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"*El que no tranza, no avanza*"- A sociolegal study of the interrelations between the colonial history of Mexico and the persistence of organized crime and corruption

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Abstract

This research dealt with the investigation of the potential effects of the colonial history on contemporary Mexican society and the inherent relations between this historical period and the persistent existence of organized crime and corruption. The investigation was carried out by taking an approach of grounded theory and, subsequently, electively applying the theories of postcolonialism, advanced marginality and legal alienation with the aim of presenting a comprehensive thematic analysis of the qualitative research data gathered through expert interviews and complementary quantitative data retrieved from selected preceding research on the social phenomena in question. The results discovered and presented in this thesis demonstrate a clear connection between the colonial history of Mexico and the present-day levels of organized crime and corruption. Through the dynamic interplay between the theoretical framework, it was concluded that the colonial period, to a large degree, contributed to the exacerbation of inequality within society and that, consequently, advanced marginality contributes to the persistent levels of inequality and subsequently organized crime and corruption. Due to continuous marginalizing and segregating structures and dynamics, important parts of the Mexican population experience a feeling of distance from general society and official legislation, which creates and contributes to a vicious circle of retention in poverty, where the dichotomy of "them" and "us" further deepens the distance and inequality in the general population.

Keywords: Mexico, postcolonialism, organized crime, corruption, inequality, poverty, gender roles, male chauvinism

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1   Introduction

In 2006, the erstwhile Mexican president Felipe Calderón from The Nations Action Party declared *war on drugs*. For decades, the country had been experiencing a rapid growth in organized crime, which had led to a rise in violent crimes and insecurity among the civil society (Council on Foreign Relations, 2022). However, Calderón's declaration of *war on drugs*, became the prelude of a 16 year-long battle between the government, the cartels and the widespread corruption dominating the Mexican society and legal structure (Flannery, 2021). For many years, the main activities of the Mexican cartels were focused on the production and trafficking of illegal drugs; however, at present-day, the activities of the cartels are no longer limited to the above mentioned. The kingpin strategy of the shifting Mexican governments caused the cartels to split into smaller fractions searching for new ways to achieve money and power (Flannery, 2021). Today, the cartels are fighting vigorously over new methods of income such as illegal logging, illegal mining, and human trafficking as well as non-criminal activities, among others, the lucrative avocado business and the control of the livestock business (Flannery, 2021). The seemingly endless feud between the government and the cartels, caused for an estimation of 125,000-150,000 homicides related to organized crime between 2006 and 2018 (Congressional Research Service, 2020, p. 6). These numbers do not include the 73,000 people who were reported missing or disappeared in the 14 years period from 2006 until 2020 (Congressional Research Service, 2020, p. 6).

However, violence and political instability are not newly emerged phenomena in Mexico. The historical development of the country entails several periods of colonization, violent revolutions and reforms, which unarguably have shaped the development and structure of contemporary Mexican society. With the colonial rule from Spain, the conquerors forcefully imposed a new government and a complete shift in the social structure of Mexico. Despite a time period of more than 200 years since the independence from Spain, Mexico continues to suffer from consequences of political instability and with the development of the diverse range of profitable activities, the cartels and drug lords have slowly but steadily become an unquestionable and sullen part of Mexican history. The country is facing a potentially endless violent feud consisting of two parallel dimensions where, on one side, the Mexican state officially is fighting multiple paramilitary organized crime groups (from here on referred to as OCG's) while simultaneously, the criminal groups are fighting each other for more territory and thereby increased market share. Regardless of several initiatives, ratifications, and official enactments of various policies against organized crime and corruption, the country and civil

society continue to experience severe instability and the current government has yet to fulfil what they – like the past two governments have promised the population of Mexico - a safe and equal country for everybody.

2   Aim of research and research question

Previous research on organised crime and corruption worldwide has shown that the origins of the phenomena are multifarious and complex. I therefore argue that these phenomena should be studied accordingly, and that it is of utmost importance to achieve a general understanding of the context in which the contemporary federal state of Mexico arose, in order to fully grasp the conditions in which corruption and organized crime take place in present-day. Therefore, great emphasis will be put on the historical, political and economic context of Mexican society by illuminating some of the key issues and circumstances that continue to allow for the organized crime and corruption to persist. This research does not aim at providing a solution to eradicate organized crime and end corruption, but instead it aims at investigating:

> *In which ways, if any, did the colonial history of Mexico affect the persistent existence of organized crime and corruption in the country?*

3   Clarification of concepts

3.1   Corruption

To obtain a holistic comprehension of corruption in Mexico and how this is potentially connected to the continued existence of organized crime and drug cartels, I argue that it is of great importance to firstly present a definition of corruption as a phenomenon itself. However, to present a universally agreed definition of this, might pose a challenge. According to United Nations Office on Drugs and Crime (UNODC) there is no single definition of corruption which is universally accepted due to the complexity of the concept and the various sociolegal factors and contexts in which this concept might exist (United Nations Office on Drugs and Crime, 2004b, p. 3). Some might view corruption as an individual, moral and cultural issue while others might perceive of corruption as a structural and public issue (Rodriguez-Sanchez, 2018). Despite the lack of a universally accepted definition of corruption, Transparency International (TI) has provided a definition where corruption is defined as "… the abuse of entrusted power for private gain." (Transparency International , n.d.a). They furthermore define grand corruption as "… the abuse of high-level power that benefits the few at the

expense of the many" which typically involves "A systematic or well-organised plan of action involving high-level public officials that causes serious harm, such as gross human rights violations." (Transparency International , n.d.b). According to the United Nations Development Programme (UNDP), corruption covers various actions such as bribery, extortion, nepotism, and embezzlement (United Nations Development Programe, 2004a) which may also be the reason for the adversity of creating a universal definition of a broad phenomenon.

3.2   Organized crime

Similar to the complex definition of corruption, organized crime does not have one single definition which is universally agreed on. UNODC argues that there are multiple elements of organized crime. These elements might not be present in every case, and furthermore they might change over time (United Nations Office on Drugs and Crime, 2018). These irregularities are without a doubt contributing to the difficulty in reaching consensus about a universal definition of organized crime.

However, when the *United Nations Convention against Transnational Organized Crime* came into effect in 2003, the convention presented a definition of an "organized criminal group" as:

> … a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit. (United Nations Office on Drugs and Crime, 2004a, p. 5)

Additionally, UNODC adds that the existence and survival of the OCG's and their actions such as the production and distribution of illegal drugs to a large degree derives from a public demand and that techniques such as intimidation and extortion might be necessary in order for the OCG's to provide their services. Furthermore, corruption is perceived of as a major enabler helping and protecting the activities of the criminal groups (United Nations Office on Drugs and Crime, 2018).

4   Socio-historical, economic and political context of Mexico

In this chapter, the reader will be presented with a socio-historical, economic and political perspective of the emergence and development of the state of Mexico as we know it today. This section provides an overview of the complex society of the second most populated country in Latin America. This as

I argue that it is of utmost importance to primarily understand the context from where the contemporary sociolegal landscape emerged and developed, prior to engaging in the potential relations between the colonial history of Mexico and the persistent existence of organized crime and corruption.

4.1   Colonial history and political instability

With an estimated 80,000 inhabitants at the time of arrival of the Spanish conquistador Hernán Cortés in 1519, the city of Tenochtitlan was the centre of the Aztec Empire and ruled throughout the central and southern Mexico (Embassy of Mexico, 2019). At the time Cortez went ashore on the southern peninsula of Yucatán, he was welcomed by the Aztecs, as he was first believed to be a returning God (Embassy of Mexico, 2019). It was not until Cortés formed alliances with local opposing kingdoms and tribes surrounding Tenochtitlan that the severity of the matter appeared to the Emperor of the Aztecs, Moctezuma. By that time, the Spanish had already brought smallpox from Europe, causing the death of thousands of people of the Aztec Empire (Embassy of Mexico, 2019). In 1521, after two years of war, treason and suffering, the Aztec Empire was defeated, and Spain began exactly 300 years of ruling of what they named the Viceroyalty of New Spain (Embassy of Mexico, 2019). The majority of old buildings and temples of the defeated indigenous population were destroyed in favour of the construction of new colonial cities of New Spain (Embassy of Mexico, 2019). With the colonization of the country came the wish to missionize and change the native religions, languages and cultures, and so Spanish representatives of the Roman Catholic church were sent to convert and educate the indigenous populations according to Spanish beliefs (Embassy of Mexico, 2019).

In 1810, the Catholic priest, Miguel Hidalgo urged his parishioners to engage in the fight for Mexican independence from Spain (Embassy of Mexico, 2019). Hidalgo became the front person of a populist army of approximately 100,000 peasants, farmers and minors who were all fighting for equality of races and a redistribution of their land (Embassy of Mexico, 2019). The colonization had caused an emigration of Spaniards to New Mexico, and the indigenous populations had been supressed, exploited, and discriminated based on their race, religion, and culture leaving them with very few rights (Embassy of Mexico, 2019). The historical movement towards an independent Mexico resulted in a liberated country, but, despite the independency from foreign rule in 1821, the country continued to face great inequality and insecurity.

4.2   Inequality and marginalization

As described previously in chapter 4.1, the construction of the Mexican nation came about as a result of historical conditions which were beyond the control of the inhabitants. The sense of nationality among the citizens therefore varied heavily contributing to a gap and diversity between those who were very conscious of their nationality and those who did not feel a strong resonance with the new Mexican national identity (Lomnitz, 2001). Likewise, the various historical events in the country contributed to a division between the colonizers and the colonized and the rich and the poor. Since the reform of 1857, the political instability has evolved and expanded, and the inequality is not only characterized by race, ethnicity, or religion. With this being said, the poverty continues to be more prevalent among the indigenous populations in Mexico (CONEVAL, 2019b). According to the CONEVAL, the indigenous population accounts for 15.1 per cent of the total Mexican population (CONEVAL, 2019b). Despite taking up a rather small percentage of the total population, 69.5 per cent of the indigenous population, equivalent to 8.5 million people, were living in poverty in 2018 (CONEVAL, 2019b). In contrast, 39 per cent of the non-indigenous population found themselves in a similarly situation the same year (CONEVAL, 2019a). According to the report *Global MPI Country Briefing 2021: Mexico* created by Oxford Poverty & Human Development Initiative (OPHI) and Oxford Department of International Development, 37.2 per cent of the urban residents of Mexico was suffering from multidimensional poverty, while the number for the rural residents was 42.3 per cent (Oxford Poverty and Human Development Initiative, 2021, p. 1). In total 55.7 million people lived in multidimensional poverty in Mexico in 2020, corresponding to 43.9 percent of the entire population (CONEVAL, 2021). The global Multidimensional Poverty Index (MPI) is a tool of measurement, measuring each person's acute poverty across 10 indicators in three separate dimensions: health, education, and standard of living (United Nations Development programme & Oxford Poverty and Human Development Initiative, 2021). By making use of the MPI, both the level of poverty and how this affects the population is examined.

In 2020, the United Nations Development Programme (UNDP) presented the Human Development Index (HDI) placing Mexico on a value of 0.779 among the top ten ranking countries in the category of *High Human Development* (United Nations Development Programme , 2020a). The HDI was created in order to emphasize that the economic growth of a country should not be the ultimate criteria for assessing the development of a country. Instead, the capabilities of the people should be the main measured component in order to determine the human development (United Nations Development

Programme , n.d.a). Despite the fact that the HDI simplifies the data and only captures part of what human development entails, the HDI can be used to question national policies and government policy priorities (United Nations Development Programme , n.d.a).

The Inequality-adjusted Human Development Index (IHDI) can, similarly to the HDI, be applied when measuring the human development in a country (United Nations Development Programme , n.d.b). The IHDI combines the measures of the country's average achievements in health, education, and income with the distribution of these achievements among the population (United Nations Development Programme , n.d.b). Thereby the potential overall loss to human development due to inequality is included in this tool of measurement (United Nations Development Programme , n.d.b). The IHDI report of 2020 placed Mexico on a value of 0.613 which revealed an overall loss of 21.3 per cent from the HDI score (United Nations Development Programme , 2020b). The relatively big difference between the value of the HDI of 0.779 and the IHDI of 0.613 indicates that inequality is prominent in the country as the two values, in circumstances of perfect equality conditions would have been identical (United Nations Development Programme , n.d.b).

4.3   A weak state

Every year, the Fragile States Index (FSI) produced by The Fund for Peace (FFP) publishes data retrieved through their critical tool, which highlights and identifies the state pressure and its capacity to manage these tensions (The Fund For Peace , 2018a). The state pressure is measured across twelve *conflict risk indicators* covering the areas of cohesion, economic, political, and social aspects in the country. According to FFP, tensions and state fragility can deteriorate into domestic, and in some cases international conflicts due to complex circumstances such as predatory or fractured leadership or corruption (The Fund For Peace , 2018a). In the FSI reports from 2006-2021, the overall trend of the past 16 years has been presenting a stable fragility score leaving Mexico among the most fragile half of the 179 measured countries. The FSI score of Mexico in 2021 was on 69.9 placing Mexico in the *Warning* category meaning that the society and institutions of the country are facing a significant vulnerability to conflict or failure (The Fund For Peace , 2018b). Especially the indicator for the *Security Apparatus* in Mexico is what has been expressing the vulnerability of the state for the past 16 years (The Fund For Peace , 2018c).

The FFP explains that the indicator for the *Security Apparatus* includes considerations regarding threats to the state such as organized crime, rebel movements and uprising of irregular security forces

(The Fund For Peace , 2018d). Another indicator which shows constant fragility of Mexico is the *Public Services* indicator (The Fund For Peace , 2018c). This indicator refers to several aspects including the state's ability to protect its citizens from terrorism or violence and furthermore which social classes the state is preferably serving – the elite or the general population (The Fund For Peace , 2018e). In 2021, the Global Peace Index (GPI) ranked Mexico on a 140th place out of 163 measured countries (Institure for Economics & Peace , 2021a, p. 10). The report showed a 1.9 per cent deterioration in *peacefulness* and a similar deterioration in *political stability* compared to the year before (Institure for Economics & Peace , 2021a, p. 15). Furthermore, the report showed that 56.3 per cent of people in Mexico believed that violence was the biggest risk to their daily safety (Institure for Economics & Peace , 2021a, p. 50).

4.4 Economic perturbation

Political instability in Mexico is not a new phenomenon but can be traced back many years in history (Embassy of Mexico, 2019). As a consequence of the war of independence in 1821, the government was struggling to unite the country and faced several revolutions and military coups as the country was divided mainly between the liberals and the conservatives fighting for distinct ways of government rule (Embassy of Mexico, 2019). For 71 years, the changing chairmen of the Institutional Revolutionary Party (PRI) party introduced land reforms, industrial expansion and nationalizing of the oil industry with the aim of securing prosperity for the country and its population (Rama & Stargardter, 2012). Despite a rapid economic growth initiated in the 1950s and 1960s, Mexico subsequently faced inflation and devaluation of the national currency, the peso, causing recession in the country's economy (Merril & Miró, 1996). During the 1980s, the Mexican GDP had become rather stagnant, and a rapidly growing tendency of informal economy appeared (Merril & Miró, 1996). In December 2021, 56.5 per cent of the total Mexican population in occupation was employed in informal work without any form of social security (Forbes, 2022).

4.5 War on Drugs

In 2006, Felipe Calderón Hinojosa won the national elections with a marginal difference of just 0.56 per cent of the votes with a promise to strengthen the energy sector, decrease unemployment and fight crime and drug cartels (Tikkanen, 2022a). The newly inaugurated Calderón launched the *War on Drugs* by sending close to 20,000 Mexican troops to cartel territory across the country (Lakhani & Tirado, 2016). Despite various initiatives to combat the cartels and the illegal drug market in Mexico, Calderón did not succeed in this (Lakhani & Tirado, 2016). When his successor, Enrique Peña Nieto,

came to power after the election in 2012, he continued the fight against organised crime and promised peace and prosperity for Mexico (Lakhani & Tirado, 2016). Military actions and repercussions were targeted the cartel kingpins and the illegal drug market but caused the cartel groups to splinter and regroup into smaller fractions fighting for new territory and smuggling routes (Lakhani & Tirado, 2016).

The cartels and their ruthlessness evolved simultaneously with the Peña Nieto administration and, during the first half of his term, an estimated 63,000 people were murdered in relation to the *War on Drugs* (Lakhani & Tirado, 2016). At the end of Peña Nieto's six years in office, only 28 per cent of the Mexican population expressed favourable opinions about him in contrast to 61 per cent at the beginning of his term in 2012 (Vice & Chwe, 2017). Despite Peña Nieto's promise to bring peace and prosperity to the country, only 23 per cent of the total Mexican population approved of his way of fighting crime and drug traffickers in 2017 (Vice & Chwe, 2017). After Peña Nieto's 6 years in office, he and his government have been facing several corruption scandals including wide-ranging bribery, money laundering (Reuters , 2020a) and cooperation with the accused drug lord of the Sinaloa Cartel, Joaquin Guzman (Pierson, 2019).

4.6   Hugs not bullets

When the current president, Andrés Manuel Lopez Obrador, also known as AMLO, and his party "National Regeneration Movement" (MORENA) took office in 2018, his campaign had been focusing actively on eradicating corruption, repress drug cartels and reduce inequality (Murray & Oré , 2018). In 2017, just before AMLO took office, the national military was seen as the government institution with the most positive impact on the country (Vice & Chwe, 2017). A national survey showed that 79 per cent of the Mexican population perceived of the influence of the military as good while the national government as institution had 30 per cent less approval from the population with a score of 49 per cent (Vice & Chwe, 2017). Despite the general approval of military forces in the fight against the organized crime and cartels, AMLO argued for a less confrontational approach to combat the cartels than what had previously been seen with the military-led approaches (Reuters , 2020b). AMLO therefore introduced his *Hugs Not Bullets* policy which was portrayed as drastically different from Calderón's militarized *War on Drugs* (Reeves, 2020).

Despite campaigning against the use of the military in the war on organized crime, AMLO launched the National Guard in 2019 (Meyer, 2020). The Federal Police, Military Police and Naval Police,

which previously had been separate agencies, were absorbed and relaunched as the National Guard in an attempt to solve Mexico's escalating security crisis by centralizing the power and thereby hinder corruption within the separate agencies (Meyer, 2020). The National Guard was employed to secure the civilians and reduce crime and violence, and attention and faith was put on the National Anti-Corruption System (SNA) to tackle the corruption (Hinojosa, 2019). The SNA was firstly enacted in 2015 during the presidential term of Peña Nieto with the aim of providing a unified legal framework and coordinating the federal, state, and municipal levels to prevent, locate and prosecute corruption according to the *General Law of Administrative Responsibilities* (Sistema Nacional Anticorrupción, n.d.). The SNA consists of 7 individual institutions including a *Citizen Participation Committee* responsible for creating a bridge between the SNA and the civil society (Sistema Nacional Anticorrupción, n.d.). This innovative anti-corruption model provides the citizens with a major role and power and thereby includes them in the fight against corruption on all levels. Due to the implementation of the SNA in 2017, it became possible to punish public officials and private parties including individuals and legal bodies simultaneously for bribery of public officials in any context (Adams & López, 2021).

4.7   Judicial system of Mexico

The sociolegal landscape and judicial structure in Mexico has been shaped over a long period of time by political and historical junctures, and the division between Marxist and Liberal approaches continues to dominate the law and society scholarship (Sieder, Ansolabehere, & Alfonso, 2019, p. 1). Today, the general structure of the Mexican legal system is characterized by being a federal republic consisting of a federal government, 31 individual states and a federal district (Kingman-Brundage, 2016). The federal government is divided into an executive, a legislative and a judicial branch, which all work under a formal deductive civil law conforming to the letter of the law and has historical roots dating back to the Spanish colonization and law (Avalos & Donnadieu, 2019). When conquering the Aztec Empire, the Spanish found an advanced indigenous judicial system, which they partly implemented in their new legal system in colonial Mexico. The judicial system of Mexico has subsequently undergone three constitutions, all contributing to the contemporary judicial system (Avalos & Donnadieu, 2019). In June 2016, Mexico implemented a constitutional reform, which meant that the inquisitorial system of written trials was replaced by an oral adversarial system, where the accused was considered innocent until otherwise proven (World Justice Project, 2018). The objective of the reform was to address and combat the corruption and impunity lund create efficiency and transparency to the courtroom and criminal procedure. (World Justice Project, 2018)

5   Systematic literature search

As this research aims at investigating the persistent existence of social phenomena in a complex country, the search for relevant literature was equally a complex process. Due to the geographic location of the research and fieldwork, it was necessary to search for literature in both English and Spanish, as it would expand the search field and thereby the possible search results. The literature search was conducted over a longer period of time, and the search has therefore undergone different phases. The first phase included random searches through search machines such as Google, Google Scholar and LubSearch, until a clear idea and guideline of necessary and relevant search words was achieved (Rienecker & Jørgensen, 2012, p. 150). Initially search words such as *Mexico, colonialism, corruption, organized crime* were applied individually or in combination with each other in the search for literature. From there the second phase and a more systematic search was initiated by applying the identified fruitful search words to the search. The systematic and specified literature search located research, reports and articles from agencies and individuals, and it was necessary to stay critical to the sources in order to secure validity and reliability. This was done by systematically and critically processing the located and potentially relevant literature and incorporating certain academical requirements by limiting the identified literature to peer-reviewed articles, academic journals, and PhD dissertations.

6   Literature review

In the following chapter, the reader will be presented with a carefully selected part of the already existing literature concerned with organized crime and corruption in Mexico. Much of the literature encountered from the systematic literature search concerned itself with investigating plausible reasoning and motivations for people to engage in the illegal activities, while a sparse amount of the deemed academically justifiable literature involved in illuminating the more hidden mechanisms and relations between the potential socio-historical context of the country and the persistent existence and thriving of organized crime and corruption. The literature presented is elected and discussed, as it constitutes an important academic pillar the process of understanding what is already establishing about organized crime and corruption in Mexico, but more importantly; what is yet to be explored by diverse scholarships.

For decades, the study of the two phenomena, their causes, contributing factors and not the least its consequences have been of great interest to professionals of social sciences ranging from economist to psychologists to sociologists. At the end of the 20th century, Latin American sociolegal scholarship, began concerning itself with critical research, targeting the neoliberal governance and development (Sieder, Ansolabehere, & Alfonso, 2019, p. 5). Alongside the critique of neoliberal governance, the sociolegal research started to show a tendency to focus on specific issues such as military-authoritarian regimes, racial inequalities, and gender discrimination (Sieder, Ansolabehere, & Alfonso, 2019, p. 5). The shift in paradigm meant that an increasing amount of sociolegal research in Latin America was making use of constructivist perspectives in order to investigate the potential origin of concepts such as legal pluralism, and legal awareness (Sieder, Ansolabehere, & Alfonso, 2019). Furthermore, the change in paradigm meant that the state was no longer only perceived of as a unified actor, but instead as a fragmented space, consisting of multiple powers and legalities creating breeding ground for corruption and organized crime (Sieder, Ansolabehere, & Alfonso, 2019, p. 3).

In 2021, historian Sonya Lipsett-Rivera published her research *Cycles of Violence and Gender: Generator Moments in Latin American History and Gender Identity* connecting contemporary gender violence in Latin American with key moments in the history of the region (Lipsett-Rivera, 2021). The author argues that masculine violence is not a new phenomenon but instead traceable to the roots of colonialism and certain historical processes, which gradually came to characterize gender roles in the Latin American society (Lipsett-Rivera, 2021, p. 61).

According to Lipsett-Rivera's research, the Spanish conquest of Mexico marked the start of new social structures and layers of hierarchy which affecting both men and women by implementing social inferiority, which normalized and provided cover for violence (Lipsett-Rivera, 2021, p. 62). The conquest established a new form of masculinity, which could be observed as the conqueror Hernán Cortés to the Spanish king "… presented himself as a hegemonic man confronting Indigenous populations whose masculinity was submissive" (Lipsett-Rivera, 2021, p. 63). Cortés' superior masculinity and basically his authority, was crucially dependent on the conquered men and their imagery of themselves as a disqualified authority due to their inferior masculinity (Lipsett-Rivera, 2021, p. 64). Therefore, the conquered men were consistently reminded of their inferior social status in the new catholic empire of New Spain (Lipsett-Rivera, 2021, p. 67).

Lipsett-Rivera argues that the conquest and colonial history of Mexico, over time, resulted in a population where a patriarchal society automatically defined men as the natural breadwinner and authority in society. This internalization of social structure, Lipsett-Rivera rationalizes by making use of Pierre Bourdieu's observation which claims that "… over time, categories of dominant and dominated become naturalized below the level of consciousness" (Lipsett-Rivera, 2021, p. 63). The people exposed and experiencing dominance, might gradually internalize and naturalize their prescribed category and social class in society and thereby subconsciously reproduce these structures which promote hierarchy between the conqueror and the conquered and the rich and the poor (Lipsett-Rivera, 2021, p. 76). Consequently, the Spanish conquest not only affected the conquered population in Mexico in relation to their worth according to their gender but also in relation to their worth and social status in society. This segregation and marginalization of the indigenous population is further elaborated by Sergio López-Ayllón in his article *Notes on Mexican Legal Culture* from 1995. This article was one of the first to examine the legal culture in Mexico from a sociolegal perspective. By investigating the origin and development of the legal system in Mexico, Lopez-Ayllón outlined the connections between the colonial past and the inequality that continues to exist more than 500 years after the initial conquest (López-Ayllón, 1995). López-Ayllón argues that the nation was violently founded with a lack of consensus between the conquering Spaniards, the indigenous population and ultimately the mestizo population (López-Ayllón, 1995, p. 478). The social structures and legal systems of the indigenous population was gradually eliminated and replaced by a formal legal system originating from Spain and thereby constituting a completely different reality (López-Ayllón, 1995, p. 479). The new legal system differentiated between the Spaniards, the native Americans and their common children, the mestizos, resulting in a persistent alienation within the population, all in favor of the population of highest social class (López-Ayllón, 1995, p. 479).

In the article *Corruption and Inequality: A dangerous cocktail in Mexico,* PhD in geopolitics and master in Latin American Societies, Nubia Nieto examines the interrelations between inequality and corruption in Mexico (Nieto, 2021). By posing the question "Does inequality foster corruption or corruption foster inequality?" the researcher examines the relation between political corruption and social inequality by analyzing qualitative data retrieved from observational and comparative studies by global institutions and organizations. Nieto highlights the findings of a study made by Sanjeev Khagram and Jong-sung You who argue that:

…income inequality increases the level of corruption through material and normative mechanisms. The wealthy have both greater motivation and more opportunity to engage in corruption, whereas the poor are more vulnerable to extortion and less able to monitor and hold the rich and powerful accountable as inequality increases. Inequality also adversely affects social norms about corruption and people's beliefs about the legitimacy of rules and institutions, thereby making it easier for them to tolerate corruption as acceptable behavior. (You & Khagram, 2005, p. 136).

The author establishes a clear connection between the persistence of corruption and the persistence of inequality, as it is concluded that the phenomena of corruption, by facilitating unequal appropriation of wealth and privileges between the rich and poor is a strong common denominator in the continued existence of inequality (Nieto, 2021, p. 52). Nieto states that the mentality of "*El que no tranza, no Avanza*" [The one who does not cheat, does not advance] is a common feature amongst politicians and decision makers, and assigns this mentality as a contributing factor in the persistence of inequality and corruption (Nieto, 2021, p. 61). Nieto concludes that the inequality in Mexico is facilitated and accepted by a systemic and endemic corrupt government system that allows for a minority to expand their wealth at the expense of the majority of the population, which is excluded from prosperity in any aspect (Nieto, 2021, p. 62).

Mexican professor in organizational studies, Gabriela Coronado states in the article *Discourses of Anti-corruption in Mexico: Culture of Corruption or Corruption of Culture* that "Mexican people are caught between a battle for economic survival and the burden of a dysfunctional government bureaucracy, the legacy of modernisation and economic rationalism" (Coronado, 2008, p. 1). According to Coronado, the Mexican population find itself in a situation, where the use of informal practices in many cases is perceived of as an easier or even the only way to get around the social, political, and legal structures within the country. The informal and undemocratic practices have led to an increase in unregulated activities in which the Mexican citizens and organizations find alternative strategies to deal with the limitations and regulations established by the elites of the society (Coronado, 2008, p. 2). These strategies include favors, levers, gifts, and bribes which, to a certain extent, have become a normalized part of Mexican culture and norms and therefore, in several cases constitute survival strategies for many people across social classes to deal with administrative processes (Coronado, 2008, p. 2).

In her article, Coronado illuminates how negative associations and connotations of the Mexican culture and population might have embodied in the population over time, and she argues that this negative generalization is implying that the Mexican population "have been 'imprinted' by corruption in the way we behave". (Coronado, 2008, p. 4). The author furthermore states that western orientalist ideology applied by colonial powers continues to dominate the Western perspective of developing countries, which reproduces the power relation between "them" and "us" and the pre-historic dominating superior nation and the dominated inferior nation (Coronado, 2008, p. 6). The Mexican population might therefore be maintained in a situation, where the foreign as well as domestic apprehension of the population is based on a reductive orientalist generalizing perception of the entire population as immoral and unreliable.

In the research of Karina García-Reyes (2018), the author identifies what she conceptualizes as *narco discourse* by interviewing and examining the life stories of thirty-three former drug traffickers in Mexico. By applying a discourse theoretic approach to the life story interviews, García-Reyes identified three consistent themes throughout the interviews with the former self-declared drug dealers. The analysis of the first theme, poverty, revealed that the narco discourse assumes that poverty is an inevitable and natural condition attributed to bad luck or God's will (García-Reyes, 2018, p. 64). Furthermore, it is assumed that poverty is an individual issue not accountable to no one and nothing, which according to García-Reyes naturalises and reproduces central neoliberal values and disregards structural factors (García-Reyes, 2018, p. 64). This individualistic discourse and logic reproduce segregation and marginalisation of the poor people and leave the deprived population with a justification of the term 'survival of the fittest' (García-Reyes, 2018, p. 65). The society therefore has no obligation towards the poor and the poor has no obligation towards the society creating a 'them' and 'us' discourse where the poor have nothing to lose and everything to gain from engaging in drug trafficking and organized crime (García-Reyes, 2018, p. 81).

The second main theme identified by García-Reyes was gender. The narco discourse had a very clear differentiation of gender and the roles each gender essentially occupied in society. The research showed that it was largely assumed that within the discourse of the narcos, only men can hold positions of authority revealing strong patriarchal structures (García-Reyes, 2018, p. 84). A "true" man is first and foremost heterosexual, strong and courageous while women are perceived of as vulnerable and naïve and should therefore be protected by the authoritarian man (García-Reyes, 2018,

p. 83). Traits such as aggression was furthermore part of the concept of a "true" man, as this was a natural part of the characteristics of a man (García-Reyes, 2018, p. 83). Noteworthy is it that García-Reyes, despite the patriarchal discourse promoting *male chauvinism*, found that the interviewed men simultaneously expressed traits that traditionally would be characterized as female traits but that these traits were contained and only expressed in private settings in compliance with the characteristics of machismo (García-Reyes, 2018, p. 85). The third main theme of the discourse analysis was identified as violence. The narco discourse assumed that violence was an inevitable part of the life of the drug dealers, as aggression and violence is necessary in order to survive in the poor neighbourhoods (García-Reyes, 2018, p. 119). The violence is furthermore somewhat justified as it is conceived of as a natural trait of the authoritarian man in a society where there are no moral or social obligations to the remaining neoliberal society (García-Reyes, 2018, p. 119). The discourse analysis additionally revealed a ruling narco discourse which justifies criminal behaviour and violence. This justification is epitomized in the following quote retrieved from one of the thirty-three life story interviews from the research of García-Reyes; "In this world you cannot trust anybody, so you better take advantage of others while you can. If you do not screw others the others will screw you" (García-Reyes, 2018, p. 65).

6.1   The research gap

As demonstrated in the previous chapter, the knowledge of and research conducted on organized crime and corruption in Mexico contain repeating themes and patterns, which will be elaborated further in this research. The selected literature reviewed, is chosen as these articles, dissertations and research each and individually examines and illuminate various causes and consequences of organised crime and corruption from versatile perspectives. The chosen literature evaluated is intentionally chosen as it represents qualitative research on the subjects and thereby provide a common denominator and a solid standpoint and groundwork for the further progress of this research. From the current literature, we can conclude a general consensus that the 300 years of colonial history has had significant repercussions which continue to be of relevance today. Especially the innate discourse on individualism in relation to the persistent existence of organized crime and corruption has yet to be investigated further and I therefore argue that there exists a research gap in the current knowledge. Consequently, this thesis sets out to close that research gap by providing a holistic sociolegal perspective to the complex society of Mexico in which organized crime and corruption has emerged, developed, and thrived throughout the past centuries.

7   Methodological considerations

In the following section, the methodological considerations regarding the execution of this research will be presented. The scientific groundwork constituting the research and the implications for the chosen qualitative and quantitative empirics will be presented and explained in order to reveal the origin, from where this research has emerged and developed. Furthermore, the positionality and reflexivity of the author will be presented with the aim of providing transparent research.

7.1   Philosophy of science

Philosophy of science takes its starting point in the understanding of the world and how we create knowledge in it (Egholm, 2014, p. 17). This research has been conducted through a constructivist ontological approach, where my focus has been on investigating how and why the phenomena of corruption and organised crime have emerged and why they persist in contemporary Mexico (Egholm, 2014). The phenomena of corruption and organised crime are furthermore considered and studied as both temporally and culturally contextual (Egholm, 2014, p. 27).

The starting point of this research stems from my own preconceptions, prejudices and knowledge obtained through previous research conducted within the social sciences in the country. This will arguably facilitate a deeper and hopefully more efficient interpretation of the phenomena of organized crime and corruption. According to Johnsson, Laanemets and Svensson (2009), knowledge as a concept can be divided into four categories; *(1) Silent knowledge, (2) Experience-based knowledge, (3) Systematized knowledge and (4) Evidence-based knowledge* and especially the first and second categories of knowledge, the *Silent knowledge* and the *experience-based knowledge* were prominent when creating the framework and initial research question for this research project. Previous fieldwork and research conducted in the country in relation to a six-months internship and subsequently the data generation for my bachelor's thesis, have provided me with knowledge about the Mexican society that cannot be expressed, and knowledge achieved through experience working with the Mexican population (Johnsson, Svensson, & Laanemets, 2009).

With this being said, this research has been conducted with an aim of achieving a relative objective or methodological subjective epistemology where hermeneutics and phenomenology have been applied as the main perspectives in order to understand and interpret the obtained empirics (Egholm, 2014).

Egholm (2014) describes the subject field of hermeneutics as "humankind, it's culture and knowledge" and furthermore emphasises that the epistemology of hermeneutics is grounded in interpretation (Egholm, 2014, p. 89). The hermeneutic approach applied in this research allows me to make use of the hermeneutic spiral as a methodological tool wherein every new understanding achieved through interviews contributes to a new interpretation and thereby greater understanding and interpretation and varied nuance of the phenomena (Egholm, 2014, p. 100).

Supplemental to the hermeneutic perspective, the phenomenological perspective has been applied in order to describe and understand the phenomena of organized crime and corruption and their continued existence in Mexico. The phenomenological perspective assumes that phenomena manifest themselves differently to individuals in different contexts and should therefore be interpreted ideographically (Egholm, 2014, p. 104). Phenomenology is based on the idea that all observations are historically and culturally embedded and that no science is value-free even though a complete slight of preunderstandings and interpretations are strived for when consulting the informants (Egholm, 2014, p. 105).

7.2   Method triangulation as sampling strategy

Considering the delicacy and complexity of the social phenomena in focus in this research, I decided that the best suited research design would incorporate method triangulation in the sampling strategy. Furthermore, by making use of diverse sampling strategies including both qualitative and quantitative data, it would be possible to provide a holistic perspective and answer to the research question, where several aspects and factors were incorporated and considered (Braun & Clarke, 2013). The method triangulation furthermore allowed the chosen methods to complement each other in acquiring and refining data for a more adequate analysis and not the least understanding of the research problem (Mason, 2018, p. 109).

I believe that qualitative methods of data collection such as interviews contribute to an inductive approach, where the informants are experts within different professional areas and thereby provide diverse perspectives and theories of the causality behind the continued existence of organised crime and corruption in Mexico. Furthermore, the qualitative research as a paradigm is looking for meaning and assumes that there is not only one correct knowledge, reality, or perception of reality (Braun & Clarke, 2013, p. 6).

In this non-positivist qualitative research, reality is context dependent, and knowledge should therefore not be considered without including the context in which this knowledge is produced (Braun & Clarke, 2013, p. 6). The historical, political, and economic context of Mexico is therefore of utmost importance when making use of qualitative methodologies.

Historically, quantitative approaches and scientifically provable methods have been dominating social sciences up until the 1980's where the post-enlightenment and natural sciences were sidelined in the favor of qualitative research methods (Egholm, 2014, p. 18). I argue that making use of qualitative research methods such as interviews as the primary source of data generally contribute with a more nuanced perspective to social phenomena as it not only positions the informants as experts but furthermore seeks to include and understand influential contextual factors (Braun & Clarke, 2013, p. 21). Through my pre-existing professional network in Guadalajara, described throughout chapter 7, I was referred to Andrea Murillo, journalist and anthropologist in the process of writing a PhD dissertation on Latin American traditions and norms, previous prison psychologist Rafael Martínez, Magaly García, psychologist with 14 years of laboral experience in state prison CERESO Cieneguillas, and Michaela Salcedo, criminologist and MSc. in public security and policies. Furthermore, my network referred me to lawyer Abraham Levi and professor in economics Federico Gutiérrez. Thereby I made use of snowball sampling as a method to gather informants. Additionally, I decided to contact the Department of Social Sciences and Humanities at University of Guadalajara. Through the coordinator of the department of social sciences, I came in contact with professor and PhD in social sciences and MSc. in Latin American studies, Carmen Chinas. Together the above-mentioned 7 professionals constitute the group of informants for this research, as I argue that they each provide an area of specialization which in combination will represent nuanced knowledge and wide perspective of the Mexican society.

The qualitative primary data will be accompanied and enhanced by secondary qualitative and quantitative sources deriving from public accessible reports and statistics, created by national and international government agencies, NGO's and NPO's. By making use of both qualitative and quantitative research methods and data, it is possible to critically question complex social phenomenona and occurrences such as organized crime and corruption, as it allows for a greater data saturation and thereby representative perspective to the research.

7.3   Methods of data collection

7.3.1   Expert interviews as qualitative empiricism

The choice of making use of expert interviews as the primary source of data generation was made early in the research process. Due to the delicacy of the subject, briefly explained in the previous chapter, it became clear relatively early in the research that it would prove difficult to locate interviewees, who were willing to participate in this somewhat controversial research project. Furthermore, the limited time span of the research meant that the choice of making use of expert interviews would prove a more efficient method in regard to gathering of data. The experts would be able to provide me with insider knowledge and would act as "… surrogates for a wider circle of players" (Bogner, Littig, & Menz, 2009, p. 2). By making use of interviews with experts, the research would therefore benefit from the expertise and knowledge of the experts which "… might prove difficult or impossible to gain access to" due to the sensitive and taboo subject of research (Bogner, Littig, & Menz, 2009, p. 2). Bogner, Littig and Menz define an expert as an individual who is "… addressed as an expert because the researcher assumes – for whatever reason – that she or he has knowledge, which she or he may not necessarily possess alone, but which is not accessible to anybody in the field of action under study." (Bogner, Littig, & Menz, 2009, p. 18).

As this research aims at investigating the potential relations between the persistent existence of organised crime and corruption and the colonial history of Mexico, these interviews become an essential step in generating data which, according to Clarke (1999) is "… capable of addressing both process and outcome issues" (Clarke, 2011, p. 73). By following the format of a semi-structured interview, it allowed for open ended questions eliciting more qualitative information from the respondents due to the informal structure and nature of the conversational interview (Clarke, 2011, p. 74). The interviews were conducted in Spanish and English respectively and lasted approximately 30 minutes to 1.5 hours. The interviews followed an interview guide (Appendix A) which was guided by the literature review and documents retrieved from government agencies, NGO's and NPO's and subsequently tailored according to the individual profession and expertise of the interviewee.

There is no getting around the worldwide disruption caused by the COVID-19 pandemic, which, besides the horrendous fatality, also caused major challenges within the conduction of qualitative research. As the world approaches the three-year benchmark of the outbreak, the pandemic persists to hold its grip on Mexico and its population (World Health Organization, 2022).

In order to take precaution and abide by the mandate of social distancing, the semi structured expert interviews were therefore conducted through video-based online interviewing. This method proved very beneficial as it provided great flexibility regarding time and location of the data collection, and furthermore allowed the interviewees to participate from the comfort of their own premises and thereby providing a familiar safe space (Lobe, Morgan, & Hoffman, 2020, p. 1). Informed consent to make use of the generated data, statements and identity from all interviewees was ensured either orally or in writing by email before initiating the interviews. The interviews were manually transcribed and translated by me and potential grammatical mistakes and repetitions were corrected. Furthermore, filler words were excluded in order to create clarity in the analyses and focus on the meaning of the spoken words.

7.3.2   Limitations and critique of chosen method for data collection

When making use of qualitative methods of data collection such as interviews as the main source of knowledge generation, certain limitations are worth mentioning. As described earlier, the process of locating experts who agreed to participate in the interviews was an arduous process, where I frequently experienced absence in respondence or pure reluctance in participating in the research when reaching out to potentially relevant experts. This might be related to the sensitivity of the topic in focus, as I frequently encountered a general fearful opinion towards organized crime and corruption when discussing the subject with friends and acquaintances. Coming from a very different context and country, I grew up being taught that no topic was off limits, but, on the contrary, an open conversation could potentially remedy the dilemma. In Mexico, I experienced that even though the majority of the population is eminently aware of the situation in which the country has found itself the past many decades, only a few are willing to talk about it, especially with strangers. This fear is of course logical and understandable when turning to the reports and statistics, which, year after year, reveal the violence and monstrosities caused by the feud between OCG's and the government. With this being said, this study does not aim at revealing or even investigating the OCG's or potential individual accomplices.

The interview participants are therefore not making statements concerning specific organizations or individuals but instead they contribute with expert knowledge on general social structures, phenomena, and mentalities of the Mexican population. Furthermore, the interviewees were offered anonymity after the interview, and they were therefore aware of their testimonies.

Moreover, I argue that the use of expert interviews partially omitted the question of asymmetrical power relations between the interviewer and the interviewee, as the experts were consulted due to their presumed ability to provide the study with knowledge, which would not be accessible and available to the researcher otherwise. Despite this, certain asymmetrical power relations continue to persist in this study, as the interviewer, despite adhering to semi-structured interviews, continues to be the one posing the questions, while the interviewee is subjected to answering the questions (Kvale & Brinkmann, 2015, p. 56).

Regarding validity and reliability, the choice of making use of qualitative research methods in this master's thesis unarguably poses limitations. Firstly, because a complete saturation of informants when turning to interviews would demand for a significantly larger timeframe, which this specific framework does not provide. Secondly, as this research method relies on qualitative data, a complete recreation of the generated data would be utopic. Furthermore, the generated data is relying on the response from the interviewee and is unarguably dependent on the interpretation of the interviewer and subsequently how these interpretations are presented throughout the study. Therefore, it is the responsibility of the researcher to provide transparency as to how and why conclusions were made in order to present reliability of the study.

7.3.3   Surveys and statistics as quantitative empiricism

As explained in chapter 7.2, this research is making use of method triangulation, as it relies on both quantitative and qualitative data retrieved through different sampling methods (Braun & Clarke, 2013, p. 286). As secondary quantitative data to the qualitative interviews, this research relies on reports and statistics describing and presenting empirics regarding the development and current situation of organized crime and corruption in Mexico. These documents are created and published by national and international government agencies, NGO's and NPO's such as:

- *National Institute of Statistics and Geography* (INEGI), [Instituto Nacional de Estadística y Geografía].
- *Secretary of Social Development*, [Secretaría De Desarollo Social].
- *National Council for the Evaluation of Social Development Policy* (CONEVAL), [Consejo Nacional de Evaluación de la Política de Desarollo Social].
- *Ministry of National Defense* (SEDENA)*, [Secretaría de Defensa National]*

- *The Institute for Economics & Peace*
- *Transparency International*
- *Justice in Mexico*

Furthermore, reports published by the United Nations Development Programme, United Nations Office on Drugs and Crime and United Nations Department of Economic and social Affairs have contributed to valuable quantitative data, which unarguably would have proved impossible to obtain myself due to factors such as large geographical distances and limitations in relation to logistics and outreach (Braun & Clarke, 2013, p. 154). Additionally, this research has been guided by *The 2030 Agenda for Sustainable Development* and the 17 Sustainable Development Goals which have contributed with international recognized legislation and framework.

7.4   Location and safety considerations

When initiating the research, it became very prominent that topics such as organised crime and corruption are utterly sensitive topics for the majority of people affected by these phenomena in Mexico. Given the sensitivity of the subject, the location from where I would conduct my research and thereby my safety as a researcher was of highest priority. As mentioned previously, preceding fieldwork and internship in the country had made me familiar with the city of Guadalajara and provided me with a social and professional network. I therefore felt comfortable returning to this location, as I was already familiar with the geographic and social structures in the city which would prove helpful in my research. The process of locating professionals within the different fields of social science who were willing to participate in interviews nevertheless continued to show rather challenging despite my already existing network, as mentioned in chapter 7.3.1 and 7.3.2.

The sensitivity and almost reluctance to publicly comment on the matter most likely derives from the great fear of the consequences hereof. In Mexico, journalists face great danger when they cover issues related to organized crime and corruption, and reports show that in 2020, at least eight journalists were killed in relation to their investigative work (Institute for Economics & Peace, 2021b, p. 2). I was therefore very aware of my own and my informant's safety and took great precaution throughout my research in order to avoid conflicts or cause harm.

I argue that despite the sensitivity of the subject in focus, this research does not pose a threat to any participating informant, as this research does not involve in investigating or exposing individuals or organizations behind organized crime or corruption. Instead, it takes a historical and sociolegal approach towards the understanding of the potential effects of the colonial history on the contemporary Mexican society.

7.5   Ethical consideration related to the work with delicate data

Due to the potentially violent nature of subject, it is especially important to consider the ethical dilemmas related to this qualitative research. Guillemin and Gillam (2014) distinguish between procedural ethics and ethics in practice in relation to research and furthermore argue that reflexivity ought to be perceived of as an ethical notion in qualitative research (Guillemin & Gillam, 2014, p. 262). When initiating this research, much reflection was put into the ethics related to conducting a study regarding organized crime and corruption. According to Kvale and Brinkmann (2015), qualitative research might create a tension between the wish of achieving knowledge and the consideration of ethical matters (Kvale & Brinkmann, 2015, p. 106). Therefore, this research is considering the *Guidelines for the Protections of Human Subjects* created by the American Psychological Association in 1992. These guidelines serve as the overall guide throughout the research in order to protect the interview subjects, the researcher and the integrity of the research itself (Guillemin & Gillam, 2014, p. 277).

7.6   Positionality and self-reflexivity

Self-reflexivity when doing research is an absolute necessity in order to acknowledge personal characteristics, which might have had an influence on the research and its process (Guillemin & Gillam, 2014). When conducting my fieldwork, I was very aware of my positionality as a researcher partly originating from a foreign country.

In terms of ethnicity and race, I self-identify as white, even though my ancestry is half Mexican and half Danish making me a "Mestiza" *a woman of mixed European and Indigenous American ancestry* (Merriam-Webster, 2022). I was born and brought up in Denmark which naturally provided me with several privileges such as public healthcare and a social security system. I myself have never experienced poverty or racism connected to my ethnicity neither in Denmark nor in Mexico. On the contrary, my physical appearance as Mestiza without a doubt provided me with the status of being part of the elite in Mexico, solely due to the European ancestry.

Whether this can be conceived as an advantage in this context of delicate research subject is definitely arguable and context dependent. Several times I experienced being curiously and somewhat puzzled asked about the origin of my interest in the historical perspective of organized crime and corruption in Mexico. This might indicate a sincere wondering as to why, I, as part of the elite and furthermore a foreigner, would find interest in a subject that has not directly affected me negatively. Additionally, questions such as "Do you even have crime in Denmark" confirmed my prescribed status as standing outside the general population of Mexico. However, I do believe that the exact factor of my mixed ethnicity benefitted my research, as the curiosity regarding my interest in the subject made me somewhat stand out in a field, which has been explored by many researchers from many perspectives.

7.7   Strategy of analysis

The analysis of the collected qualitative data will be conducted through a method of theoretical thematic analysis guided by the theories of postcolonialism, advanced marginalization and legal alienation, which were identified as applicable theories and theoretical concepts in the initial research and interviews. Moreover, my disciplinary knowledge inarguably shaped the strategy of analysis to a certain extent. Braun and Clarke (2013) describe the thematic analysis as a unique method of data analysis that "… only provides a method for data analysis; it does not prescribe methods of data collection, theoretical positions, epistemological or ontological frameworks." (Braun & Clarke, 2013, p. 178). This secures the researcher a certain flexibility in the data processing, as themes and patterns in the data can be identified from a inductive 'bottom-up' perspective, where the analysis is guided solely by what is found within the data as well as a deductive 'top-down' perspective, where the data analysis is guided by particular theoretical ideas (Braun & Clarke, 2013, p. 178).

The analysis of this research will make use of a combination of the two varieties in order to create what Braun and Clarkes call a *rich description* of a dataset by adhering to their recursive seven-phase process of a thematic analysis:

Stage	
1.	Transcription
2.	Reading and familiarisation; taking note of items of potential interest
3.	Coding – complete; across entire dataset
4.	Searching for themes
5.	Reviewing themes (producing a map of the provisional themes and subthemes and relationships between them – aka the 'thematic map')
6.	Defining and naming themes
7.	Writing – finalising analysis

(Braun & Clarke, 2013, pp. 202-203)

The process of transcribing the interviews is a time-consuming step, as the total amount of hours spent in the actual interviews' accounts for more than 5 hours in total. With this being said, the transcribing is an important and valuable part of familiarising myself with the data and initiate a preliminary thematization and coding. The coding will make use of a *complete* coding, where every aspect and any detail of relevance in the interviews will be taken into consideration with the aim of answering the research question (Braun & Clarke, 2013, p. 206). The coding of interest will represent different labels for a feature of the data and provide the building blocks of the analysis, which will be used to identify repeating themes believed to provide a sufficient answer and explanation to the sociolegal research question (Braun & Clarke, 2013, p. 207). The coding will make use of latent researcher-derived codes and reflect conceptual and theoretical interpretations of the data, where the theories of postcolonialism, advanced marginalization and legal alienation will guide the thematization and coding (Braun & Clarke, 2013, p. 207). In practice, the coding will be done systematically on hard-copy data.

When an extensive searching and identification of candidate themes has taken place, a 'thematic map' will be created in order to provide a visual overview of the overarching themes, potential subthemes, and the interrelations in-between (Braun & Clarke, 2013, p. 233). Subsequently, a thorough revision of the candidate themes will secure a precise identification of accurate thematization though it should be noticed that the candidate themes are unarguably dependent on the researcher and furthermore change shape during the phase of analysis (Braun & Clarke, 2013, p. 236). The qualitative thematic analysis will be based on the identified and defined themes, which will be processed in a combination of an illustrative and analytically approach (Braun & Clarke, 2013, p. 252). This combined approach will contribute to a holistic perspective to the research problem, incorporating both descriptive and interpretive analysis (Braun & Clarke, 2013, p. 252).

8   Theoretical Framework

I argue that in order to holistically examine the potential cause for the prominent and continued existence of organised crime in Mexico, it is essential to be aware of the complexity of corruption in a country like Mexico. Previous research and literature by sociologists and not the least criminologists such as Valentin Pereda suggests that the emergence and organisation of organised crime in the Global South might differ significantly from organised crime in the Global North (Pereda, 2022). Therefore, this research will make use of theory triangulation when examining the phenomena of organized crime and corruption, this to secure various perspectives to the research question.

When relying on mainstream sociological or criminological theories, we commonly analyse organised crime as a phenomenon which essentially occur sin societies characterised by high levels of internal peace and strong public institutions. In Mexico, a country which is, as explained earlier, widely characterised by general discomposure and a weak state, these mainstream theories and their theoretical assumptions regarding deviance might fail to adhere to the context of the country. Prevailing criminological theories of organized crime generally assume that law-enforcement agencies and political institutions operate against criminal organisations and separate themselves from the organized crime, which in the case of Mexico have proved problematic.

Much data and pre-existing research made by NGO's and non-partisan think tanks such as 'Visions of Humanity' (Jiménez & Toledo, 2016) and 'Human rights Watch' (Human Rights Watch, 2014) show that law-enforcement agencies and criminal organizations in Mexico are largely intertwined,

and it therefore might prove difficult to separate the actors from each other. Therefore, this research aims to apply multiple sociolegal theories in order to comprise the historical, political, legal, and social context of Mexico to achieve a holistic perspective on the continued existence of organised crime and corruption.

8.1   Grounded theory

In the primary stages of the research, when I decided to centre this master's thesis around a Mexican context, I chose to make use of an inductive methodological approach with the main aim of letting the interview participants and their testimonies direct the course of my investigation. Thereby I allowed my research to emerge and unfold exponentially with the research progress in accordance with a grounded theory approach, which was first developed and described by Barney Glaser and Anselm Strauss in their publishing *The Discovery of Grounded Theory* from 1967. In the book, the authors investigate and prove "… how the discovery of theory from data – systematically obtained and analyzed in social research – can be furthered" (Glaser & Strauss, 1967, p. 1). With this approach, the research does therefore not begin with a priori theory in order to prove it. Instead, the research begins with the study of data retrieved from interviews in order to identify recurring patterns.

The first stage of my research began before arriving in Mexico. Previous fieldwork and internship in Mexico in relation to my bachelor's degree in social work had provided me with a solid background information of the country, the population, and the social problems which the nation has been facing and continues to face. As I planned my stay of almost 3 months in Guadalajara, I therefore simultaneously began to familiarize myself with the current research on the emerge of organized crime and corruption and the potential reasons for the persistence of the two phenomena in Mexican society. This initial research was conducted by making use of different literature databases such as LubSearch and Google Scholar as described in chapter 5. The flexible framework of grounded theory allowed the second stage of my research to begin with a broad research question in order to let the semi structured interviews guide the way for the final research question and aim. The third stage was used to organize and analyse the collected data from stage two.

8.2   Edward Said and *Postcolonial theory*

To situate and contextualize this sociolegal research concerning organized crime and corruption in Mexico, the postcolonial theory of "Orientalism" will be applied in order to create a link between the colonial past of the country and geopolitical factors and power asymmetries in contemporary Mexican

society. This theory will therefor serve as a framework for understanding how and why the colonial past of Mexico might continue to contribute to the high levels of organized crime and corruption in Mexico.

The postcolonial legal scholarship is described by Eve Darian-Smith (2013) to underscore that "… even when colonialism has officially ceased to exist, the injustices of material practices endure over time and in many ways from emergent legalities and legal consciousness" (Darian-Smith, 2013, p. 249). This statement is acknowledged by Robert Young (2020), who writes that even though independence has been achieved, in many cases this is just a "… relatively minor move from direct to indirect rule, a shift from colonial rule and domination to a position not so much of independence as of being in-dependence." (Young, 2020, p. 5).

Therefore, Darian-smith argues that it is of crucial importance to recognize the degree of which legal orientalism has shaped the society and legislation of modern Euro-American society (Darian-Smith, 2013, p. 48). Postcolonialism is the critical study of the cultural, political, and economic heritage of colonialism which took place from the 15th century and the following approximately 300 years (Kohn & Reddy, 2017). According to the ideology of colonialism, the actions, under which colonization took place, were legitimized, as they were of political or religious interest (Kohn & Reddy, 2017). The indigenous people living in the lands, which the European nations wished to colonize, were presented and perceived of as uncivilized and outside of "Natural Law" and therefore unable to govern themselves (Kohn & Reddy, 2017). The colonizers therefore saw it as their Christian duty to civilize the indigenous native populations (Kohn & Reddy, 2017). In Europe, John Stuart Mill, English philosopher, ethical theorist and employee of the British East India Company, argued that a period of political control over the nations of uncivilized populations would be beneficial in order for the natives to obtain the capability of self-governance, thus legitimizing the implications of colonialist ideology (Kohn & Reddy, 2017).

The legitimacy of colonialism an its ideology of the white man's burden, has naturally later been subjected to intense debate and critique (Kohn & Reddy, 2017). In *Orientalism* (1979) of Edward Said, the author argues that a consequence of several years of colonial rule can be seen as the West, which in this case refers to the colonizing nations of Europe, essentially robed the East, the colonized nations, of their ability to represent and define themselves (Said, 1979, p. 32). Postcolonial theory

argues that decolonized populations develop a postcolonial identity as a result of the cultural interactions between identities. It is therefore necessary for the colonized people to decolonize and detach themselves mentally from the ways they were taught to perceive the world and their position in society through the perspective of the colonizers (Young, 2020, p. 4).

Additionally, Said states that, during centuries, Western societies have constructed their own social and legal identity and self-understanding by distancing themselves from the "Orient" world (Said, 1979). The distancing created a hierarchy of Western superiority and a derogatory "us" versus "them" binary where the East or "Orient" was portrayed as the inferior irrational, immoral and lawless *Other* and the West as the modern, rational, and lawful superior (Darian-Smith, 2013, p. 49). Legal Orientalism and orientalist rhetoric provided the West with rationale to declare non-western legal systems inferior to European law and culture and thereby furthermore validated the world dominance of the West (Darian-Smith, 2013, p. 49).

In postcolonial studies, the focus is, as stated previously, on the impact of the exploitation of native populations and their lands. Postcolonial studies examine the social and political power relations that sustain colonialism including social, political, and cultural narratives concerning the East and the West (Said, 1979). The theory and the postcolonial thinkers criticize the structures that cause the persistent inequality, and thereby it is disturbing the world order, as it is threatening privilege and power (Young, 2020, p. 10). Said (1979) argues that the result of an unequal economic and political power between groups in society will be a likewise unequitable amount of power in shaping culture in society in general. In Said's "Orientalism" he states that "… idea, cultures and histories cannot seriously be understood or studied without their force, or more precisely their configurations of power, also being studied." (Said, 1979, p. 29). Said applied the techniques of discourse analysis of Michel Foucault in order to produce knowledge about the Middle East and its population (Kohn & Reddy, 2017). Said used the term *orientalism* to structurally describe a set of concepts, assumptions and discursive practices that was applied to produce, interpret, and evaluate knowledge about foreign and non-European people (Kohn & Reddy, 2017).

By doing so, Said provided the analytical tools to understand how literary and historical texts reflect and reinforce colonial ideology by drawing attention to the relationship between power and knowledge (Kohn & Reddy, 2017).

8.3   Loïc Wacquants theory of *Advanced Marginalization*

In the book *Urban Outcast: A Comparative Sociology of Advanced Marginality* (2008), Loïc Wacquant compares and rethinks urban marginality in neighborhoods marked as a "hyperghetto" or "banlieue" in Chicago, United States and Paris, France. He does so by making use of an analytical tool, which illuminates four types of dynamics in society, which he argues contribute to an advanced marginalization for the people residing in marginalized neighborhoods (Wacquant, 2008). Despite the starting point of this study concentrating on relatively fixed geographical locations in a Western context and in welfare states, I argue that the theory of advanced marginalization will be equitably useful in the context of Mexico. The structures identified by Wacquant as potential causalities for marginalization in United States and France are equally visible and potent in the Mexican society, and, despite the notable difference between the socio-historical and political context of United states, France and Mexico, the three individual populations have experienced similar structural dynamics. These structural dynamics and similarities and the consequences hereof will be elaborated and presented in chapter 9. According to the theory of advanced marginalization, the first dynamic, the *macrosocial dynamic* causes the marginalized population to be decoupled from cyclical economic fluctuations whether being national or international (Wacquant, 2008, p. 265).

This means that the people already affected by segregation and marginalization do not benefit significantly from a potential national economic growth but instead suffer further decrease or deterioration in their living standard as a result of "… rising inequality in the context of rapid economic advancement and overall prosperity" (Wacquant, 2008, p. 263). Therefore, the gap between the poor and the rich continues to increase as only the wealthier population is benefitting from general domestic economic growth. This phenomenon is observed in prominent capitalist countries during the past 50 years, where the postindustrial modernization generated a remarkable increase in highly skilled professionals and a decrease in employment opportunities for uneducated workers (Wacquant, 2008, p. 264).

The second dynamic, the *economic dynamic* deals with informal labor and a degradation in social rights and protective measures as a consequence of the decrease in job opportunities for low-skilled workers (Wacquant, 2008, p. 265). The limited job opportunities for low-skilled workers force the vulnerable population to search for insecure and informal occupation which "… destabilize the working class, render its traditional mode of reproduction obsolete, and feed the process of

polarization from below" (Wacquant, 2008, p. 266). The informal or low-skilled worker is becoming increasingly superfluous due to the industrial automatization and the low or absent educational level of the workers. A national or international economic growth does therefore not automatically prevent poverty but on the contrary, it might retain the already vulnerable population in deprivation (Wacquant, 2008, pp. 266-267).

According to Wacquant, the third *political dynamic* describes how the state is determining and shaping inequality and marginality for certain groups in its population (Wacquant, 2008, p. 267). The state acts both downstream and upstream by regulating the access to adequate education and subsequently to job opportunities, and it is in charge of providing and distributing public goods, services and policies beneficial to the ones in need (Wacquant, 2008, p. 268). Thereby, Wacquant argues that the state, to a great extent, is responsible for the material intensity and welfare of its population. The fourth and last dynamic the *spatial dynamic* treats the consequences of the advanced marginalization, which on the basis of the previous three dynamics, is causing an ostracism for especially the economically deprived population in society (Wacquant, 2008, p. 270).

This marginalized population finds itself living in stigmatized neighborhoods, where a suffusive territorial stigma and identity is rigidly affirmed to the residents by themselves and by outsiders (Wacquant, 2008, pp. 269-270). This identity stigma might be internalized and adopted as a sense of belonging and unity, while for others it is perceived of as negative social and symbolic capital which undermines solidarity and instead solicits to conflict (Wacquant, 2008, p. 271). Wacquant describes the stigmatized neighborhoods as "… an empty space of competition and conflict, a danger-filled battleground for the daily contest for subsistence, scarce collective resources (such as the use of public spaces and amenities) and, above all, for finding the means to escape" (Wacquant, 2008, p. 271). As a result of this dynamic, the residents might display and practice a "them" and "us" mentality, where essentially all measures are allowed with the aim of not being categorized as "one of them". Concludingly, Wacquant stresses that advanced marginalization is principally ascribable to the state and its intentional or unintentional neglect of responsibility towards its population as "The ruling classes and government elites of rich nations have, to varying degrees, proved unable or unwilling to stem the rise of inequality and marginality" (Wacquant, 2008, p. 37).

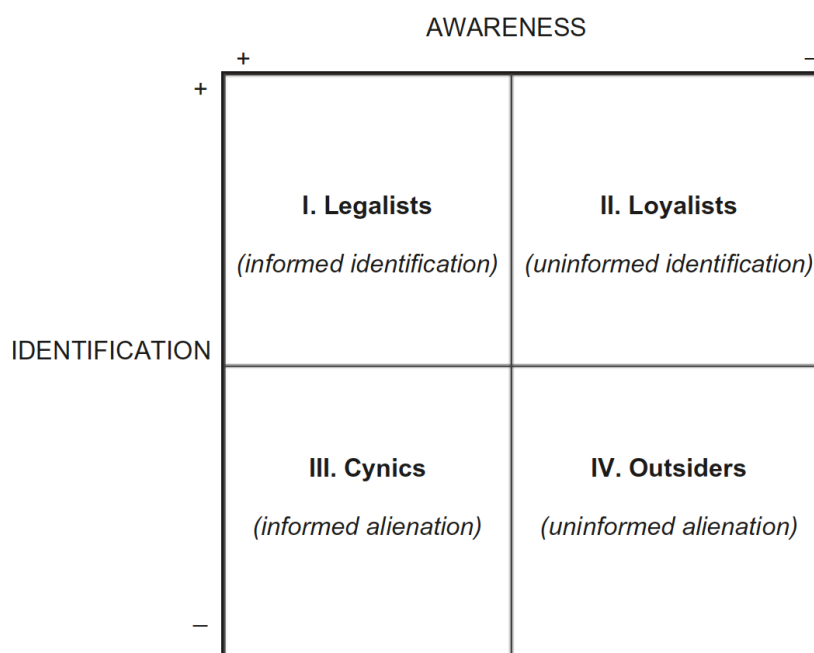## 8.4   Marc Hertog's theory of *Legal Alienation*

Many sociolegal scholars have occupied themselves and their research with investigating the reasoning as to why the majority of people abide by official law while others, intentionally or unintentionally sustain from following the officially issued legislation. This has been done by making use of concepts and theories such as, legal consciousness, living law and legal alienation.

In the work, *Nobody's Law: Legal Consciousness and Legal Alienation in Everyday Life* Marc Hertog examines potential reasons as to why people fail to adhere to official law and states that previous sociolegal research on legal consciousness typically assumes that people are either '*before the law'*, '*with the law'* or '*against the law'* but has failed to acknowledge the remoteness and absence of law in many people's everyday lives. In his study, Hertog states that "The dominant view in the legal consciousness literature is that the proliferation of law will increase the importance of law and legal ideas in people's everyday lives and will further strengthen the 'hegemony' of law." (Hertogh, 2018, p. vi.). However, Hertog disagrees with this approach to understanding legal consciousness and argues that on the contrary "… legal regulation seems to become more alien within citizens' experience." (Hertogh, 2018, p. vi.). He furthermore states that the erstwhile literature on legal consciousness was too occupied with focusing on the differences between the '*Law in Books' and 'Law in Action'* which created a conceptual bias (Hertogh, 2018, p. 11).

Hertog draws on a quote stating that "In short, an important part of asking "how does [state] law matter" is acknowledging that sometimes, in some places, for some people, [state] law doesn't matter at all that much relative to other societal forces." (Hertogh, 2018, p. 13). As an alternative to the customary restrictive way of understanding legal culture and consciousness, Hertog points at a revision of the concept of '*Living Law'* and the distinction between perceived law and official law by Eugen Ehrlich. This in order to illuminate the gap between internal and external perceptions of law and subsequentially define the phenomena of legal alienation and provide an alternative theory and understanding of contemporary dilemmas and issues in law and society (Hertogh, 2018, p. 69). In other words, Hertog defines legal alienation as *"a cognitive state of psychological disconnections from official state law and the justice system"* (Hertogh, 2018, p. 14). In the analytical framework of the theory of legal alienation, Hertog proposes a new and different approach to the study of legal consciousness in order to achieve a greater understanding of public dissatisfaction with the official justice system (Hertogh, 2018, p. 15). By examining multiple statistics and case studies of legal

consciousness, Hertog identifies four types of legal alienation: (1) *Legal meaninglessness* which Hertog describes as "… the sensed inability to understand the law and to predict the outcome of legal processes.", (2) *Legal Powerlessness the "...* expectancy held by the individual that his own behaviour cannot determine the occurrence of the outcome of legal processes", (3) *Legal Cynism* "… a state of normlessness in which the rules of the dominant society (and hence the legal system) are no longer binding in a community or for a population subgroup" and (4) *Legal Value-isolation "…* a perceived gap between the values of the law and one's personal values. (Hertogh, 2018, pp. 55-57). The four types of legal alienation can be perceived as different positions or degrees of remoteness to the law and the justice system. Based on common and general questions posed in studies of legal alienation, Hertog further identifies and defines four normative profiles of legal alienation in order to systematically examine the phenomena (Hertogh, 2018, p. 57).

The profiles, Hertog transfers to a two-by-two matrix:

AWARENESS

	+	−
+	**I. Legalists** *(informed identification)*	**II. Loyalists** *(uninformed identification)*
IDENTIFICATION		
−	**III. Cynics** *(informed alienation)*	**IV. Outsiders** *(uninformed alienation)*

(Hertogh, 2018, p. 58)

The first normative profile of legal alienation, the '*Legalists',* are well familiarized with official law and generally identify with the official law (Hertogh, 2018, p. 57). The second profile, the *'Loyalist'* consists of people who generally identify with the law and somewhat naïvely respect and trust the legal system and its competence but has a somewhat limited awareness of the law (Hertogh, 2018, p.

58). The third normative profile, Hertog identifies as the *'Cynics'* who is characterized by a high level of awareness of the law and an equally high level of cynical critique and thereby difficulty identifying with the official norms and values promoted in official law (Hertogh, 2018, p. 59). The fourth and last profile of legal alienation is constituted by the '*Outsiders'* who have turned their backs on law and do not identify with the law neither are they very aware of it (Hertogh, 2018, p. 59). Similar to the four types of legal alienation described previously in this chapter, the normative profiles of legal alienation can be perceived and read as a measuring scale of legal identity ranging from 'legal identification' to 'legal alienation' and the different profiles might therefore overlap each other (Hertogh, 2018, p. 59). Furthermore, it is wort adding that the normative profiles and their perception of law might vary immensely depending on the field of law e.g., civil law or criminal law (Hertogh, 2018, p. 60).

9   Analysis

This chapter will present an analysis of some of the relations between the colonial history of Mexico and the persistent existence of organized crime and corruption in the country. It will do so by applying the theories of legal alienation by Marc Hertog and advanced marginalization by Loïc Wacquant. In order to create a framework for understanding and thereby contribute with a tool of interpretation, the theory of orientalism by Edward Said is continuously applied throughout the analysis in order to investigate and more importantly understand the structures and mechanisms in the Mexican society which potentially contribute to the continued organized crime and corruption in the country. The analysis is divided into themes located throughout the process of coding. The three individual theories will therefore be applied accordingly.

9.1   Scepticism, cynicism and animosity

As presented throughout this research, Mexico is facing serious problems in regard to the persistent existence of organized crime and corruption. According to a national survey made by INEGI in 2020, 54.6 per cent of the respondents stated that corruption was what they considered to be of the biggest concern in current Mexican society (INEGI, 2021, p. 27). The same survey revealed that poverty and delinquencies were considered to be the second and third most threatening concerns in society. Noteworthy was is it, that the same survey revealed that 44.3 per cent of the population was of the conviction that the official national legislation was only being respected "a little", while 16.8 per cent believed that the legislation was not being respected "at all" (INEGI, 2021, p. 111) in agreement with

the high levels of corruption and violent crimes often related to the illicit activities of the OCG's (Calderón, Heinle, Kuckerts, Rodríguez, & Shirk, 2021).

In continuation of above presented data, I argue that centuries of continuous social injustice and multiple ineffective government agencies and state institutions have left the society with a major general scepticism, cynicism and animosity towards the national authorities and their efficiency. Magaly García acknowledges this statement by describing a general disgruntlement and contempt towards government authorities. This antipathy, I argue, is reflected in the increasing levels of organized crime, as it can be interpreted as a result of the existence and acceptance of widespread corruption on all societal levels. Whether organized crime breeds corruption or corruption breeds organized crime is unarguably dependent on the philosophical and theoretical lenses applied, but it is valid to say that the two phenomena reinforce and reproduce each other by continuously distancing the population from the official legislation and thereby create a widespread legal alienation.

Turning to the theory of legal alienation, a large segment of the Mexican population can be profiled as *cynics* or *outsiders* due to their sparse or upright lack of legal awareness and absence of identification with the official national legislation. The integrity and accountability of the government authority is therefore constantly questioned, creating a dichotomy of "them" and "us" between the government as institution and the population as an entity. Carmen Chinas states that:

> The majority of the population ignores their fundamental rights and access to justice seems reserved only for those who have the economic resources, so it is a very difficult issue to achieve justice in a country where there is so much inequality and poverty.

The latest report of Corruption Perception Index Latin America made by Transparency International in 2019 showed that 49 per cent of the Mexican population was not aware of their right to information from the government (Pring & Vrushi, 2019, p. 31) and this lack of awareness of basic human rights, is without a doubt an additional contributing factor to the existence and thriving of corruption within the country, as scarcely anybody is held responsible for their actions.

Organized crime and corruption have therefore, become a normalized, and some might argue necessary, part of the everyday life, as the structures in society are passively promoting and

encouraging illegal and immoral actions by failing to hold individuals and institutions accountable for their actions. This statement is accentuated in the Global Impunity Index 2020. According to this report, Mexico was placed at a 60th place out of 69 measured countries, indicating serious levels of impunity in the country (Le Clercq & Rodríguez, 2020). Especially the structural dimensions of the justice and security systems were contributing to the high rank on the impunity index, and according to a national evaluation of the legislative system from 2020, 94.8 per cent of the reported criminal cases were not brought to justice, which potentially contributed to the cover up of organized crime and corruption and thus the persistent existence of inequality (México Evalúa, 2020, p. 118). Chinas explains that "… organized crime is in many ways stronger than the state organization and surpasses the powers or is infiltrated in such a way that the civil government cannot be differentiated from the criminal government." I therefore state that the interrelations between the OCG's, the government authorities and the ongoing corruption can be classified as prominent in Mexican society.

Michaela Salcedo states that "Corruption can be seen from the smallest cell of society to the largest, and you will be able to find it everywhere in Mexico". This sentiment is supported by lawyer Abrahan Levi, who argues that OCG's moreover possesses an immense influence and power as to the persistent level of corruption in Mexico due to the interrelations between OCG's and government officials. Chinas shares the opinion and elaborates by explaining that at micro level corruption is:

> … expressed in a kind of collective agreement that validates or justifies corruption in all types of public service instances and procedures. There is a high tolerance for public administration operating under the logic of corruption at all levels of government.

According to the report *Citizens' Views and Experiences of Corruption* by Global Corruption Barometer in 2019, 69 per cent of the respondents of the survey believed that most or all employees within the Mexican police force were corrupt, demonstrating a high level of skepticism towards -and distancing from government authorities (Pring & Vrushi, 2019, p. 46). The same report showed that 52 per cent of the people who had been in contact with the police within the previous 12 months of the release of the survey had paid a bribe (Pring & Vrushi, 2019, p. 18). Thus, the claim and dominating perception that corruption has become an integrated part of the everyday life among the Mexican population is unarguably being proven.

Salcedo explains that corruption is perceived of as "… something very common and something that is encouraged from the smallest scale and therefore normalized. It does not attract our attention until it has already gotten a big impact". Thus, it is safe to say that a reason for the persistent existence of organized crime and corruption can be found in the level of legal alienation, which gradually has come to define and characterize a large quantity of the Mexican population and their legal awareness. The prominent legal alienation among considerable percentages of the population has therefore become a catalysator and not the least a consistent fuelling factor to the increased level of organized crime and corruption, as these dominating profiles of cynics and outsiders have turned their backs to the official laws as they are not able to find resonance or accountability of government authorities. As mentioned previously, an explanation to this legal alienation can be found in centuries of social injustice which I argue derives from the social structures implemented in the country by the Spanish Crown during the colonial period of 300 years. These structures will be described further in the following paragraphs.

9.2   Weak governing and centralizing of power

As described throughout chapter 4, the development of Mexico can be characterized as being utterly turbulent and, in many aspects, brutal to the population subjected to experiencing the development of the nation. Especially the Spanish colonization of what was named New Spain is by several scholars described as being momentous for the further development of contemporary Mexican societal structure.

Generally speaking, the states in Latin America have had a consistent history of weak government (Hilbink & Gallagher, 2019). In Mexico, this weakness can be traced back centuries to times where the country and its population were experiencing colonization and suppression from the Spanish rule (Hilbink & Gallagher, 2019). The conquest meant that the indigenous' religions, culture, and rule of law were given less importance and authority for the benefit of the Spanish colonial rule.

This rule is by Rachel Sieder characterised by hierarchical and racialized legal pluralism involving distinct legal jurisdictions and codes for specific racial, ethnic, or religious groups in society (Sieder, 2019, pp. 51-65). The war of independence in 1810 sought to secure equality between the "mestizos", people of mixed Native American and European descent and "creoles", people of European descent born in the colonies (Embassy of Mexico, 2019). However, the independency caused the new nation to remodel themselves according to the legal systems of their neighbouring country USA and

continental Europe where native populations were subjected to liberal laws promoting assimilation and exclusionary racial hierarchies (Sieder, 2019, pp. 51-65). The reproducing of racial hierarchies led to a criminalization and marginalization of indigenous systems of justice and governance. Despite the new nation's effort to implement a unified legal system beneficial to the minority, a *de facto* informal legal order arose which by time has become intertwined with the formal legal norms and tradition of Mexico (Sieder, 2019, pp. 51-65).

Carmen Chinas describes the colonial history of Mexican territory as "a story of cruelty, genocide, and sacrifice of cultures in the quest for domination" and furthermore states that the legal and economic structures in Mexico too have been affected and to a large degree shaped by the colonial history in the country. This conviction is shared by Micaela Salcedo who elaborates this sentiment by arguing that despite the official achievement of independence in 1821, the country continues to adhere to sociolegal structures imposed by the Spaniards from the moment they arrived at the southern peninsula of the country. In many aspects, the postcolonial structures are reflected in contemporary Mexico, and, according to Chinas, especially the bureaucratic governmental structure in the country can be linked directly to the Spanish colonization. Chinas explains that the Mexican bureaucracy:

> … derives from the geographical difficulties for the decision-making carried out by the [Spanish] monarchy, that is to say that although there were authorities in the colony, most of the decisions were made in Spain and the transfer routes through the sea, lasted for months so unresolved situations remained waiting for decisions to come from across the ocean.

The dependency on the Spanish Crown and its decision making regarding the governing of the viceroyalty therefore frequently resulted in elongated periods of awaiting a decision, potentially causing deterioration in political, economic, or social matters in New Spain. Today, Mexico is an electoral democratic federation governed by a presidential system, consisting of three levels of government authorities; a federal level, a state level, and a municipal level. The president is the head of the state and government in which powers are divided between the executive, legislative and judicial branches which govern the almost 130,000,000 inhabitants and the 2,000,000 square kilometres territory of the country (Chancel, Piketty, Saez, Zucman, & et al, 2022, p. 207).

The grand geographical distances and distribution of power within multiple government agencies and institutions provide a solid basis for the existence and thriving of grand corruption, as the de facto legislation in many cases is intentionally bypassed or blindsided due to personal interest or gain. In this case, the authorities intentionally sustain from adhering to the official legislation despite their high level of awareness of the law. The abuse of power is therefore allowing for historically high levels of impunity in the country, as insufficient resources and focus are directed at holding the population responsible for their actions, indirectly encouraging to continued breech of formal legislation. Andrea Murillo, explains that the distances and not the least the geopolitical and socioeconomic differences between the north and south continue to complicate the implementation and enacting of a nationally applicable and acknowledged legislation and an official administrative system capable of and inclined to consider and embrace the previously mentioned differences and diversity:

> There are great differences between the practices in the northern, southern, and central regions of the country. We have the same administrative system, but the geographical dimensions and differences mean that it is not possible to have universal administrative coordination across the country (Andrea Murillo).

This sentiment is shared by Carmen Chinas who states that the socio-geographical differences complicate a universal legislation due to prominent heterogeneity between the regions. I argue that the differences and diversity between the north and south to a large degree have been constituting incentives and false pretence for corrupt actions executed by especially the elitist. In 2018, the current president AMLO won the presidential elections campaigning and pledging to end corrupt government practices. Paradoxically, the strategy applied by the president in order to achieve this, involves an increased centralized political power and a reinforced government role in the national economy.

The strategic ambiguity of the president and his government is criticized by Abraham Levi who states that "AMLO's party dominates the congress, and the residing chief of the Supreme Court was elected by the president" which can be rightfully questioned and considered as a latent threat to judicial independence of the Mexican legislative system. Furthermore, an increasing politization and centralizing of the official legislative system and an increasing state-led economy is arguably going to facilitate favourable conditions for continued corrupt actions and inequality and subsequentially weakening the democracy of the nation by surreptitiously diverting the supreme power to the

presidential figure. Additionally, considering the fact that the National Anti-Corruption System, described in chapter 4.6, was established seven years ago and has yet to prove its efficiency, the true intentions of the government can be questioned.

9.3   Economic inequality, racial segregation and advanced marginality

According to Chinas, the triumph of independence in 1821 meant that the element of sovereignty of Mexico was achieved, but the inherited economic regime of the Spanish Crown was maintained. This regime was not challenged until the 20th century, in which the Mexican revolution subsequently managed to lead the country to a process of industrialization and economic prosperity. With the aim of continuing the economic growth and controlling the markets, the Mexican government, like the majority of Latin America, adopted a neoliberal economic model, which, according to Chinas, meant "… opening the doors to capital from extractive foreigners and allow the looting of natural resources and the exploitation of cheap labour".

As a consequence, the country entered into a deep economic crisis of inflation and unemployment with serious effects for the people with fewer resources. Furthermore, the enacting of the North American Free Trade Agreement in 1993 meant that an increasing amount of job positions within agriculture was lost due to the open markets and subsidized competition from the United States. The implementation of a neoliberalist economic philosophy in Mexico therefore caused decreasing wages, polarized income distribution and rising inequality and Chinas explains that:

> The current inequality and poverty which exist in the country is a consequence of an unjust economic order aggravated by the colonial looting of wealth which lasted more than 300 years and prevented independent economic development. Today, great inequality persists and there are people who highly benefit from the [neoliberal] economic model who even figure in the list of the richest in the world, and on the other hand, there are millions of Mexicans who lack what is necessary or essential to live with dignity.

In other words, while the elite is benefiting from both the economic and political model, the majority of the Mexican population has no chance of social mobility, underlining the essence of the macrosocial dynamic. Furthermore, poverty and inequality can be linked to the thriving of corruption, as corrupt actions effortlessly arise and are unofficially validated in weak states and institutions and

consequently unequally divert economic growth in between the population causing tremendous economic inequality and advanced marginality.

According to a report made by CONEVAL in 2019, one out of four indigenous people in Mexico found themselves in a situation of extreme poverty in 2018 (CONEVAL, 2019a, p. 18). In comparison one out of every 20 people within the non-indigenous population found themselves in an equal situation (CONEVAL, 2019a, p. 18). The same report revealed that a high percentage of the indigenous population in extreme poverty was located in mostly rural southern states such as Guerrero, Chiapas and Oaxaca (CONEVAL, 2019a, p. 7) further accentuating the spatial dynamics which force the less privileged and deprived population to settle in rural or distant areas. I therefore argue that the racial inequalities initiated in the Spanish colonial times continue to paint a picture of a Mexico that is still divided by the marginalizing social structure enforced by the Spanish Crown during its 300 years of reign.

In contemporary Mexico, the marginalization has expanded, and segregation and discrimination are not only based on race, ethnicity, or religion even though people of indigenous descendance continue to be overrepresented in the national poverty statistics (CONEVAL, 2019a). Today the Mexican population can be divided between the 43.9 per cent multidimensional poor and the remaining 56.1 per cent of people, who do not find themselves in such vulnerable situation (CONEVAL, 2021). The percental difference between the poor minority and the remaining majority is modest to say the least. Nevertheless, the inequality between the rich and poor in Mexican society is very well defined and prominent, and it cannot be denied that Mexico is a nation of contrasts in several aspects.

According to World Inequality Report 2022, the top 10 per cent of the income earners in the country earns more than 30 times more than the bottom 50 per cent (Chancel, Piketty, Saez, Zucman, & et al, 2022, p. 207). Additionally, the report reveals that "The top 10% income share has oscillated around 55%-60% [...] while the bottom 50% has been constant at around 8-10%, making Mexico one of the most unequal countries on earth." (Chancel, Piketty, Saez, Zucman, & et al, 2022, p. 207). The Mexican economy and the population of the country have therefore, in contrast to other economies, not experienced a significant decrease in inequality during the past centuries; actually, the exact opposite. The distribution of wealth and power in Mexico is therefore unjustly heterogenous reflecting a continuous instable and inefficient governing of the country and an economic dynamic

which exacerbates advanced marginality. Chinas describes the current economic situation in Mexico as complex and ascribes the cause for the continued inequality within the country and its diverse population to the 300 years of colonial rule and elaborates this statement by describing that:

> In pre-Hispanic Mexico, the society was divided into castes in which there was no social mobility. The privileged were the warriors, priests and some merchants and artisans, they could have a good living condition, but the majority of the population was exposed to situations of profound poverty due to the geographical inclemency, displacements and other factors which caused deep social inequality that came to be accentuated in a very serious way during the colony. Before the arrival of the Spanish, Mexico was in the upper middle stage of barbarism, that is, slavery had not yet been implemented and so we went from a caste system to a practically slave condition, further aggravating persistent inequality.

The colonial rule can therefore not be blamed for the creation and implementation of inequality in Mexico, but it can be argued that the 300 years of conquer, and dominance contributed to the persistence and further aggravation of an already unequal society, where the indigenous population was consistently ostracized to the bottom of the social hierarchy. According to the report *The poverty in the Indigenous Population from Mexico*, 31.1 percent of the indigenous population above the age of 15 in 2019 had an educational deficiency, whereas the percentage of the non-indigenous population with an educational deficiency was reported to l5.4 percent i.e. more than 50 per cent less than of the indigenous population (CONEVAL, 2019a, p. 26). Furthermore, a report made by INEGI in 2022 showed that 20.9 per cent of the indigenous population above the age of 15 with an indigenous language as their mother tongue did not know how to read or write and was therefore considered partly or completely illiterate (INEGI, 2022b, p. 6). Federico Gutíerrez, explains that the marginalization and especially the academical disadvantages of the poor population force the already vulnerable population to seek informal employment in order to provide for themselves and their families:

> A big part of the Mexican workforce is occupied with informal labour and the difference between the highest salary and the lowest salary is very big. The Gini coefficient of the

country reveals that Mexico is one of the countries with the highest income inequalities in Latin America.

The occupation within informal work constitutes a great uncertainty and risk to the people occupying these positions due to lack of regulative legislation and control of working conditions within the field. Additionally, the informal labour is often rewarded with a low salary and no access to social security or benefits. According to an INEGI report on laboral activity in Mexico published in July 2022, 55.8 per cent of the active workforce in Mexico was occupied with informal labour in the first six months of the same year (INEGI, 2022c, p. 10). Another report from INEGI reveals that the highest amount of informal labour was registered in the states of Oaxaca (80.5 %), Guerrero (79,7 %) and Chiapas (76.2 %) (INEGI, 2022a, p. 19). These states are, as mentioned earlier in this chapter, also the homes of the highest number of multidimensional poor and illiterate indigenous populations in the country. It can therefore be argued that especially the indigenous population is systematically kept in a situation of poverty as the educational deficiency is preventing the majority of the affected population of social mobility and advancing from informal occupation to formal and more secure employment.

Thereby both the economic and the political dynamics in Mexican society are contributing to the continued retention in deprivation of the less fortunate. The comprehensive economic and social inequality between the rich and poor and the constant fight for survival of the less fortunate is complicating and in many cases preventing the suppressed population from targeting the root of the problem, as not even their basic human needs are met. The vulnerable population is fighting a seemingly ceaseless battle of pure survival, and the resources to fight the structures that allow for the inequality to persist are therefore sparse. Michaela Salcedo states that if the basic human needs of the poor population were met, "… it would bring down the current structure of Mexico, a complete structure of corruption and control". Instead, the population is maintained in a society of economic and social inequality, where it would seem that this exact segregation is applied by the more fortunate as a strategy to control and preserve their own status and power in society.

9.4   Them and us dichotomy

According to Salcedo and supported by Levi, a historically rooted but continuously occurring segregation between two all-important categories of the Mexican population have created a persistent discourse of "them" and "us" within the population, which, in many cases, has been deeply

internalised and reproduced by both the poor minority and the "rich" majority. Noteworthy is it that Carmen Chinas states that this adversary mentality of "them" and "us":

> … historically has been held by the privileged sectors who look down on the working class and the less favoured. In general, the social sectors that belong to the population without access to resources rarely question the underlying reason for their socioeconomic condition and hardly blame the elites. Privileged minorities have always considered that their position of power is due to effort and not due to the exploitation that is carried out towards less fortunate people, be it labour, natural resources, or the corruption from which they have benefited in their businesses.

This statement postulates that especially the elite is contributing to the persistent segregation and discrimination against certain social classes. While the elite in many cases will take on a conviction that their success and status in society is the result of hard work and ingenuity, the less fortunate do not speculate about the cause for their inferior status in society but rather take on a conviction that poverty is natural and that their continued position in poverty is inevitable. Consequently, it is a common denominator for the two groups that neither of them takes on the responsibility for changing the structures and mechanisms that cause the social and economic inequality.

The binary discourse of "them" and "us" is further defined, as Mexico, like the rest of the world, is experiencing increasing inflation, which, according to Salcedo, is creating an even bigger gab between the social classes in Mexico as:

> We are experiencing a phenomenon where the upper-middle class is disappearing due to the inflation and all the other problems we face here in Mexico. Right now, we see a lower-lower class, lower class, lower-middle class, middle class, upper-middle class and then finally upper class. The upper-middle class is slowly disappearing, and a big step from middle class to upper class becomes even more visible.

This discourse of "them" and "us" is adding additional gasoline to the already fractured national identity and sense of cohesion in between the Mexican population. In 1979, Edward Said argued that a consequence of colonial rule can be observed in the ability to self-definition within the previously

colonized population (Said, 1979, p. 32). In Mexico, the many contradictions and inequalities between categories such as the north and south, white people and people of colour and rich and poor, and not the least the attention put to these, contribute to a mentality of "every man for himself" which is very prevalent in society. Lawyer Abrahan Levi explains that this rather hostile individualistic way of thinking is contributing to a society of distrust, disorder and ignorance, where concepts such as *valemadrismo,* which roughly translates into and act or attitude of indifference or cynicism, have become an integrated part of the common mentality of many Mexican people. Levi furthermore states that "That's the reality of Latin America. You have to do what you have to do to stay alive and progress in life. It's sad but it's true". The Mexican population, being the mestizos or creoles, the poor or wealthy, is therefore enforced to follow unofficial an unwritten rules and norms in society in order to either achieve or preserve a certain standard of living.

Turning to delinquency and organized crime is therefore sometimes the only hope for economic stability and social mobility for the less fortunate, as social structures and phenomena such as corruption are preventing this vulnerable population from legally improving their living standards otherwise. Additionally, turning to organized crime and adhering to the informal legal norms posed by the cartels, in many cases offer a clear tangible hierarchal structure and strict consequences for not following the codex of behaviour of the OCG's. Rafael Martínez explains that organized crime groups in most cases have an "absolute and inflexible hierarchal structure and operate with unconditional and blind loyalty. If you do not comply with this structure, generally there is a quite intense physical punishment and additionally the possible murder of yourself or your loved ones". Despite the lethal risks brought about by engaging in illegal activities, the OCG's offer certainty, predictability, and the possibility of social and economic mobility, which the government is failing or omitting to provide the population. Magaly García furthermore explains that for especially deprived and vulnerable individuals, working for the OCG's provides an "easy" way to money and contributes with a feeling of being important and respected by managing people, weapons, drugs and that this need for feeling powerful originates from the attempt to compensate for what they did not have when growing up in deprived conditions.

Salcedo elaborates by explaining that the aspiration for social and economic advancement or uphold, and the continuous distrust and disapproval of the official authorities work as an incentive for

engaging in illegal activities and corrupt actions. This sentiment is supported by several of the interviewees such as Murillo, Salcedo and Gutiérrez, and Levi states that:

> … in some states the cartels are not perceived as evil, "Yes they sell drugs and whatever but not here", "they do it in other states but not here, here the people are protected". People working for the cartels have money, food, they have everything and it's the same 'valemadrismo', "I don't care what happens in other states, because I'm fine, my life is good, I can do whatever I want, here I am in my little bobble living like a princess," but other places in the country is going to hell (Abrahan Levi).

The aspiration of economic and social advancement therefore results in a prominent individualistic mentality and public discourse where the well-being of one person might be on the expense of another. Carmen Chinas explains that "… corruption begins when personal interests prevail over collective well-being". According to postcolonial theory, and as stated previously in chapter 8.2, a potential and probable consequence of longer periods of colonization is the mere shift from direct to indirect rule, where the liberated population has been left in-dependence (Young, 2020, p. 5). Chinas explains that "The colonial regime has also had an impact on the mindset of the population, as it is difficult to think autonomously after more than 300 years of subjugation".

9.5   Inherited emotional voids

With the colonization, a new social structure including a new religion was implemented, meaning that Catholicism and patriarchy became two very prevalent shaping factors in Mexican society. Despite the alleged well-intentioned ideology of christening and "civilizing" the indigenous population in Mexico in 1521, Chinas is arguing that the Spanish domination of the indigenous people caused tremendous influence on the identity and mentality of the contemporary Mexican population:

> Since the arrival of the Spaniards, a forced miscegenation in the population was initiated as many of the indigenous women were sexually abused by the Spanish men. The first generations of mestizos were therefore children who grew up without a father.

Indeed, the family constellation and the significance of the missing father figure in Mexican society has been a recurrent factor throughout this research. Several of the interviewees emphasized a general pietistic portray of the core family in Mexican society and thought-provokingly Michaela Salcedo

states that "the family will always be a reflection of the general governing in Mexico, as the family is the first to cultivate the children, general social phenomena reflect small family phenomena in good and in bad". In large parts of the Mexican society, the children grow up being taught about stereotypical gender roles, where it is imposed that the man is the autoritarian provider, while the woman is the submissive caretaker of the family:

> The man is taught not to show weakness or to cry, that he has to provide for his family and to be responsible for his children. The woman is being told that she has to have children, that she has to raise them, she has to maintain the house, and she has to take care of her husband. That type of teaching and those ideas are instilled in us and create many emotional voids in each person (Rafael Martínez).

Paradoxically, it is precisely these stereotypical perceptions of the respective gender roles in the family and particularly the concept of male chauvinism that sometimes drives the young men to engage in organized crime. Furthermore, a general media glorification of the cartels and ultimately their actions creates a bias where, on one side, their illicit actions are causing terror among the common population, while on the other side these exact actions demonstrate power and demand for respect. Salcedo explains that the expectations of the individual genders cause emotional voids as they "deprive the people from the opportunity of discovering who they really are and instead obligate them to focus on the ideals that are installed in society". These voids cause especially the men to believe that, in order to be someone and to have success, they need to have power, and the only way to achive this is by excersising violence and tyrani. Due to the rigid stereotypical gender roles in families and society, the young men are not taught to handle emotions or conflicts, and this causes them to search for external verification from people of superior social status accentuating a continued in-dependence. Salcedo explains this tendency by stating that:

> … we are so used to following dependency patterns when we let someone choose for everyone and that prevents us from taking responsibility for our own decisions. So when the time comes where we have to become independent, we don't have the capacity to take responsibility.

The dependency thus becomes an excuse for the inability to take responsibility for own actions. Rafael Martínez explains that a notion of being a victim of the conditions causes a sentiment of "it is not in my hands and I can't do nothing to change it so I might as well accept the situation and conform". Salcedo elaborates by stating that:

> … it is easier not to be responsible, it's better to be the victim because the victim will never be responsible for something. It is a very conformist and comfortable position where you cannot be the bad one and you are always the one affected.

This behavioural pattern, I argue, can be interpreted as a consequense of postcolonial times as large parts of the conquered population were deprived of the possibility to make decisions, and consequently were forced and indoctrinated to take orders from superiors. Salcedo subsequently adds that "It's kind of like we have a victim mentality and we like to be the victims of ourselves". As stated previously values and norms are rooted in the family and are passed on from generation to generation reproducing restraining structures which have contributed to maintaining the hierarchal social structure. The feeling of inferiority and the strive for superiority are therefore constantly in collision with each other testing values and boundaries, facilitating a solid groundwork for the lucrative function and acquisition of new members of the organized crime groups.

10 Conclusion

This research presents various effects of the colonial history, which all can be ascribed the internal fragility in the state and society left by a long history of violent disputes within the country and population. This fragility has left the country in great inequality both economically and socially, and postcolonial and patriarchal structures continue to reproduce and uphold marginalization and segregation within the population. These structures and power relations are naturalized and internalized by a broad majority of especially the poor population as a result of a consistent encounter with a hierarchal social and legal system, which favours the social elite. The persistent marginalization of the poor population has created a society in which a "them" and "us" discourse is defining the fractioned social coherence and promoting a ruling mentality and political discourse of "every man for himself".

The investigation reveals that the reasons for the continued existence of organized crime and corruption are manifold, and not all manifest themselves in physical structures or systems. There is no doubt that the high levels of poverty and inequality are great contributors to the persistent thriving of organized crime and corruption, as they work as motivators for engaging in the illicit and often lethal activities. Through the lens of postcolonial theory, I located clear connections between the Spanish conquest of Mexico and the accentuation of racial, economic and political inequality and marginalization of especially the indigenous population. This segregation and inequality continue to dominate in contemporary Mexican society, and, through the research, it was discovered that especially the indigenous population is overrepresented in the national statistics measuring levels of poverty and education across the country. Furthermore, it was discovered that several of the dynamics of advanced marginality are contributing to the continued existence and reproduction of the dichotomy of "them" and "us" and poverty and inequality among the Mexican population, resulting in an overarching distrust and animosity towards the government authorities. By applying the theory of legal alienation, it was concluded that a prevalent reason for legal distancing and turning to organized crime and corruption might be the result of the frequent experience of continuous marginalization and segregation experienced by the less fortunate part of the population.

Moreover, it was revealed that stereotypical gender roles, often connected with patriarchy and male chauvinism, continue to dominate in the upbringing of Mexican children, often resulting in emotional voids and, consequently, in a feeling of inadequacy or general ignorance. Therefore, it can be concluded that postcolonial structures continue to create and maintain great inequality across the social classes, and neoliberal and capitalist governing contribute to the persistence of advanced marginality in a society, where few people are held accountable to their actions.

10.1 Topics for future research

Throughout the research, the significance of the rather stereotypical gender roles in relation to the persistent existence of organized crime and corruption was a recurring topic when interviewing the experts and analysing quantitative data. Especially the role of the authoritarian man was in focus, as the patriarchal structures demonstrated to be a deeply integrated component in the Mexican society. However, an interesting perspective to the research on the above-mentioned social phenomena, I argue, would be the role of women in relation to organized crime and corruption, as little research has been done on this topic. As the feminist scholarship and the debate on gender widely flourish

across various professions, I believe the sociolegal scholarship as well would benefit from the study of the interrelations between women and organized crime in a Mexican context.

11 Bibliography

Adams, J. E., & López, M. (2021, 12 10). *The Anti-Bribery and Anti-Corruption Review: Mexico.* Retrieved from The Law Reviews: https://thelawreviews.co.uk/title/the-anti-bribery-and-anti-corruption-review/mexico

Avalos, F. A., & Donnadieu, E. (2019, 12). *Researching Mexican Law and Mexican Legal System.* Retrieved from GlobaLex: https://www.nyulawglobal.org/globalex/Mexico1.html

Balaam, D., & Veseth, M. (n.d.). *Political economy.* Retrieved 03 2022, from Enclyclopædia Britannica: https://www.britannica.com/topic/politicaleconomy

Banakar, R. (2015). *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity.* London: Springer International Publishing.

Bell, D. (2010, 02). John Stuart Mill on Colonies. *Political Theory*, pp. 34-64.

Bogner, A., Littig, B., & Menz, W. (2009). *Introduction:Expert Interviews - An Introduction to a New Methodological Debate.* New York: Palgrave Macmillan.

Braun, V., & Clarke, V. (2013). *Succesful Qualitative Research.* London: Sage Publications.

Calderón, L. Y., Heinle, K., Kuckerts, R. E., Rodríguez, O. F., & Shirk, D. A. (2021). *Organized Crime and Violence in Mexico: 2021 Special Report.* San Diego: Justice in Mexico.

Calderón, L. Y., Heinle, K., Kuckertz, R. E., Ferreira, O. R., & Shirk, D. A. (2021). *Organized Crime and Violence in Mexico: 2021 Special Report.* San Diego: University of San Diego.

Chancel, L., Piketty, T., Saez, E., Zucman, G., & et al. (2022). *World Inequality Report 2022.* World Inequality Lab.

Clarke, A. (2011). Methods of Data Collection. In A. Clarke, *Evaluation Research: An Introduction to Principles, Metods and Practice* (pp. 65-92). London: SAGE Publications Ltd.

CONEVAL. (2019a, 08). *La pobreza en la población indígena de México 2008-2018.* Retrieved from CONEVAL: https://www.coneval.org.mx/Medicion/MP/Documents/Pobreza_Poblacion_indigena_2008-2018.pdf

CONEVAL. (2019b). *Medicion de pobreza 2018. Población según pertenencia étnica.* Retrieved from Coneval: https://www.coneval.org.mx/Evaluacion/PublishingImages/Pobreza_2018/POBLACION_PERTENENCIA_ETINICA.jpg

CONEVAL. (2021). *Medición de la pobreza: Pobreza en México.* Retrieved from CONEVAL: https://www.coneval.org.mx/Medicion/PublishingImages/Pobreza_2020/Pobreza_2016-2020.jpg

Congressional Research Service. (2020). *Mexico: Organized Crime and Drug Trafficking Organizations.* Congressional Research Service.

Coronado, G. (2008, 01). Discourses of Anti-corruption in Mexico: Culture of Corruption or Corruption of Culture. *Journal of Multidiscplinary International Studies, 5*(1).

Council on Foreign Relations. (2022, 09 07). *Mexio's Long War: Drugs, Crime, and the Cartels.* Retrieved from Council on Foreign Relations: https://www.cfr.org/backgrounder/mexicos-long-war-drugs-crime-and-cartels

Darian-Smith, E. (2013). *Laws and Societies in Global Context.* New York: Cambridge University Press.

Devereaux, R. (2021, 10 27). *High-Stakes Prosecution of U.S.- Backes Mexican Drug War Commander Set for Trial.* Retrieved from The Intercept: https://theintercept.com/2021/10/27/dea-mexico-drug-war-trial-genaro-garcia-luna/

Egholm, L. (2014). *Philosophy of Sciense .* Hans Reitzels Forlag.

Embassy of Mexico. (2019, 08 21). *México.* Retrieved from Relaciones Exteriores: https://embamex.sre.gob.mx/reinounido/index.php/en/view-more-press/40-press2016/691-meet-mexico

Ewick, P., & Silbey, S. (1998). *The Commonplace of Law: Stories from Everyday Life.* Chicago: University of Chicago Press.

Flannery, N. P. (2021, 09 23). *Are Mexico's Cartels Winning The War On Drugs?* Retrieved from Forbes: https://www.forbes.com/sites/nathanielparishflannery/2021/09/23/podcast-are-mexicos-cartels-winning-the-war-on-drugs/?sh=8741f301d562

Forbes. (2022, 01 20). *2021 cierra con 56,6% de empleo informal: Inegi.* Retrieved from Forbes Méxcio: https://www.forbes.com.mx/economia-2021-cerro-con-aumento-en-la-informalidad-laboral-56-6-de-la-poblacion-ocupada/

García-Reyes, K. G. (2018). *Poverty, Gender and Violence in the Narratives of Former Narcos_ Accounting for Drug Trafficking Violence in Mexico.* Briston: School of Politics, Sociology and International Studies.

Glaser, B., & Strauss, A. L. (1967). *The Discovery of Grounded Theory: Stategies for Qualitative Research.* New Jersey: AldineTransaction.

Guillemin, M., & Gillam, L. (2014, 04). Ethics, Reflexicity, and "Ethically Important Moments" in Research. *Qualitative Inquiry, 10*(2), pp. 261-280.

Hertogh, M. (2018). *Nobody's Law: Legal Consciousness and Legal Alienation in Everyday Life.* London: Palgrave Socio-Legal Studies.

Hilbink, L., & Gallagher, J. (2019). State and law in Latin America. In R. Sieder, K. Ansolabehere, & T. Alfonso, *Routhledge Handbook of Law and Society in Latin America* (pp. 37-50). New York: Routledge.

Hinojosa, G. (2019, 10 28). *What's Happening with Mexico's National Anti-Corruption System?* Retrieved from Advocacy for HUman Rights in the Americas: https://www.wola.org/analysis/progress-challenges-corruption-mexico/

Homeland Security. (2010). *United States of America-Mexico: Bi-National Criminal Proceeds Study.* Washington: U.S. Department of Homeland Security.

Human Rights Watch. (2014, 11 07). *Mexico: Delays, Cover-Up Mar Atrocities Response: Need Rigorous Investigations to resolve Cases, restpre Justice Sytem Credibility.* Retrieved from Human Rights Watch: https://www.hrw.org/news/2014/11/07/mexico-delays-cover-mar-atrocities-response

INEGI. (2021). *Encuestra Nacional de Cultura Cívica.* INEGI.

INEGI. (2022a, 08 18). *Encuestra Nacional de Ocupación y Empleo, Eueva Edición - Segundo trimestre de 2022.* Retrieved from INEGI: https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2022/enoent/enoe_ie2022_08.pdf

INEGI. (2022b, 08 08). *Estadísticas a propósito del día internacional de los pueblos indígenas.* Retrieved from INEGI: https://www.inegi.org.mx/contenidos/saladeprensa/aproposito/2022/EAP_PueblosInd22.pdf

INEGI. (2022c, 08 28). *Indicadores de ocupación y empleo - Junio de 2022.* Retrieved from INEGI: https://www.inegi.org.mx/contenidos/saladeprensa/boletines/2022/enoen/enoen2022_07.pdf

Institure for Economics & Peace . (2021a). *Global Peace Index 2021: Measuring Peace in a Complex World.* Sydney: Institute for Economics & Peace.

Institute for Economics & Peace. (2021b). *Mexico Peace Index 2021: Identifying and Measuring the Factors That Drive Peace.* Sydney: Visions of Humanity.

Jiménez, J., & Toledo, D. (2016). *Corruption in Mexico: Linking Criminals and Public Officials*. Retrieved 10 2022, from VIsion of Humanity: https://www.visionofhumanity.org/corruption-violence-mexico/

Johnsson, E., Svensson, K., & Laanemets, L. (2009). *Handlingsmæssigt Råderum i Socialt Arbejde.* Copenhagen: Akademisk Forlag.

Kingman-Brundage, J. (2016). *Mexico's Traditional Criminal Justice System.* Retrieved from Justice in Mexico: https://justiceinmexico.org/wp-content/uploads/2016/03/mexico's_traditional_criminal_justice_system_laypersonsguide_janebrundage-final-1.pdf

Kitroeff, N., & Lopez, O. (2022, 08 03). *Will an Investigation of a Former Mexican President Lead to Change?* Retrieved from The New York Times: https://www.nytimes.com/2022/08/03/world/americas/enrique-pena-nieto-corruption-charges.html

Kohn, M., & Reddy, K. (2017, 08 29). *Colonialism*. Retrieved from Standfor Encyclopedia of Philosophy: https://plato.stanford.edu/entries/colonialism/

Kvale, S., & Brinkmann, S. (2015). *Interview - Det Kvalitative forskningsinteriew som håndværk.* Copenhagen: SAGE Publications, Inc.

Lakhani, N., & Tirado, E. (2016, 12 08). *Mexico's war on drugs: what has it achieved and how is the US involved?* Retrieved from The Guardian: https://www.theguardian.com/news/2016/dec/08/mexico-war-on-drugs-cost-achievements-us-billions

Le Clercq, J. O., & Rodríguez, G. S. (2020). *Global Impunity Index 2020: Impunity Levels in the World.* Puebla: Fundación Universidad de las Américas.

Lipsett-Rivera, S. (2021). *Cycles of Violence and Gender: Generator Moments in Latin American History and Gender Identity.* Colección de Avances de Investigación.

Lobe, B., Morgan, D., & Hoffman, K. A. (2020). Qualitative Data Collection in an Era of Social Distancing. *International Journal of Qualitative Methods*(19), pp. 1-8.

Lomnitz, C. (2001). *Deep Mexico Silent Mexico.* Minneapolis: University of Minnesota Press.

López-Ayllón, S. (1995). Notes on Mexican Legal Culture. *Social & Legal Studies*(4), pp. 477-492.

Mason, J. (2018). *Qualitative Researching.* Los Angeles: Sage Publications.

Merriam-Webster. (2022, 08). *Mestizas*. Retrieved from Merriam-Webster: https://www.merriam-webster.com/dictionary/mestiza

Merril, T. L., & Miró, R. (1996). *Mexico: A Country Study.* Washington: Library of Congress.

México. (2018). *Así votamos.* México, ¿cómo vamos?

México Evalúa. (2020). *Hallazgos 2020: Evaluación del Sistema de Justicia Penal en México.* México Evalúa. Retrieved from México Evalúa: https://www.mexicoevalua.org/mexicoevalua/wp-content/uploads/2021/10/hallazgos2020-5octubre.pdf

Meyer, M. (2020, 05 26). *One Year After National Guard's Creation, Mexico is Far from Demilitarizing Public Security*. Retrieved from Advocacy for Human Rights in the Americas: https://www.wola.org/analysis/one-year-national-guard-mexico/

Murray, C., & Oré , D. (2018, 07 01). *Mexican Lopez Obrador wins historic election landslide for left*. Retrieved from Reuters: https://www.reuters.com/article/us-mexico-election-idUSKBN1JR15F

Nieto, N. (2021). Corruption and inequality: A dangerous cocktail in Mexico. *Interdisciplinary Mexico*(20), pp. 48-65.

Oxford Poverty and Human Development Initiative. (2021, 10). *Global MPI Country riefing 2021: Mexico (Latin America and the Caribbean.* Retrieved from Multidimensional Poverty Peer Network: https://ophi.org.uk/wp-content/uploads/CB_MEX_2021.pdf

Pereda, V. (2022). *Why Global North criminology fails to explain organized crime in Mexico.* Québec: Sage journals.

Pierson, B. (2019, 01 15). *'El Chapo' paid former Mexican president $100 million bribe: trial witness.* Retrieved from Reuters: https://www.reuters.com/article/us-usa-mexico-el-chapo-idUSKCN1P92OS

Pring, C., & Vrushi, J. (2019). *Citizens' Views and Experiences of Corruption.* Transparency International.

Rama, A., & Stargardter, G. (2012, 06 28). *Chronololy: Checkered history og the PRI's rule in Mexico.* Retrieved from Reuters: https://www.reuters.com/article/us-mexico-election-pri-idUSBRE85R12C20120628

Reeves, C. (2020, 02 20). *The Impact Of Mexico's "Hugs Not Bullets" Campaign.* Retrieved from The Organization for World Peace: https://theowp.org/the-impact-of-mexicos-hugs-not-bullets-campaign/

Reuters . (2020a, 02 20). *Former Mexico President Pena Nieto investigated in corruption probe: report.* Retrieved from Reuters: https://www.reuters.com/article/us-mexico-corruption-idUSKBN20E01N

Reuters . (2020b, 07 20). *Mexican president sticks to no-war approach after shocking cartel video.* Retrieved from Reuters: https://www.reuters.com/article/us-mexico-violence-cartel-idUSKCN24L2D9

Rienecker, L., & Jørgensen, P. S. (2012). *Den gode opgave: håndbog i opgaveskrivning på videregående uddannelser.* Frederiksberg: Samfundslitteratur.

Rodriguez-Sanchez, J. L. (2018). *Understanding the Problems and Obstacles of Corruption in Mexico.* Baker Institute.

Said, E. (1979). *Orientalism.* New York: Vintage Books Edition.

Sheridan, M. B. (2020, 10 29). *Violent Criminal Groups are Eroding Mexico's Authority and Claiming more Territory.* Retrieved from The washington Post: https://www.washingtonpost.com/graphics/2020/world/mexico-losing-control/mexico-violence-drug-cartels-zacatecas/

Sieder, R. (2019). Legal Pluralism and Fragtmented Sovereignties: Legality an Illegality in Latin America. In R. Sieder, K. Ansolabehere, & T. Alfonso, *Routhledge Handbook of Law and Society in Latin America* (pp. 51-65). New York: Routledge.

Sieder, R., Ansolabehere, K., & Alfonso, T. (2019). Law and Society in Latin America. In R. Sieder, K. Ansolabehere, & T. Alfonso, *Routledge handbook of Law and Society in Latin America* (pp. 1-21). New York: Routledge.

Sistema Nacional Anticorrupción. (n.d.). *¿Qué hacemos?* Retrieved 03 2022, from Sistema Nacional Anticorrupción: https://www.sna.org.mx/que-hacemos/

The Fund For Peace . (2018a). *Methodology.* Retrieved 02 2022, from Fragile State Index: https://fragilestatesindex.org/methodology/

The Fund For Peace . (2018b). *What do the Colors and Categories in the Index and on the Map Signify?* Retrieved 02 2022, from Fragile States Index: https://fragilestatesindex.org/frequently-asked-questions/what-do-the-colors-and-categories-in-the-index-and-on-the-map-signify/

The Fund For Peace . (2018c). *Global Data.* Retrieved 03 2022, from Fragile States Index: https://fragilestatesindex.org/global-data/

The Fund For Peace . (2018d). *C1: Security Apparatus*. Retrieved 03 2022, from Fragile States
        Index: https://fragilestatesindex.org/indicators/c1/

The Fund For Peace . (2018e). *P2: Public Services*. Retrieved 03 2022, from Fragile States Index:
        https://fragilestatesindex.org/indicators/p2/

The Observatory of Economic Complexity. (n.d.). *Mexico*. Retrieved 03 2022, from OEC:
        https://oec.world/en/profile/country/mex/#Complexity_and_Income_Inequ%20ality

Tikkanen, A. (2022a, 08 14). *Felipe Calderón*. Retrieved from Britannica:
        https://www.britannica.com/biography/Felipe-Calderon

Tikkanen, A. (2022b, 02 20). *Vicente Fox*. Retrieved from Britannica:
        https://www.britannica.com/biography/Vicente-Fox

Transparency International . (n.d.a). *What is corruption?* Retrieved 03 2022, from Transparency
        International: https://www.transparency.org/en/what-is-corruption

Transparency International . (n.d.b). *Grand Corruption*. Retrieved 03 2022b, from Transparency
        International: https://www.transparency.org/en/our-priorities/grand-corruption

United Nations Development Programe. (2004a, 02). *Anti-corruption.* Retrieved from United
        Nations Development Programme: http://www.undp-
        aciac.org/publications/finances/anticor/undp-ati04e.pdf

United Nations Development Programme . (2020a). *Human Development Report 2020: The next
        frontier, Human development and the anthropocene.* New York: UNDP.

United Nations Development Programme . (2020b). *Inequality-adjusted Hman Development Index.*
        Retrieved 02 2022, from United Nations Development Programme:
        https://hdr.undp.org/sites/default/files/2020_statistical_annex_table_3.pdf

United Nations Development Programme . (n.d.a). *Human Development Index (HDI)*. Retrieved 02
        2022, from United Nations Development Programme: Human Development Reports:
        https://hdr.undp.org/en/content/human-development-index-hdi

United Nations Development Programme . (n.d.b). *Inequality-adjusted Human Development Index
        (IHDI)*. Retrieved 02 2022, from Human Development Reports:
        https://hdr.undp.org/en/content/inequality-adjusted-human-development-index-ihdi

United Nations Development programme & Oxford Poverty and Human Development Initiative.
        (2021). *Global Multidimensional Poverty Index: Unmasking disparities by ethnicity, caste
        and gender.* New York: United Nations Development programme & Oxford Poverty and
        Human Development Initiative.

United Nations Office on Drugs and Crime. (2004a). *United Nations Convention Against
        Transnational Organized Crime and the Protocols Thereto.* Vienna: United Nations.

United Nations Office on Drugs and Crime. (2004b). *The Global Programme Against Corruption:
        Anti Corruption Toolkit.* Vienna: United Nations. Retrieved from
        https://www.unodc.org/documents/treaties/corruption/toolkit/toolkitv5_foreword.pdf

United Nations Office on Drugs and Crime. (2018, 04). *Definition in the Organized Crime
        Convention*. Retrieved from UNODC: United Nations Office on Drugs and Crime:
        https://www.unodc.org/e4j/en/organized-crime/module-1/key-issues/definition-in-
        convention.html

Vice, M., & Chwe, H. (2017, 09 14). *3. Poor ratings for Peña Nieto, political parties*. Retrieved
        from Pew Reseacrg Center: https://www.pewresearch.org/global/2017/09/14/poor-ratings-
        for-pena-nieto-political-parties/

Wacquant, L. (2008). *Urban Outcast: A Comparative Sociology of Advanced Marginality.*
        Cambridge: Polity Press.

World Health Organization. (2022, 10 06). *Mexico*. Retrieved from World Health Organization:
        https://covid19.who.int/region/amro/country/mx

World Justice Project. (2018). *Mexico's New Criminal Justice System.* World Justice Project.

You, J.-s., & Khagram, S. (2005, 02). A Comparative Study of Inequality and Corruption. *American Sociological Review, 70*(1), pp. 136-157.

Young, R. J. (2020). *Postcolonialism: A very short introduction.* Oxford: Oxford University Press.

12 Appendix A

Interview guide, Master thesis in Sociology of Law 2022

Presentation of the interviewer and the purpose of the project	Who am I?	My name is Amanda and I'm a master's student from Lund University studying Sociology of Law.
	The purpose of this interview	Is to investigate: *In which ways, if any, did the colonial history of Mexico affect the persistent existence of corruption and organized crime in the country?*
Presentation of the interviewed		Would you please introduce yourself? (Name, profession, current occupation)
Colonial history of Mexico	- Under which historical conditions were the state of Mexico developed? - Do you believe that historical events such as the Spanish colonization have had an effect on the contemporary legal structure in Mexico? If so, how? - Do you believe the historical development of Mexico have had an effect on the national identity of the Mexican population today? If so, how does it show?	
Poverty and inequality	- What is the current economic situation in Mexico? - How does the poverty and inequality show in Mexican society? - Do you think the colonial history is contributing to the current inequality and poverty in Mexico? If so, how? - From your experience, which consequences does poverty and inequality cause in Mexico?	

	- Do you believe inequality have created a "them" and "us" mentality between the different social classes within the Mexican population? If so, how might this come to expression?
Corruption	- How does corruption show in Mexico? (On different structural levels? Micro, macro, meso?) - What effects does corruption have on the social structure and inequality in Mexico? - From your experience, why does corrupt actions start and what do you think could be potential reasons for the continued existence of political corruption in Mexico?
Organized crime	- Why do you think organized crime takes place in Mexico? - How does organized crime affect the society in Mexico? - From your experience, why do you think organized crime continues to be a problem in Mexico despite several legal initiatives against organized crimes? - Do you think the possible "them" and "us" mentality could be a motivator and reason for organized crime?
Norms and traditions	- How would you describe the general Mexican national identity and mentality? - How would you describe the national feeling of cohesion and unity between the population? - Do you believe this identity (consciously or subconsciously) might have been affected by exterior factors such as the general media portraying of Mexico in relation to organized crime and corruption? If so, how? - Do you believe corruption is culturally dependent? If so, why? - Do you believe the general Mexican population has a tradition of corrupt behaviour? If so, how? - Do you think the Mexican population might have internalized the Western perception of Mexico as a culture of corruption?

	- Do you believe corruption and organized crime
	- have been normalised in contemporary Mexico? If so, why?
	- How would you describe the legal consciousness of the general Mexican population?
Closing	- Do you have anything to add?
	- Thank you for participating!