complaints against the army, navy, federal police, and the attorney general's office for alleged violations committed by their members.[4] This is why the appearance of *Mexico's Unrule of Law*, a book that seeks to probe the impact of different police reforms in terms of reduction of human rights abuses in the country, is certainly good news for scholars, practi-

tioners, and anyone interested in understanding the deep problem of insecurity that has engulfed Mexico in recent years (p. xiii).

Mexico's Unrule of Law presents a somber assessment of the criminal justice system currently in place in Mexico. From the dramatic failure of diverse police agencies to rescue two of their own in the middle of a brutal lynching episode, to the exposure of extensive networks of corruption even in the most recently formed security agencies, and the documenting of the frequent use of torture to secure convictions, the book is filled with dreary examples of the daily operation of what the author calls an inquisitorial system of justice. The grim picture offered by Uildriks's book is all the more discouraging if one considers that the country recently transitioned to democracy, elevating hopes that corruption, torture, and other forms of malfeasance would be eradicated from everyday police and judicial practices. In one of the most revealing chapters, one dedicated to the analysis of a survey among Mexico City's police members, Uildriks concludes that one of the most important and fundamental disappointments of the democratization process so far has been that it has failed to instill democratic and human rights values into those working within the law enforcement institutions themselves (p. 167).

What went wrong? Why is it that, in spite of the multiple reforms that have been implemented in the past two decades, the democratization process has failed so far in transforming the Mexican criminal justice system? The answer provided by *Mexico's Unrule of Law* has several components, but two of them seem to be particularly salient. First, according to the author, a generalized institutional and societal mistrust that "extends far beyond the relationships of citizens with police and other institutions" has prevented democratic practices and the rule of law from taking hold within institutions (p. 173). Second, instead of being a neutral and impartial activity, policing in Mexico is "deeply influenced by specific power constellations within society ... (which) explains why it is so difficult to reform the police into an organization able both to provide security and to act in accordance with the rule of law" (p. 189). Both things—generalized mistrust and "political policing"—seem, in turn, to be the result of the effects of deep structural factors, such as Mexico's "Catholic, patriarchal, and hierarchical social structure," or the country's "colonial past and seventy-one years of one-party rule" (pp. 175, 189).

While history and social structure surely must play a role in the failure of recent reforms to improve the human rights record of security agencies and ultimately in establishing the rule of law, the argument offered by Uildriks lacks a specific mechanism linking these "macro" factors to the everyday workings of the Mexican criminal justice system. How exactly does the legacy of colonialism and one-party rule produce the "generalized mistrust" that Uildriks finds so pervasive in Mexican society? How does it affect the conduct of the police officers, prosecutors, and judges in their quotidian responsibilities? Given that Mexico is a federal country, are these effects common to all levels of government? Unfortunately, *Mexico's Unrule of Law* offers only some clues, but no clear answers to these questions.

Of course, it is always difficult to ascertain the effects of historical and socio-structural factors, but the main reason why these questions go unanswered in *Mexico's Unrule of Law* has to do, in my opinion, with two important omissions in Uildriks's approach to the study of the problems of policing, security, and the administration of justice in Mexico. First, jumping between the analysis of Mexico City and the country as a whole, the book misses one of the most important aspects of the recent democ-

ratization process in Mexico: the territorial dispersion of power that has come with the reinvigoration of federalism. The renewed power of state governors, and the fact that most of the burden of crime prevention, policing, the prosecution of criminals, and convictions falls on state governments and courts, means that any appraisal of the effects of recent judicial reforms must pay close attention to the workings of the local systems of justice and the substantial differences that have emerged between them in recent years. Second, the core of the empirical work of the study—a survey conducted in 2005 among police officers in different precincts of Mexico City—offers a "static" picture of the state of affairs of the administration of criminal justice in the city, preventing the author from engaging in the types of comparisons that would allow a dynamic assessment of the changes that the justice system has experienced under democratization.

It is in these comparisons that one should expect to find the key to understanding how historical legacies fade or persist; how political actors operating under new rules provide them with new meanings or reject them altogether; or how old rules—both formal and informal—become instrumental for novel political purposes, thus explaining the failure of democratization to instill human rights values in the institutional panorama of Mexico's contemporary criminal justice system.

Notes

[1]. "Reportan 47,515 muertes por crimen," *Reforma*, January 12, 2012, <http://www.reforma.com/nacional/articulo/1281085/>.

[2]. "En 2010 se registraron 24,374 homicidios," Instituto Nacional de Estadística, Geografía e Informática press release, July 28, 2011.

[3]. It must be noted, however, that while the *total* number of homicides kept its upward trend, the *percentage increase* for 2011 was significantly lower than the one registered for the previous three years.

[4]. Silvia Otero, "Sedena encabeza quejas por abusos," *El Universal*, December 23, 2011, <http://www.eluniversal.com.mx/nacion/192335.html>. This number more than triples the number of complaints received against the same agencies in 2006, when Calderón took office.

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