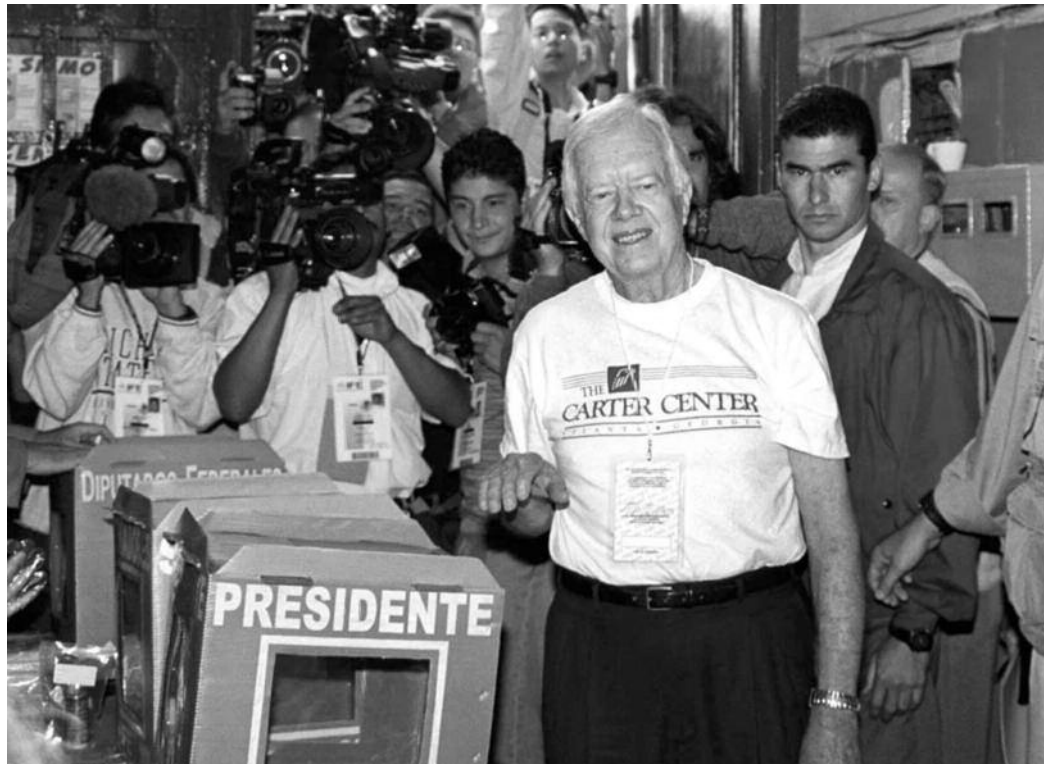


Mexico's Voted Transition

Part 1

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The results of the July 2, 2000, elections not only changed the composition of political power in Mexico. They also radically modified the direction of debates about the Mexican transition to democracy. On one side of the debate, there were those who, seeing results that showed the Institutional Revolutionary Party (PRI) would not win the presidency, declared the transition completed and turned to new issues.¹ On the other side, it was said that the transition had just started, while the theoretical and political tools needed to channel it were ready.² Nevertheless, this haste in finding immediate answers to the country's new political conditions prevented analysts from using a finer brush to paint the shades that make the difference and show the way for the Mexican transition.

Both sides have legitimately used the models created by comparative political science in recent decades. Nevertheless, despite efforts to find general characteristics in transition processes,³ we cannot ignore the evidence—in Latin America, Eastern or Mediterranean Europe—that

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shows a multiple reality, which can hardly be diluted in an ideal model, useful for the formulation of abstract theories, but ineffective in the analysis of each individual step. As an answer, I will try to sketch three main differences between the ideal type of a transition (which assumes a political change based on a pact between elites that, breaking with the past, leads to a political and institutional transformation of the country) and what really happened in Mexico in recent years. To round out this analysis, I will assess the influence that these contrasts would have in the future of the transition process.

These three differences are: instead of being a compromise transition, the Mexican experience has been a *voted* transition, so to speak; furthermore, there has not been—as has been the case elsewhere—a clean break with the previous regime. On the contrary, political liberalization has come on a gradual and continuing basis. Lastly, instead of the transformation of the rules of the game, what has come about is the recovery of existing institutions, rather than the creation of new ones.

THE CLASSIC TRANSITION MODEL

In answering what Samuel P. Huntington has called the “third wave” of democratic processes,⁴ various authors have tried, from different perspectives,

to make sense of experiences in several countries in an effort to obtain valid generalizations. Even though there is no total agreement among so-called “transitologists,” at least three traits seem to be present in a high percentage of the cases that have been studied.⁵ The first of these traits has to do with the pact—explicit or implied—between the old regime elite and those who would lead the new democratic regime. Such pacts involved, at least, the establishment of rules for an institutional transit and provided—or tried to—basic guarantees for the operation of the newborn democracies.

The second component of the classic model is a more or less abrupt break between one regime and the other. The end of Pinochet’s rule in Chile or the fall of communism in Poland came through relatively quick processes with clearly identifiable key moments. Those breaks meant the loss of power—even if temporary—of most of the old regime elites, as well as an erosion of the old institutions. And this in turn gave way to the third trait of the classic model: the building of new institutions. The old ones could not host the new democracies, so it was necessary to create parties, legislative bodies, electoral methods and power allocation and balance systems capable of reconciling the new plural composition of political representation.

This ideal model—with pacts, breaks and new institutions—has not

been absent from discussions about the Mexican transition. Politicians talk tirelessly about founding pacts, and analysts insist on the distinction between the old and the new regimes. But in these attempts to fit the Mexican reality into a model that may explain other experiences but says little about our transit towards democracy, we have lost a measure of depth and ability to explain what has really happened in Mexico. Worse yet, a bad diagnosis at the start can lead to inadequate solutions to poorly understood problems.

A VOTED TRANSITION

In the first place, the Mexican transition has not been a compromise among power-seeking elites. Their agreements have been limited, at best, to electoral reforms, and in the most important of these, in 1996, there was not even a pact on legislative changes: the PRI pushed them through alone, even though these reforms were enough for opposition parties to win the majority in the legislative branch in 1997 and the presidency in 2000. There was no foundational pact that opened the door to democratization, nor a conflict that forced political actors to reach decisive agreements. What did happen was a gradual process of step-by-step, small negotiations limited to the electoral arena. Based on this, we can conclude that the Mexican

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transition was not based on a pact, but rather, was a voted transition. Changes have occurred since the beginning in the electoral sphere and in the party system.

A TRANSITION BASED ON POLITICAL LIBERALIZATION

Neither has there been in Mexico a break with the old regime, new institutions or even a crisis of legitimacy that forced the hegemonic party to abandon the field for good, as has happened in other countries. As a matter of fact, the PRI is still central to the national political stage. This means that, with the exception of electoral institutions—where there is indeed a clear before and after—political change in Mexico has entailed a process in which the old leadership began to coexist with the new ones that originated in the opposition. Thus, political institutions have mostly remained intact—or even with a renewed formality—so the past has learned to coexist with the present. The transition in Mexico has been a gradual process of inclusion and mutual adjustments. The PRI ceased to be the hegemonic party, lost the presidency and many other political power strongholds, but is still the party with the most aggregate votes and still holds the majority of elected posts. This has not happened in other countries. As a result, transition in Mexico has not meant a break, but rather political liberalization toward plurality.

A TRANSITION THAT BUILDS ON ITS PAST

The third difference from other transitions is that Mexico's has not entailed the development of new institutions—except for electoral ones—, but rather a salvaging of institutions that already existed in the Constitution, but that were clearly subordinate to the machinery of the hegemonic party. From an institutional point of view, the Mexican transition has salvaged more than it has transformed. What are presented as the great innovations of the transition (for instance, an active Congress, an independent judiciary, or local institutions) are really institutions that already existed, but that had been placed by the regime mainly under the hegemonic control of the presidency. We are talking about the salvaging of political institutions that had remained virtually unnoticed during the historic era of the single party.

Indeed, during these last years, especially from 1989 onward, institutions that seemed completely isolated from the country's political life have reemerged. At the top of the list we have the resurgence of municipal governments, Mexico's oldest political institutions. For decades, their huge civic transformation and administrative action capabilities were gradually obscured by the light of centralist political criteria that undermined their authority. In recent years, municipal governments have

not only gone from single party to plurality, but also, as institutions in their own right and regardless of which party controls them, they have earned a new place on the political agenda and today are essential institutional actors in any analysis.

In the second place, state legislatures have emerged. A little over 10 years ago, they were political institutions with very limited scope. Today, local deputies from all parties play a key role in the political life of every state. So, a considerable portion of political conflict resolution increasingly goes every day through negotiations among Mexican state deputies.

A third salvaged actor are city governments, particularly in state capitals which, while being municipal governments, have a separate place, not only because they have traits and responsibilities that set them apart from the rest of local governments, but also because the way in which political problems are approached and the kinds of solutions that are found in state capitals usually have an influence on the rest of the municipalities.

The fourth actors are state governments themselves. Up to the late 1980s, imagining a state house in Mexico occupied by a party different from the president's seemed impossible. In recent years, however, that boundary has fallen and Mexican political institutions are the winners, precisely because plurality also prevailed in state govern-

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ments. And just as opposition parties have won governorships, the party that used to hold them has had the opportunity to win them back.

Finally, as a result of these processes, the federal Chamber of Deputies has earned a leading role in the country's political life. The Chamber of Deputies is a body of popular representation, but above all, of territorial representation, in the sense that people vote in 300 districts. So, to the extent to which changes have been taking root locally, they have also modified the composition of that body.

None of the five actors we have mentioned is new; none is the creation of political engineering, to use Giovanni Sartori's words; none is unknown; but all of them are new in the sense that they have begun to occupy ground that they did not occupy before on the national political scene.

THE ROAD OF THE VOTED TRANSITION

These three fundamental differences in the Mexican process of political change, *vis-à-vis* the research program that coined the concept of transition toward democracy itself, describe the traits of the new era the country is going through as well as the challenges it poses. In politics, origins matter. In this sense, the Mexican transition still has to face consolidation, without losing

sight of its original traits: its stress on electoral matters, its sense of inclusive political plurality and its foundations in political institutions that already existed. It is a package that has produced slow but stable changes, and at the same time heralds the challenges to come.

From this perspective, we can understand why the Mexican transition was based primarily on an interaction between the electoral and the political party systems. It is a process in which every change undergone by electoral procedures has bolstered parties, and these, in turn, have pressed for further changes in the electoral system. All this time, voters have been learning and growing increasingly confident about the power of their vote.

The first step was taken in December 1962, when a mixed system for the election of federal deputies was introduced for the first time. They were called "party deputies", and they were awarded to parties that got over 2.5 percent of the vote in national elections. This can undoubtedly be interpreted as the first sign of the political liberalization that would characterize the transition process. It was not a lot, but in a political system that had been completely under the control of a single party since 1929, that small representation in the federal Chamber of Deputies was the first crack through which plurality would later slip. By 1973, still in prehistoric times, the bar to obtain

party deputies was lowered to 1.5 percent of the national vote, and this increased the number of deputies allotted to minorities—as they were called then.

However, a number of authors argue that political change started in fact with the 1977 electoral reforms.⁶ Party deputies were the precedent, but the adoption of the proportional representation system was what turned that crack into an open door. The Chamber of Deputies grew to 400 members, 100 of whom would be elected by proportional representation and 300 in districts by the rule of winner-take-all. These reforms also stipulated the adoption of the mixed system by state legislatures, and at the same time, allowed for the election by proportional representation of councilpersons in municipalities with over 300,000 inhabitants at that time. Not much, but opposition parties obtained in this fashion strategic turf within the country's most politically important local governments. And by 1983, this mixed system was extended to all municipal governments. But the 1977 reforms produced additional effects: they actually gave life to the Chamber of Deputies, opened the municipal arena, and, above all, they were the first clear step towards a full party system. Furthermore, they highlighted the possibility and created incentives to find access to elected office from local and regional politics: from the periphery to the center. And this would later turn out to be a crucial route. For the PRI, opening

those spaces to pluralism was perhaps less costly than keeping every access closed since, by then, it was already facing a double crisis of legitimacy: on the left, abandoned electoral hopes had turned into guerrilla warfare in several states of southern Mexico; and on the right, the PRI could not count on its eternal and emblematic adversary, since the only candidate who ran in the 1976 presidential elections was the one nominated by the only party that could really win. José López Portillo's candidacy was a contradiction: it represented the apex of the hegemonic power of a PRI without any electoral legitimacy. The 1977 reforms did not break that hegemony, but they made it possible for other parties to return to the sphere of political representation and to try again to gain ground through votes. At the same time, the access they were given to local chambers of deputies and governments forced the regime to start to dialogue with them. Even though the PRI continued to make the decisions, opposition parties reserved the right to grade its performance, while their access to the media—also guaranteed by the reforms—and to public financing placed them squarely in the electoral field.⁷ In other words, political liberalization provided the initial thrust for the salvaging of old institutions. No new governing bodies, laws or compromises were created; rather, the existing formal arrangements were slowly brought to life.

After 10 years of liberalization, opposition parties came to the 1988 race stronger than ever before. There is no doubt that the federal elections held that year constitute the next inescapable moment in this story. For some, this is when the real transition started, and for others, what had begun in 1977 gathered speed. In the 1988 elections, the number of proportional representation deputies had grown from 100 to 200, compared to 300 district seats, which is how it remains up to this day. And by 1993, the so-called “governability clause” was eliminated, and the maximum number of seats a single party could hold was limited to 63 percent of the total. After suspicions raised by Carlos Salinas de Gortari's victory, the Federal Electoral Institute was also created, with technical autonomy even though it still depended then on the government, and a window to the Senate was opened for the first minority. The truth is that it was the need to find negotiation channels with opposition parties, after his bumpy arrival to the presidency, that forced President Salinas to facilitate transition which, by then, placed most—if not all—of its expectations on the electoral system.

This is why the last stop in this brief tour is the year 1996. After proportional representation had taken hold as the method to ensure the stability of the party system and to counterbalance and qualify decisions that were still con-

trolled by the PRI, a more level playing field for electoral competition, transparency and trustworthiness of the vote count still had to be guaranteed. From both legislative chambers, and from the local governments that they had been winning in elections, by 1996, the two main opposition parties (the National Action Party [PAN] and the Party of the Democratic Revolution [PRD]) had enough strength to close that reform cycle that had started 34 years before.

Perhaps the most important aspects of that year's reforms can be summarized in four points: first, the body responsible for elections became fully independent from the government. Since then, technical electoral matters have been handled by a group of professional civil servants, while oversight is the responsibility of a small army of citizens grouped by state and electoral district. In the second place, in 1996, the Electoral Tribunal, established in 1988 as the court that would deal with post-electoral conflicts, was made a part of the judiciary branch of government. Thus, the reform to the electoral law was rounded off with another piece of legislation establishing mechanisms to modify, revoke or annul results, and a reform to the Criminal Code, to ensure that conflicts derived from elections would be solved by law, as has been the case.

In the third place, resources and prerogatives for political parties have been balanced. Public financing was

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favored over private funding, and since 1996, 30 percent of both funds and free access to electronic media are distributed equally among parties, while the remaining 70 percent is allotted according to the number of votes each party obtained in the preceding election. This meant, for example, that for the 2000 elections, the coalition that nominated Vicente Fox had similar resources—owing to the sum of both member parties—to those available to the PRI. Finally, the 1996 reforms forced states to make the necessary modifications in their own legislations so that there would be no substantial differences between federal elections—for president, senators and federal deputies—and local elections—for governors, local deputies, and municipal officials. Furthermore, the post of Mexico City's mayor was put to the vote for the first time.

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We will talk about the impact these changes have had in the Mexican electoral system in the next issue of *Voices of Mexico*. ■■■

NOTES

¹ Supporters of this point of view stress two arguments: first, the limits of procedural democracy restricted primarily to electoral processes; and, second, the participation by more than one party in the make-up of the different bodies elected by popular vote

throughout the country. Furthermore, they have in their favor most of the theoretical arsenal that was built since the 1970s by the political scientists who created the very concept of democratic transition.

² Those who back this hypothesis have adopted a vision that stresses political institutions and emphasizes the idea of the democratic regime not only from an electoral point of view but also as the need for values, rules and authority structures to be linked in one coherent democratic system. Their theoretical arsenal is not that of the electoral or party systems, but rather one that explains the political system as a whole.

³ Dankwart Rustow, "Transitions to Democracy: Toward a Dynamic Model," *Comparative Politics* 36 (1970), pp. 337-363. Of course, we must mention two books that have been a constant reference for these studies: Guillermo O'Donnel, Philippe Schmitter and Laurence Whitehead, eds., *Transition from Authoritarian Rule: Latin America* (Baltimore: Johns Hopkins University Press, 1986); and Larry Diamond, Juan J. Linz and Seymour M. Lipset, eds., *Democracy in Developing Countries. Latin America* (Boulder, Colorado: Lynne Rienner, 1989). And, from the institutional perspective, there are those who suggest examining changes from a wider, not only strictly political, and much less, electoral, angle: Samuel P. Huntington, *El orden político en las sociedades en cambio* (Barcelona: Paidós, 1990); Leonardo Morlino, *Cómo cambian los regímenes políticos* (Madrid: Centro de Estudios Constitucionales, 1985); and Adam Przeworsky, *Democracy and the Market* (Cambridge: Cambridge University Press, 1991).

⁴ Samuel P. Huntington, *The Third Wave, Democratization in the Late Twentieth Century* (Oklahoma: University of Oklahoma Press, 1993).

⁵ I am referring essentially to the experiences in Latin America and Mediterranean Europe of a move from military dictatorships to democratic regimes and the experiences of democracy-building in Eastern Europe after the fall of Communism.

⁶ See Kevin Middlebrook, "Political Liberalization in an Authoritarian Regime: The Case

of Mexico," O'Donnel, Schmitter, and Whitehead eds., 1986 quoted in Ricardo Becerra, Pedro Salazar and José Woldenberg, *La mecánica del cambio político en México* (Mexico City: Cal y Arena, 2000).

⁷ Becerra, Salazar and Woldenberg, op. cit.

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