

Democratization and Authoritarian Enclaves in Mexico

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Abstract

Over the last two decades, popular mobilization has pushed forward a halting, protracted process of political transition in Mexico. The old one-party regime has broken down, and democratic institutions have finally taken its place. But democratization has not proceeded at the same pace across all regions or spheres of government. As a result, Mexico's new political order comprises a series of authoritarian enclaves in which the old rules of the game still operate. With the victory of Vicente Fox in the July 2000 presidential elections, these authoritarian enclaves represent prime targets for political reform.

The victory of Vicente Fox in Mexico's July 2000 presidential elections represented the culmination of a long process of political reform in Mexico. Mexico's old one-party regime has finally broken down, and democratic institutions have definitively taken its place. But democratization has not proceeded at the same pace across all regions or spheres of government. As a result, Mexico's new political order comprises a series of authoritarian enclaves in which the old rules of the game still operate.¹ These include the federal bureaucracy, the judiciary, and portions of the mass media, as well as local fiefdoms dominated by unreconstructed elements of the ruling party. All of these holdovers now constitute prime targets for reform, and the extent to which opposition parties focus on them will determine the extent of democratic deepening in Mexico. This essay first describes the old regime and discusses why it broke down. It then analyzes the mix of autocratic and democratic elements that compose Mexico's present political system.

The old regime

From the 1930's until the late 1990s, Mexico was ruled by political regime once described as "the perfect dictatorship."² A single political party, known today as the Institutional Revolutionary Party (PRI), controlled Mexico's most important political offices. Through a series of state-corporatist organizations, it also controlled the country's leading unions, professional guilds, and civic groups. True to the regime's liberal facade, opposition political parties were allowed to play a role at the margin of the political system, especially in municipal government and in the lower house of the legislature. But serious challenges to the PRI were thwarted through an elaborate system of corporatist co-optation, electoral "alchemy" (fraud), and selective repression.

Over the years, scholars have analyzed several aspects of this remarkable political system – its revolutionary origins, hyper-presidentialism, institutionalized mechanisms for leadership succession, patterns of elite turnover, state corporatist pillars, and liberal trappings.³ One under-emphasized element in most academic analyses, however, is the rent-seeking nature of Mexico's old regime.⁴ The regime was, from its inception, a vehicle for dividing up economic rents among its leaders and supporters.

Founded in the aftermath of the assassination of strongman Alvaro Obregón, Mexico's ruling party was born out of post-revolutionary attempts to redistribute the spoils of victory among surviving chieftains. In 1928-29, President Plutarco Elías Calles hit upon the inspired idea of creating a single political party that would serve as a sort of coordinating committee for the country's leading generals. In effect, rival *caudillos* (strongmen) would cede direct control over territory in exchange for personal security and a share of the national spoils. This arrangement was designed to moderate elite conflict over national office and to maintain political stability.

The new system was consolidated after President Lázaro Cárdenas (1934-1940) broadened the state's role in the economy and nationalized the petroleum industry. Increased federal revenues and patronage opportunities permitted the regime to co-opt local elites and buy off potential rivals. The system was further strengthened and legitimated by social reforms introduced by Cárdenas, which purported to make good on the promises of the Revolution. These measures, especially sweeping land reform, assured the regime a mass base of support.⁵ They also provided a career path for party loyalists in the expanding state apparatus, and they circumscribed the space in which autonomous power centers could emerge.

By the end of Cárdenas' tenure, then, the basic features of Mexico's rent-seeking regime were in place. Groups with access to the state apparatus (political bosses, the labor aristocracy, large-scale quasi-monopolistic enterprises, the establishment media, government employees, peasant communities aligned with the PRI, etc.) benefited from a broad array of state subsidies. Groups without this access (owners of small and medium-size businesses, professionals, non-union laborers, urban marginals, peasants in villages not favored by the PRI, etc.) paid the direct and indirect costs of these subsidies. Mexico's party-state thus acted as a gigantic, pork-barreling political machine, soaking the bulk of population and selectively rewarding its leaders and adherents.

Within the regime, political rifts were mitigated through widespread opportunities for graft and the principle of no reelection (which guaranteed elite turnover). Even the country's pharaonic president was never allowed to remain in office beyond his constitutionally mandated six-year term. The combination of corruption, one-party hegemony, and regular turnover assured politically ambitious loyalists a predictable and potentially lucrative career track within the party-state apparatus. The PRI's sprawling political coalition was thus held together by graft (which enriched the governing elite), patronage (which rewarded bureaucrats and party cadres), and pork barreling (which solidified the party's mass base). Top levels of the regime were populated by rival political factions – vaguely associated with differences in ideology and background – which jockeyed for power and influence.

Key to the durability of this regime was the peculiar nature of the Mexican presidency. Although the rules of the political game expressly forbid reelection, Mexican presidents enjoyed untrammelled power during their tenure in office.⁶ They could reward their friends, indulge their avarice, bask in public adulation, and craft their own policies.

They could even handpick their own successors (the famous *dedazo*) – a right that helped ensure them protection from punishment after they left office. Presidents could thus stamp their imprint on Mexican history, steal enough money to assure themselves comfortable retirement, and step down without fear of reprisal against themselves or their ill-gotten property.

Three aspects of the Mexican regime, then, made it “perfect.” First, its facade of liberal-democratic institutions and its elaborate network of state-corporatist associations helped fragment and isolate opposition groups. Second, its concentration of authority in one institution, the presidency, provided a mechanism for the definitive resolution of conflict between members of the ruling elite. Third, its institutionalized mechanisms for power transfer – no reelection plus the *dedazo* – solved the succession problem that has historically plagued authoritarian regimes. Mexico could thus experience a change of government (i.e., the individuals who held office) without a change of regime. Periodic changes in government in turn made it all the more difficult for opposition groups to mount and sustain protests against the regime.

The breakdown of the old regime

The old regime proved remarkably stable and resilient. It lasted so long because its various pieces reinforced each other and because no foreign powers intervened to dismantle it. Two factors, however, placed increasing and ultimately fatal strains on the rent-seeking system.

First, like authoritarian regimes in a number of other countries (Spain, South Korea, etc.), Mexico’s political system was partly undone by its own success. Political stability created by one-party rule encouraged investment and promoted economic growth. From

1940 to 1970 – a thirty-year period known as the Mexican Miracle – living standards for the bulk of Mexico’s population improved. Although economic growth helped maintain regime legitimacy, it also wrought a series a demographic transformations that made one-party rule more difficult to maintain: urbanization, increasing literacy and education, the expansion of mass communications, and other changes that political scientists have long associated with democracy.

In Mexico, these demographic shifts directly undermined the PRI’s state-corporatist instruments of social control. Urbanization and the growth of the service sector, for instance, created new social classes that were not linked to the PRI’s state-corporatist apparatus. By the 1980s, when economic growth finally collapsed, Mexico was no longer a nation of hapless peasants easily manipulated by a paternalistic state, as the country’s political leadership continued to behave.

The same demographic changes that eroded state-corporatism also encouraged dealignment from the PRI on the electoral front. The ruling party’s share of the vote began a long secular decline in the 1960s, especially among urban, middle-class, well-educated, and politically informed voters frustrated with PRI corruption and authoritarianism. The main beneficiary of these defections was the conservative National Action Party (PAN), which had strong roots in the more affluent North of the country. But detachment from the ruling party ultimately benefited virtually any opposition coalition that seemed to have a chance of defeating the PRI, regardless of its ideological orientation. By the 1980s, ruling party officials frequently had to resort to electoral fraud to defend themselves from increasingly vigorous opposition challenges.

The second cause of Mexico's political transition was economic crisis brought on by the exhaustion of the regime's nationalist-populist economic model.⁷ Although revolutionary institutions initially encouraged growth, corruption and statism had inevitable costs. Businesses (both state monopolies and protected private firms) became uncompetitive; subsidies defied economic rationality; and investment decisions followed a political rather than a financial logic. Because the system contained no clear internal checks on corruption, even the portions of public administration that had originally been insulated from short-term pressures – such as macroeconomic policy – were ultimately colonized and politicized. Economic problems were exacerbated by the further expansion of the state apparatus during the administration of Luís Echeverría (1970-76), only temporarily deferred by the oil boom of the late 1970s, and exacerbated again by fantastic over-borrowing during the López-Portillo administration (1976-82). By the early 1980s, fifty years of corruption, cronyism, patronage, and pork barreling had sabotaged Mexico's economy.

With economic crisis, the PRI's heterogeneous coalition became hopelessly expensive. No longer could the regime afford to extend subsidies to broad sectors of society. Consequently, it began to deal out certain elements of the old growth coalition: organized labor, pro-regime peasants, and eventually employees of state-owned companies and the federal bureaucracy. Ensuing clashes provoked a schism in the regime and the defection of a portion of the PRI's leftist-nationalist wing in 1987-88. Led by Cuauhtémoc Cárdenas, son of former president Lázaro Cárdenas, this group launched an independent presidential bid in 1988. It eventually formed the nucleus of Mexico's main leftist opposition force, the Party of the Democratic Revolution (PRD).⁸

The contested elections of 1988 – in which PRI candidate Carlos Salinas was declared the winner over Cuauhtémoc Cárdenas amidst widespread allegations of fraud – represented a crucial turning point for Mexico’s political system. Although the regime’s legitimacy had been eroding for years, it now collapsed. Like earlier catalytic events – such as the Tlatelolco massacre of student protesters in 1968, the national bankruptcy of 1982, and the devastating Mexico City earthquake of 1985 – the alleged fraud of 1988 triggered mass protests and increasing social mobilization.

In this context, Salinas sought an accord with the PAN in order to pass a series of constitutional amendments. These reforms swept away most core elements of PRI doctrine and committed the country’s leadership to market-oriented reform and political restructuring. Constitutional amendments ended land redistribution and repudiated traditional PRI anti-clericalism. Internal changes within the ruling party further undermined its corporatist pillars. Economic reforms like privatization and the negotiation of the North American Free Trade Agreement signaled the abandonment of the country’s nationalistic development model. Finally, selective recognition of opposition electoral victories – aimed at securing foreign and PAN support – undermined the PRI’s monopoly over public office and thus the regime’s internal system of reward and punishment. In short, by the early 1990s, the old post-revolutionary regime was gone. The fight was now on over what would replace it.

The construction of new democratic institutions

Salinas sought to modernize the country’s economy and rejuvenate Mexico’s political institutions in order to retain power, not surrender it to opposition parties. His goal was to rebuild the ruling party on a new social foundation, securing support for the regime through renewed economic growth and the investment of privatization proceeds in politically targeted

community projects (the Solidarity program). In other words, his goal was to replace an ossified, decrepit set of authoritarian institutions with a new set of slightly less authoritarian institutions based on different economic fundamentals.

He proved temporarily successful. The PRI swept Mexico's 1991 midterm legislative elections with 61 percent of the national vote, and one year later, Salinas's approval ratings reached 80 percent. The PRI even managed to win the 1994 presidential elections without systematic recourse to fraud.

Salinas's attempts at authoritarian rejuvenation, however, ended in failure. Economic growth remained sluggish, and market-oriented reforms exacerbated already sharp social inequalities. Opposition and civic mobilization accelerated throughout the country; the mass media became increasingly independent; and the regime – dependent on foreign capital flows to maintain economic growth – was unable to resort to traditional repressive tactics to forestall these changes. An armed guerrilla movement emerged in Chiapas, and political infighting within the PRI culminated in the assassination of two senior ruling party officials in 1994. Finally, precipitous devaluation of the Mexican peso at the end of 1994 plunged the country into renewed economic and political crisis. By early 1995, newly inaugurated President Ernesto Zedillo faced political cannibalism within the ruling elite, mass unrest, and mounting violence. In the words of journalist Andrés Oppenheimer, Mexico was “bordering on chaos.”⁹

In this context, the Zedillo administration agreed to negotiate a series of sweeping political reforms with the country's main opposition parties. Among other things, these measures (known collectively as the “reform of the state”) guaranteed the autonomy of the

Federal Electoral Institute, a virtual fourth branch of government in charge of supervising elections. They thus paved the way for opposition electoral victory at the national level.

The Zedillo administration accepted opposition demands for political reform reluctantly and grudgingly. Nevertheless – and this point merits emphasis – it did accept them. Mexico’s rulers could have resisted meaningful political reform at the risk of igniting a massive social conflagration. Indeed, a Mexican president more closely linked to the worst elements of the old regime might well have made a different decision. In that case, escalating political conflict would probably have plunged the country into violence – as it did in 1910.

Instead, elite compromise led to democratization. In the legislative elections of 1997, the first held under the new rules of the game, opposition parties wrested control of the lower house of Congress from the PRI. Their victory ended nearly seventy years of one-party rule and ushered in a new era of multiparty government. Three years later, opposition candidate Vicente Fox won the presidential elections, thereby ensuring opposition control of the executive branch as well as the legislature.

Mexico’s unfinished transition

Minimalist definitions of democracy emphasize competition for national offices: regimes that hold regular, free, fair, and inclusive elections are considered democratic.¹⁰ Undeniably, Mexico crossed that threshold with the political reforms of 1996 and the elections of 1997 and 2000. Mexican voters selected their representatives in a free and fair election that was endorsed by all major political actors. The ruling party competed, lost, and recognized the results. In short, according to minimalist definitions, Mexico became a democracy on July 6, 1997 (or, at the latest, on July 2, 2000).

Most scholars agree, however, that the extent or quality of democracy depends on other aspects of governance besides elections.¹¹ These include institutions like the courts and the bureaucracy, which ensure that laws passed by elected representatives are actually implemented. They also include political intermediaries not specifically mentioned in most constitutions – such as parties, interest groups, social movements, and the mass media – that help guarantee the responsiveness of rulers to citizens throughout the processes of policy-making and policy implementation. Finally, they include a variety of norms and practices – such as informal constraints on corruption, limits to the extra-constitutional use of executive authority, etc. – that shape how the formal rules of the game actually operate. If these corollary institutions of governance function perversely or fail to function at all, they can undermine the accountability-enhancing effects of electoral competition. In other words, lack of accountability in policymaking and policy implementation may make countries with freely elected governments something less than democratic.

In Mexico, democratization has not proceeded at the same pace across all spheres of governance or all regions. Although Mexico's electoral regime was quite fair and competitive by 1997 – even by comparison to established democracies in the developed world – other institutions were much less democratic. The judiciary and the federal bureaucracy, for instance, remained under the control of PRI supporters.

The pace of political change also varied substantially across different regions of the country. In some zones – especially affluent, urban areas in the North – the political environment has been quite open and competitive for over a decade. In other regions, however, repression remained palpable and the PRI's old clientelistic network continued to operate in the run-up to the 2000 elections.¹²

As a result of this patchwork pattern of democratization, the elections of 1997 and 2000 do not mean the end of Mexico's political transition. A range of political actors – opposition party leaders, civic activists, PRI “dinosaurs,” technocratic reformers, and leftist insurgents – continue to contest exactly what type of democracy will ultimately take root in Mexico. At issue in these conflicts is how far and how fast the process of political restructuring will proceed.

The following discussion reviews several components of Mexico's new political system, from the selection of leaders to the formulation and implementation of policies to their evaluation by the mass public. In each case, it focuses on which aspects of existing institutional arrangements are consonant with democratic principles.¹³ In other words, it attempts to analyze the “partial regimes” that compose Mexico's emerging political system and to highlight some of the most obvious targets for further democratic reform.¹⁴

The electoral regime

Historically, the main problem with elections in Mexico was an array of old-fashioned tactics designed to protect the PRI's hold on power – shaving voter rolls to eliminate opposition voters, padding the registry with PRI supporters, allowing PRI adherents to vote multiple times, and outright ballot box stuffing and intimidation. These tactics were supplemented by familiar mechanisms designed to protect incumbents in established democracies, such as gerrymandering and unequal provision of campaign resources (especially media time). Together, these practices rendered most Mexican elections profoundly unfair and sometimes unfree as well.

For the most part, these problems were solved by a series of revisions to the electoral code, especially those in 1996. As scholars familiar with this code have pointed out,

additional modification and clarifications will be required in the future.¹⁵ But current regulations do ensure a roughly level playing field for the country's main political forces. Campaigns in Mexico are monitored by the Federal Electoral Institute, whose nine voting Councilors must be approved by two thirds of the lower house of Congress. This supermajority makes it inconceivable that any one party could dominate the process in the future.¹⁶ The same holds for the Federal Electoral Tribunal, a specialized court that functions as the supreme authority for adjudicating electoral disputes and charges of irregularities. Like the IFE, its independence was also guaranteed by the 1996 reform; its seven Magistrates are nominated by the Supreme Court and must also be approved by two-thirds of the Mexican Senate.¹⁷ As a result of this complex maze of supermajorities, any wholesale repeal of basic electoral guarantees is now virtually unthinkable.¹⁸

Perhaps the most significant remnant of the old order is the geographical unevenness of electoral transparency. Mexico's IFE only has jurisdiction over national contests, and subnational elections are monitored by state-level organizations that vary dramatically in political independence and technical capacity. In states where opposition parties have already captured the governorship, voter registries have been appropriately purged, electoral oversight is strict, and irregularities are relatively rare. Because these states now comprise a majority of Mexico's population, most local and state-level elections are now clean. But in traditional PRI strongholds—Chiapas, Oaxaca, Guerrero, Veracruz, Puebla, Tabasco, and Yucatán – fraud, heavy-handed clientelism, repression of opposition activists, radical disparities in campaign resources, and biases in media coverage may make some official electoral returns suspect.

Although electoral disputes can be appealed to the Federal Electoral Tribunal, often with success, serious problems persist. One case concerns the gubernatorial election in Guerrero, in which the PRI defeated the PRD by only 2 percent (that is, substantially less than the potential scope of fraud). The Tribunal ruled in favor of the PRI – quite possibly a fair ruling based on the evidence, but a ruling that clearly prolonged and legitimated one of the country’s most notorious authoritarian enclaves. Other examples of vote-buying and coercion emerged in the 2000 electoral campaign, most outrageously in the states of Yucatán, Tabasco, and Puebla. So far, the Office of the Special Prosecutor charged with for investigating and punishing electoral crimes has been notoriously slow in the violations of electoral laws that come under its jurisdiction. Mexico’s electoral reforms have produced something of a patchwork, rather than a uniformly fair electoral system.

The next logical question concerns the representativeness of the new system where it does operate. Ideally, a democratic electoral regime would weigh the preferences of each voter in a roughly equal fashion. In practice, any choice of electoral mechanisms involves tradeoffs: between ensuring representation for small parties and providing clear mandates for winners; between aggregating votes by geography and aggregating votes by party; between counting all votes equally and taking into account intensity of preference; etc. Real-life electoral systems must also make concessions to practical considerations (e.g., the complexity and cost of the voting process). The issue in evaluating an electoral system, then, is not whether it perfectly satisfies every criteria of democratic theory but rather whether it constitutes a reasonable translation of democratic principles into practice.

From this perspective, Mexico’s national electoral system measures up rather well. Like most modern democracies, Mexico relies on a hybrid of proportional representation and

plurality-winner systems. The rather complex formulae for translating votes into legislative seats tends to produce a majority in the legislature for any party that can win just over 42 percent of the vote.¹⁹ Although this allows plurality winners who might lose in a two-way run-off to triumph in a three-way race, it is hardly less representative or equitable than pure Westminster systems (like England's). In other words, an observer who did not know the current distribution of partisan support in Mexico would not find Mexican electoral rules wildly at variance with the notion of "one person, one vote." In fact, one might even regard the Mexican electoral system as an artful compromise between geographically based winner-take-all systems (as in most Anglophone countries) and pure proportional representation systems (as in the Netherlands or Israel).

One problem with Mexico's electoral system from the standpoint of political accountability is its use of closed party lists to assign proportional representation seats. Political scientists generally agree that closed lists empower and insulate party elites without offering much in the way of corollary benefits.²⁰ But closed party lists are still the norm in countries that employ some form of proportional representation, so it is difficult to criticize Mexico's system too harshly on this score.²¹

Somewhat more problematic are the rules regarding campaign finance and the provision of campaign resources. Mexico's largely public system of financing imposes relatively vague limits on private contributions, and reporting requirements for campaign expenditures are lax. In the 2000 campaign, the PRI probably violated various campaign financing laws in 2000 by diverting public resources for partisan ends and exceeding the limits on party spending.

Campaign finance problems are exacerbated in Mexico by severe socio-economic inequalities, by the economic influence of a few large corporations linked to the old political elite (Telmex, Televisión Azteca, Televisa, Cemex, etc.), and by the flow of large amounts of drug money in search of political influence. All these issues increase the odds that unelected and unaccountable groups may exercise disproportionate influence on campaigns and policy-making. Again, though, very few democracies in the world have achieved much semblance of equity in their regulations regarding the provision of campaign resources. Mexico's current regulations regarding campaign resources, for instance, compare favorably to those in many established democracies – even when actual deviations from formal rules are taken into account.²²

One final problem concerns the effective denial of suffrage to Mexicans living abroad. Although in theory Mexicans living in the border area can vote at special polling sites, in practice even this limited opportunity for participation has been frustrated by logistical problems and inadequate provision of ballots. Given the number of Mexicans living outside the country, especially in the United States, this flaw in Mexico's electoral system has some of the most far-reaching consequences. Presumably, it will be a top item in any electoral reforms proposed by the Fox administration and its allies in the newly elected Congress.

In sum, Mexico's new electoral regime clearly qualifies as democratic. Its principal defects are regional unevenness, lack of timely enforcement of electoral laws, weak regulations on campaign financing, and restrictions on voting for Mexicans living abroad. While not trivial, these problems constitute flaws in a system that generally permits free and fair elections.

The party system

The twin of a country's electoral system is its party system. Electoral rules influence the number and type of parties that emerge, and these same parties often play a crucial role in designing electoral rules. As with other "partial regimes," the core issue from the standpoint of democratic theory is the degree to which parties help guarantee the accountability of rulers to the ruled. In other words, parties should be effective mechanisms for aggregating voter preferences during elections and, subsequently, for holding elected officials accountable to popular demands.

Mexico's three largest parties – PRI, PAN, and PRD – perform these tasks respectably well. Compared to parties in most emerging democracies, Mexico's main factions are well established and well disciplined. They offer voters a fairly predictable, digestible package of issue positions, and they generally adhere to stated objectives and orientations once in office. Furthermore, their mass bases of support increasingly "map" to their policy positions. For instance, the PAN – essentially a Christian Democratic party – tends to attract the support of more affluent, educated, and religious voters. The PRD – essentially a social democratic party – draws votes from politically engaged members of the lower class. Finally, the PRI does best among the beneficiaries of one-party rule, as well as those with least interest in politics. All this helps ensure that Mexico's parties serve as an effective link between the preferences of citizens and the decisions of government officials.

The most important flaw in Mexico's party system is the nature of the selection mechanisms for party leaders and candidates. In Mexico, as in many European parliamentary systems, party leaders play a crucial role in formulating policies (especially in the legislature). Less-than-democratic mechanisms for selecting leaders within the main

parties thus grant individuals who are not accountable to the bulk of the population substantial control over the policymaking.

The same principle applies to the selection of candidates. In Mexico, public campaign resources are channeled through parties, and the selection of legislators is partly determined by party lists. As a result, independent electoral bids are extremely difficult; candidates must either run under the party label or face severe obstacles in electoral competition. If internal rules within each party discriminate against them as well, neither they nor the constituencies they represent can expect to compete on equitable terms.

Although Mexico's three main parties claim to be developing democratic internal selection processes, none has yet completed this task. The PRD has inaugurated a closed primary system (i.e., a primary open to all registered party members) for both leaders and candidates, but its most recent elections for leadership positions were marred by allegations of fraud and other irregularities. The PAN still adheres to a sort of caucus system for candidates – decidedly more open than a smoke-filled room but much less representative than a primary. Its rules for selecting party leaders are even more restrictive, if not downright Byzantine.

Remarkably, the party that has undergone perhaps the most sweeping change is the PRI itself. By instituting an open primary system for presidential and gubernatorial candidates, President Zedillo has succeeded in carrying out a crucial structural change that decades of previous reformers had been unable to achieve.²³ Unfortunately, less can be said regarding procedures for selecting PRI leaders, in with political bosses and the president still play an important role. As a result, continuing internal reform of Mexico's main parties remains a crucial agenda item for democratic deepening in Mexico.

Division of powers

At the constitutional level, most of Mexico's political choices have already been made. Regardless of its party system or electoral rules, Mexico will almost certainly remain a presidential system with a bicameral legislature. Political scientists have generally argued that presidential systems are no less democratic than parliamentary regimes, and that bicameral legislatures are no less democratic than unicameral ones. Rather, to use Philippe C. Schmitter's phrase, all these systems are "differently democratic," in the sense that each represents an equally valid interpretation of democratic principles.²⁴ In terms of the formal division of powers in Mexico, then, there is little reason to criticize the current system.

Informal powers, however, are a different matter. One common failing in many new democracies is the potentially overweening power of the presidency. Mexico is hardly immune to this danger, given that both legislative and judicial branches were thoroughly subordinated to the executive throughout the period of authoritarian rule. Even given opposition control of the executive branch, the absence of effective checks on presidential rule could encourage what Guillermo O'Donnell has called "delegative democracy."²⁵

This risk is often overblown. Comparatively speaking, the statutory powers of the Mexican executive are actually fairly restricted; unlike their Brazilian or Russian counterparts, for instance, Mexican presidents cannot issue decrees when the legislature is inconveniently slow or recalcitrant. And, though the constitution is not entirely clear on this point, they do not appear to have veto power over legislative amendments to the budget. Furthermore, reflexive deference to presidential authority has eroded substantially in the last few years, eliminating the risk that legislators will be subjugated to executive whim by lingering and ill-defined cultural forces.

The greatest source of legislative weakness vis-à-vis the executive today thus concerns neither the legal prerogatives of the president nor his old meta-constitutional powers. Rather, it concerns the relative distribution of resources, staff, and expertise between the executive and legislative branches. Unlike their counterparts in other countries, Mexican legislators have almost non-existent staffs who can keep them fully versed in different policy issues. Nor, given the constitutional ban on consecutive reelection, can they normally acquire such policy-specific expertise themselves. As a result, most legislators lack the type of detailed knowledge necessary to challenge executive branch officials on the particulars of government policies or programs.

Struggles over the budget during the last three years reflect both the extent and the limits of change in executive-legislative relations. Opposition groups have managed to wrest important concessions from the executive branch, gutting the president's private discretionary budget and forcing substantial decentralization in federal expenditures. For the most part, however, opposition legislators have not yet demonstrated the ability to challenge more specific budgetary priorities. Nor have they been able to engage in the sort of careful legislative oversight that keeps the bureaucracy accountable to legislative mandates. Until they do, many of the real choices about policy will be made by political appointees and civil servants in the federal bureaucracy.

The federal bureaucracy

This bureaucracy remains dominated by adherents of the ruling party. Until the mid-1990s, high-level bureaucrats had to be PRI members, and – as in most one-party regimes – party and state hierarchies were intertwined. Even the Fox administration will probably be forced to retain most mid-level and lower-level officials in order to continue basic

governmental operations. As a result, radical policy shifts may be retarded or obstructed by the bureaucratic legacies of authoritarian rule.

Perhaps the most unsavory inheritance from the old regime is Mexico's federal police force. In contrast to many new democracies, the Mexican military has long been subordinated to civilian rule. As a result, the threat that Mexico's armed forces will be able to block the directives of elected representatives is relatively limited – probably less than in some established democracies like the United States or France. The police, however, are another matter. For decades, many police departments have operated under something resembling the Roman tax collector system, in which lower echelons were obliged to collect bribes to meet quotas imposed by their superiors. Since the early 1980s, drug trafficking and related violence have weakened what little resistance there was to graft.²⁶ Graft has also been amplified by the breakdown of those elements of the old system that once served to contain corruption, such as clear lines of responsibility leading (ultimately) to the president. The erosion of these hierarchical structures removed any central checks on venality, encouraging entrepreneurial elements of the police to expand their corrupt activities. The problem is now so mind-bendingly large that any solution will require radical reforms from the Fox administration, including the prosecution of individuals that currently enjoy official protection.

The judiciary

Under the old regime, Mexico's judicial branch was thoroughly subordinated to executive authority. The Supreme Court deliberately and explicitly refused to rule on “political” matters, and constitutional interpretation – to the extent it occurred – invariably supported ruling party or presidential perspectives. In fact, the foundation of Mexican legal

scholarship for decades was not *stare decisis* or judicial formalism, but rather an elastic understanding of the revolutionary constitution of 1917.²⁷

In addition to subordinating the judiciary to executive authority, autocratic rule warped civil and criminal justice in Mexico. Government supporters and cronies had little to fear from the law, regardless of the crimes they committed, while opponents of the regime could expect not only political retribution but criminal prosecution as well. Meanwhile, the pervasive corruption that characterized PRI rule inevitably spilled over into the judiciary. Legal proceedings often appeared to follow a perverse variant of the Napoleonic Code, in which defendants were considered guilty until proven rich. Democratic transition in Mexico thus requires not only greater independence of the judiciary from political influence but also greater equity in application of the law itself.

Reforms launched by President Ernesto Zedillo in December 1994 have helped address the first issue, strengthening the autonomy of the judicial branch against the potential predations of the executive and opening up a legal avenues of resolution for conflicts that formerly could only be resolved through political negotiation. For instance, the Supreme Court can now review disputes between the federal government and the states, as well as between the different branches of the federal government. Furthermore, legislative factions (at least 33 percent of either house) can compel the Court to review the constitutionality of any law passed by Congress, thus giving parliamentary losers some protection against oppressive statutes.

But for three reasons, these reforms represent only partial steps. First, the composition of the highest court – every one of whose eleven members was appointed by presidents from the PRI – gives one reason to doubt its impartiality on political and

constitutional issues. Second, political and constitutional rulings require a two-thirds majority on the Court, making it all the more difficult for opposition groups to take advantage of the judicial route to conflict-resolution.²⁸ Third, recent rulings by the Supreme Court evince an inability to use these new review powers in a predictable or even comprehensible way. Court decisions are at best erratic – sometimes invoking broad political and social criteria, other times retreating into legal technicalities and formalism. In other words, the Court has not yet found consistent, neutral criteria for resolving the political disputes that are now increasingly set before it.²⁹

Recent reforms have gone even less far toward addressing the second major failing of Mexico's judiciary: corruption. The 1994 reforms attempted to create a judicial career track, requiring judges to meet certain basic qualifications. They also changed the process for lower court appointments – previously made by the Supreme Court itself – so as to reduce cronyism and graft.³⁰ Finally, they created a Judicial Council to investigate and discipline judges suspected of corruption. Despite these initiatives, however, large numbers of judges remain under-qualified or corrupt – in other words, tainted by decades of one-party rule. Although six years of worth of Fox appointments will undoubtedly inject new blood in the judiciary, resurrecting the rule of law in Mexico promises to be a laborious process.

The mass media

Mass media play a critical role in modern representative democracy by scrutinizing the actions of government officials and informing the public about political alternatives. In practice, of course, no media establishment fully lives up to the task set for it by democratic theory, but some do a much better job than others. Mexico's media falls somewhere in the middle.

For decades, Mexico's media were co-opted and constrained by the country's authoritarian regime. Broadcast concessions were doled out to PRI supporters; most newspapers depended on government subsidies to survive; and journalists routinely accepted cash payments from the agencies they covered.³¹ Predictably, reporting in most of the media was marked by official dominance of public discourse, electoral bias in favor of the PRI, and selective silence on issues of particular sensitivity to the regime. Despite the erosion of official control over the last two decades, many elements of this old system persist. Mexico's current media environment is thus something hybrid, in which an emerging "fourth estate" coexists with the old system of corruption and censorship.

Mexico's print media have moved the farthest in the direction of independence. Major political parties receive balanced coverage, civil society is well represented, and – most dramatically – scandalous actions by government officials are given prominent coverage. Radio has also evolved toward openness, and feisty talk programs now echo across the airwaves of most Mexican cities. What has changed least is television, the country's most important and influential medium. Television remains dominated by two commercially oriented private networks – Televisa and Televisión Azteca – both of which have links to the PRI. Thanks to civic pressure and market competition, coverage on these networks is much more balanced than it was a decade ago. Until the system for allocating broadcasting concessions is transformed, however, biases in daily news coverage will persist.

Local fiefdoms

From the end of the Mexican Revolution until the late 1950s, national leaders in Mexico City faced a real threat of armed rebellion from local strongmen. Although regional

bosses – known as *caciques* – were ultimately co-opted by the ruling party, they were often able to gain substantial control over their territory in return. A few of these dynasties persisted into the 1990s, and a handful of ambitious PRI operators have recently created new *cacicazgos* in Mexico’s less developed south. As the national state withdrew from stewardship of the economy, and the president’s capacity to discipline renegade elements of his party diminished, certain *caciques* became even more entrenched.³²

In some cases – such as the state of Aguascalientes – local opposition groups succeeded in dislodging PRI bosses through a combination of electoral competition and mass mobilization. Given continuing electoral competition and party building, these trends towards political liberalization are likely to continue. However, *caciques* in Guerrero, Tabasco, and elsewhere have managed to resist sustained pressure from local opposition groups. Ultimately, democratization at the local level is likely to require both grassroots mobilization and federal intervention on the side of reform.

Conclusions

Over the last decade, Mexico has evolved from a one-party autocratic regime to a multiparty electoral democracy. But this process of democratization has proceeded unevenly across regions and institutions. Mexico’s new system is thus something of a patchwork, weaving new democratic elements together with remnants of the authoritarian past. A reformed electoral regime guarantees free and fair competitive at the national level, but corruption, bossism, and other legacies of authoritarian rule constrain and delimit democratic accountability.

Opposition victories at the polls increase the chances for further reform substantially. However, increasing electoral competition has not translated automatically into more profound political reform. Nor has greater judicial independence and legislative empowerment at the constitutional level enhanced rule of law at the street level. Even with opposition control of the executive branch, therefore, addressing the flaws will require conscious and consistent effort to reform.

The Fox administration's agenda for Mexico certainly seems to include democratic deepening. If that continues to be a priority, Mexico is likely to make substantial progress in removing the remaining vestiges of authoritarianism. It is possible, however, that remaking Mexico's political system will require more energy and collaboration than opposition parties and civic groups are able to muster. In that case, Mexico's political system may end up resembling other quasi-democracies in Latin America, rather than the First World models to which democratic forces have so far aspired.

¹I have borrowed the term “authoritarian enclaves” from Manuel Antonio Garretón, *La posibilidad democrática en Chile* (Santiago, Chile: FLACSO Cuadernos de Difusión, 1989), p. 51-62 and Wayne Cornelius, “Introduction” in Wayne Cornelius, Todd A. Eisenstadt, and Jane Hindley, eds., *Subnational Politics and Democratization in Mexico* (La Jolla: Center for U.S.-Mexican Studies, 1999).

²Although attributed to Peruvian writer Mario Vargas Llosa – see Mario Vargas Llosa, “Mexico: The Perfect Dictatorship,” *New Perspectives Quarterly* 8, no. 1 (1991): 23-4 – this description had been in currency for several years.

³See, among others, Pablo González-Casanova, *Democracy in Mexico* (New York: Oxford University Press, 1970); Martin C. Needler, *Mexican Politics: The Containment of Conflict* (Westport, CT: Praeger, 1995); Wayne Cornelius, *Politics in Mexico* (San Diego: Center for U.S.-Mexican Studies, University of California, San Diego, 1984); Peter H. Smith, *Labyrinths of Power: Political Recruitment in Twentieth Century Mexico* (Princeton: Princeton University Press, 1979); Roderic Ai Camp, “The Political-Technocrat in Mexico and the Survival of the Political System,” *Latin American Research Review*, 1985, 20 (1):97-118; Kevin J. Middlebrook, “Political Liberalization in an Authoritarian Regime: The Case of Mexico,” in Guillermo O’Donnell, Philippe C. Schmitter, and Lawrence Whitehead, *Transitions from Authoritarian Rule: Latin America* (Baltimore: Johns Hopkins University Press, 1986); Daniel C. Levy, “Mexico: Sustained Civilian Rule Without Democracy,” in Larry Diamond, Juan J. Linz, and Seymour Martin Lipset, *Democracy in Developing Countries: Latin America* (Boulder, Colorado: Lynne Rienner Publishers, 1989); George Grayson, *The Prospects for Democracy in Mexico* (New Brunswick, NJ: Transaction Publishers, 1990); John J. Bailey, *Governing Mexico: The Statecraft of Crisis Management* (Basingstoke: MacMillan, 1988); Miguel Basañez, *El pulso de los sexenios* (Mexico City: Siglo Veintiuno, 1990); Hector Aguilar-Camín and Lorenzo Meyer, *In the Shadow of the Mexican Revolution* (Austin: University of Texas, 1993); and Roderic Ai Camp, *Politics in Mexico* (New York: Oxford University Press, 1996).

⁴For a recent analysis from this perspective, see Roberto Blum, “Mexico’s New Politics: The Weight of the Past,” *Journal of Democracy*, October 1997. Hints at the rent-seeking nature of the regime also appear in several classic works on Mexican politics. See, for example, Pablo González-Casanova, *Democracy in Mexico* (1970), p. 149-50.

⁵See Kathleen Bruhn, *Taking on Goliath: The Emergence of a New Left Party and the Struggle for Democracy in Mexico* (University Park, PA: Pennsylvania State University Press, 1997), p. 32-44.

⁶According to an old adage, Mexicans fought the Revolution for “effective suffrage and no reelection.” They may have been denied the first, but they clung tightly to the second.

⁷At first glance, the argument that economic development contributed to the collapse of the old regime may seem to contradict the argument that its collapse was brought on by poor economic performance. Actually, level of economic development (GDP per capita_t) and rate of economic growth ((GDP per capita_t-GDP per capita_{t-1})/GDP per capita_t) are two different variables with opposite effects on regime stability.

⁸Kathleen Bruhn, *Taking on Goliath: The Emergence of a New Left Party and the Struggle for Democracy in Mexico* (University Park, PA: Pennsylvania State University Press, 1997), p. 67-164.

⁹Andres Oppenheimer, *Bordering on Chaos* (Boston: Little Brown & Co., 1996).

¹⁰See Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991), p. 9-10; Juan J. Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration* (Baltimore: Johns Hopkins University Press, 1978), p. 6-7. For the original minimalist definition, see Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper & Row, 1975; originally 1942), XXI-XXIII.

¹¹See Terry Karl and Philippe Schmitter, “What Democracy is...and is not,” *Journal of Democracy*, Summer 1991, 2 (3):75-86; Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago, 1956), especially p. 57-60 and 131.

¹²For further detail on subnational politics, see Wayne Cornelius, Todd A. Eisenstadt, and Jane Hindley, eds., *Subnational Politics and Democratization in Mexico* (La Jolla: Center for U.S.-Mexican Studies, 1999); Victoria E. Rodríguez and Peter M. Ward, eds., *Opposition Government in Mexico* (Albuquerque: University of New Mexico Press, 1995); Victoria E. Rodríguez and Peter M. Ward, *Political Change in Baja California: Democracy in the Making?* (La Jolla: Center for U.S.-Mexican Studies, 1994); Victoria E. Rodríguez and Peter M. Ward, *Policymaking, Politics, and Urban Governance in Chihuahua: The Experience of Recent Panista Governments* (Austin, TX: Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, 1992).

¹³In other words, this discussion does not attempt to assess whether these arrangements help promote economic growth, speed public decision-making, or advance some other worthy goal. It seeks merely to document the limits of democratization in Mexico and thus, the agenda for further political reform.

¹⁴The term “partial regime” comes from Philippe C. Schmitter, “The Consolidation of Democracy and the Representation of Social Groups,” *American Behavioral Scientist* 35, no. 4-5 (1992): 422-29.

¹⁵Jeffrey A. Weldon, “Mexico’s ‘Definitive’ Electoral Reform,” *Enfoque* 12 (1996): 1-13.

¹⁶Citizen Councilors are expected to remain politically neutral, and their private partisan loyalties are not a matter of record. To the extent that these loyalties can be discerned, Mexico’s three main parties appear to be equally represented on the Council.

¹⁷Again, discerning partisan loyalties is not an easy task. Judging from their decisions on local elections, one magistrate appear to be aligned with the PAN, three seem sympathetic to the PRI, and three are purely non-partisan and technical in outlook.

¹⁸The PRI has recently attempted to impeach four of the nine “Citizen Councilors” who control the Federal Electoral Institute. In part, this decision represents an attempt to rejigger the political rules of the game in the run-up to the 2000 elections. Even if the PRI succeeds in removing some of the current Councilors, however, it is difficult to see how it can successfully replace them with reliably pro-regime individuals, given the process for selecting new Councilors.

¹⁹It also provides a majority to any party that can win over 250 of the country’s 300 single-member districts – a virtual impossibility today.

²⁰See André Blais and Louis Massicotte, “Electoral Systems,” in Lawrence LeDuc, Richard G. Neimi, and Pippa Norris, eds., *Comparing Democracies: Elections and Voting in Global Perspective* (Thousand Oaks, CA: Sage, 1996), especially p. 78-9.

²¹See Lawrence LeDuc, Richard G. Neimi, and Pippa Norris, eds., *Comparing Democracies: Elections and Voting in Global Perspective* (Thousand Oaks, CA: Sage, 1996): 13-15.

²²For further detail on cross-national regulations, see Lawrence LeDuc, Richard G. Neimi, and Pippa Norris, eds., *Comparing Democracies: Elections and Voting in Global Perspective* (Thousand Oaks, CA: Sage, 1996): 38-44. Mexican parties receive substantial public funds based on their previous share of the vote. In the United

States, only presidential campaigns are federally funded, candidates may opt out of spending limits if they refuse federal funds, and free media time is not provided.

²³Although the results of the November presidential primary – in which Zedillo ally Francisco Labastida emerged victorious – have dampened enthusiasm about the primary in some quarters, the scope of this reform should not be overlooked. Polling data indicate that Labastida was strongly favored by the majority of PRI supporters, and PRI supporters constituted the bulk of those who ended up voting in the primary.

²⁴Personal conversation with author.

²⁵Guillermo O'Donnell, "Delegative Democracy," *Journal of Democracy*, January 1994, 5 (1):56-69.

²⁶Revelations about official corruption are as stunning as they are frequent. They include everything from government protection for criminals (such as the notorious Cuernavaca-based kidnapper Daniel Arizmendi) to active involvement in drug trafficking.

²⁷Remarks by José Ramón Cossío at the Center for U.S.-Mexican Studies, University of California at San Diego, April 7, 1999. One common way presidents exerted their influence over the Supreme Court was to pack it with supporters, if necessary by expanding the number of justices.

²⁸So far, the court has not tended to hand down eight-to-three decisions, preferring to operate collegially.

²⁹Remarks by José Ramón Cossío at the Center for U.S.-Mexican Studies, University of California at San Diego, April 7, 1999.

³⁰Lower court judges are now appointed by the Judicial Council, comprising representatives of the Supreme Court, the lower courts, the Executive Branch, and the Senate.

³¹Official mechanisms of media control included everything from subsidies (official advertising, cheap, newsprint, tax breaks, etc.) to the murder of overzealous journalists. See Chappell Lawson, *Building the Fourth Estate: Democratization and Media Opening in Mexico* (Ph.D. diss, Stanford University, 1999).

³²See Wayne Cornelius, Todd A. Eisenstadt, and Jane Hindley, eds., *Subnational Politics and Democratization in Mexico* (La Jolla: Center for U.S.-Mexican Studies, 1999).