



Jerónimo Arteaga/AE

Perspectives for the Presidentialist System in Mexico

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A year and a half later, fears of a crisis of governability due to the divided government that resulted from Mexico's July 6, 1997, federal elections have abated. That crisis would have been made possible by a paralyzing confrontation between the majority opposition bloc of federal deputies and the president, a member of the ruling Institutional Revolutionary Party (PRI). This was averted because the opposition bloc has not acted as such in all cases. For example, when the legislature dealt with the weighty question of federal spending at the end of 1997, a majority was formed which negotiated some modifications to the original bill and agreed to pass it, regardless of the polarization around other topics between the PRI and its opponents.

However, the difficulties that the different congressional caucuses have in moving forward the political reform of the state do give pause; the conclusion of that process—at least its main aspects—is a necessary precondition to guarantee political stability for the presidential elections in the year 2000, whichever party or candidate emerges the victor.

In this framework, one of the central topics on the political agenda today is the separation and equilibrium among the branches of government. In the debate on this question, some propose continuing the reforms for strengthening the autonomy of both the judiciary and the legislature as well as for increase executive branch efficiency to improve the system of checks and balances among the three.

Another proposal points to the relevance of a change in regimen, from presidential to semipresidential or semiparliamentary,

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as the ideal way to overcome the age-old shortcomings of the Mexican presidential system: centralism and the subordination of the legislature and the judiciary to the executive, among others. Similarly, this proposal aims to avoid the risks threatening the viability of Mexico's presidential system under the current conditions of a divided government.

This position coincides with that of authors like Juan J. Linz and Giovanni Sartori, who have proposed abandoning classical presidential government in Latin America as a whole and adopting a parliamentary or intermittent presidential system.¹ However, while academia has been proposing a change in the region's political systems to consolidate democracy, in practice, on the ground, there has been an attempt not only to maintain the presidential regimens in the Latin American countries, but even to shore them up through mechanisms like reelection and the implementation of second ballots.

This forces us to ask what factors explain the decision to maintain and reinforce the presidential option in Latin America when it is associated precisely with the bankruptcy of the Latin American democracies in the 1970s and the regimes which, although not dictatorial, have had markedly authoritarian traits.

The answer lies in the confidence the institution of the presidency seems to inspire in the region's political elites with regard to governability and representation. It is not by accident that at the Sixth Iberoamerican Summit held in Santiago and Viña del Mar, Chile, November 7-11, 1996, the heads of state and/or government who participated recommended that the existing political systems be perfected. In the majority of these countries, these systems are presidential.

Other factors involved in the reinforcement of Latin America's presidential systems may be: a) the military's preference for this kind of regimen, since it maintains a well defined hierarchy that facilitates understanding between the civilian power structure and the army; b) the current process of privatization due to economic opening and the dismantling of the nationalist populist states, both phenomena linked to globalization; and c) the crisis of representation manifested in the weakening of traditional political actors and the discrediting of party and parliamentary politics.

Faced with the double challenge of economic globalization and the crisis of representation, Latin America has used the institution of the presidency to overcome its difficulties. On the one hand, it has found the executive to be the only instrument available to reconcentrate, even if only symbolically, the representation of the nation and in this way deal with the loss of sovereignty of the nation states, to come up with policies that enable them to insert themselves more solidly into the globalized economy, to make more expeditious governmental decisions in more and more unstable national and international situations and, at the same time, to ensure continuity in the implementation of the necessary macroeconomic strategies.

On the other hand, the discrediting of politics and politicians, the plurality of the divided forces, the anti-partisan or a-partisan positions of social actors who move chaotically within or outside legal boundaries, as well as the fragility of political alliances, which lead more to divided parliaments than to divided governments, are all factors that have made it necessary to rescue the presidency as an institution, even when it is occupied by figures from outside

the realm of the political class, and give it the none-too-easy task of personifying the vague will of a society in the process of political recomposition.

Mexico is no exception, even though the path it has taken is somewhat exceptional since it has not attempted to shore up the presidential system through reelection or a second round in presidential elections. Rather, efforts have focused on strengthening the legislative and judicial branches and state and municipal governments. It should be pointed out that in Mexico's case, reelection of the president is rejected for historical

reasons, and the proposal to institute a run-off vote for the chief executive has not sparked a consensus among the main national political parties.

Historically speaking, Mexico's presidential regimen is the result of an almost century-long struggle between the occupants and supporters of the executive and those of the legislature. We should remember that in the nineteenth century, confronted with the bare-faced autocratic postures of both Agustín de Iturbide² and Antonio López de Santa Anna,³ voices were raised demanding the recognition of the legislative branch as the legitimate representative of the nation. The strengthening of the legislature and

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the division of powers meant the creation of the Senate by the Constituent Congress of 1824. But, with the aim of saving the young nation's independence and liberty, the executive's prerogatives were increased.

It was not until the Constituent Congress of 1856-57 that a decisive step was made toward a parliamentary system. As Sebastián Lerdo de Tejada said at the time, "The way [the branches of government] are organized in the Constitution, the legislature is all and the executive lacks authority of its own in the face of the legislature. This could create very grave difficulties in the normal exercise of the functions of both branches of government."⁴ As scholar Jorge Sayeg says, it was more or less a parliamentary system, since in place of a congress, the new constitution went so far as to establish within a single chamber, an actual legislative convention.

Faced with an omnipotent Congress, the executive resorted to extraordinary powers to govern and passed a bill in 1874 establishing the presidential veto and the reestablishment of the Senate, conceived to keep the Chamber of Deputies in check. Later, using the constitutional reforms which finally allowed for reelection of the president, Porfirio Díaz established himself as dictator, brought down in the end only by the 1910 Revolution. The revolutionary movement defended the principle of non-reelection for the president and a new vindication of Congress vis-à-vis the executive, especially during the administration of Francisco I. Madero.

A few years later, in the Constituent Congress of 1916-17, Venustiano Carranza's criteria of guaranteeing a balance of powers as the basis for national political stability won the day.

After the tragic experience of the coup d'état against Madero, Carranza proposed a draft constitution that amended the lofty principles of the 1857 Constitution to fit the new national situation and strengthened the executive versus the legislative branch. In this way, Carranza, chief of the Constitutionalist Army, took the side of a strong administration based on a division of powers that—in contrast with the *porfiriato*— would recognize the independence of the legislature, and—as opposed to what happened during the Madero presidency— set limits on the nation's representatives to avoid the subjection of the executive to the legislature.

In short, the draft constitution sought to link up the branches of government "in such a way as to ensure that none would overshadow another and to avoid conflicts [that would disrupt] peace and order in the Republic."⁵ In the framework of a presidential system, the Constituent Congress of Querétaro sought a balance between the legislature and the executive. However, the middle-of-the-road position proposed by Carranza was distorted during the rest of the century by two factors: the new abuse of presidential power and the hegemonic party system.

Vis-à-vis the first factor, recently the legal and extralegal prerogatives of the chief executive have been restricted through constitutional reforms and the self-limitation of Mexico's current president. With regard to the second factor, given the increasing demand for democracy, the public, political parties and the government itself have contributed in moving toward a system of competing parties in an electoral framework of transparent, open, equitable competition that has made it possible for them to alternate in office at the municipal, state and federal level.

In this context of changes, it can be argued that the excesses to

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which our presidential system has led have been corrected and can be corrected without the need for a new kind of system, since the balance of powers established in today's Constitution is viable even in the country's current situation of a divided government. If the checks and balances among the branches of government established in the Constitution had not been implemented, it was fundamentally due to factors external to the Constitution itself. Clearly, no constitutional instrument will be effective—including the amendment of the Constitution itself—


if there is no political need and determination to wield it. This is not the case of the current political scenario, in which the actors' and institutions' ability to process the new political balance of forces has been clear.

The challenges of a divided government are unavoidable, but in Mexico they are not of a magnitude that would make it necessary to deal with them by substituting our presidential system. Before thinking about a complete overhaul, we must deepen the discussion about the kinds of specific changes that would contribute to strengthening the balance of powers and guaranteeing democratic governability.

Along these lines, several bills are coming up for discussion that are worth watching: the executive's bill that would create the congressional Higher Federal Audit Commission as well as some reforms to the Congressional Charter. These bills would democratically consolidate the relationship among the branches of government and adjust the legislature's internal norms to the new conditions of greater plurality and the rotation in office in today's Mexico. They would aim to favor agreements among congressional caucuses, between the two chambers of the legislature and between the latter and the executive in order to make decisions that are representative of public opinion as well as effective and timely.

In addition, the proposal to permit consecutive reelection of legislators would give deputies and senators more grounding in society and independence and experience. Another would establish a professional civil service system in the federal administration, thus ensuring greater stability, professionalism and effectiveness in the exercise of the functions of government.⁶

Taking all this into account, we can say that given the challenges posed for the country by the international situation and the rapidly approaching presidential race, it requires greater institutional solidity. This can be brought about by completing the political reform of the state, using the criteria of the members of the

Constituent Congress of 1916-17: guaranteeing a strong government through a political system that fits both our history and our project of building a fully democratic nation. 

NOTES

¹ Juan J. Linz, "Los peligros del presidencialismo," in Larry Diamond and Marc F. Plattner, comps., *El resurgimiento global de la democracia* (Mexico City: Instituto de Investigaciones Sociales de la UNAM, 1996), p. 103; and Giovanni Sartori, *Ingeniería constitucional comparada. Una investigación de estructuras, incentivos y resultados* (Mexico City: Fondo de Cultura Económica, 1994), p. 109.

² Viceroy Juan O'Donojú signed the Treaty of Córdoba with Iturbide, recognizing the independence of Mexico and offering the crown to the Bourbon dynasty. The Bourbons' refusal and the viceroy's death facilitated Iturbide's ascension to the throne; in 1822 he was crowned Agustín the First, Emperor of Mexico; and in 1823 he abdicated and went into exile in Europe after Congress was reestablished. [Editor's Note.]

³ Santa Anna participated in the uprising and proposed a new constituent congress. He was president of the Republic 11 times from 1833 to 1855. [Editor's Note.]

⁴ Jorge Sayeg Helú, *Introducción a la historia constitucional de México* (Mexico City: Instituto Politécnico Nacional, 1996), p. 105.

⁵ *Congreso Constituyente 1916-1917. Diario de debates* vol. 1 (Mexico City: Instituto Nacional de Estudios Históricos de la Revolución Mexicana, 1985), p. 394.

⁶ By the end of 1998, of all the bills and proposed reforms the author mentions, only one had been approved by the Chamber of Deputies, the creation of the congressional Higher Federal Audit Commission. [Editor's Note.]

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