

## VARIETIES OF PRESIDENTIALISM, AND THE QUALITY OF DEMOCRACY

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SUMMARY: I. *Introduction*. II. *The Many (and Erratic) Varieties of Presidentialism in Latin America*. III. *Varieties of Presidentialism in México since 1917*. IV. *Alternatives for a More Democratic Mexican Presidency*.

### I. INTRODUCTION

There is abundant scholarly literature counterposing “presidentialism” in abstract to “parliamentarianism”. But this dichotomy has been overworked, and in any case it is not of much use for those concerned with institutional design. After all, the most successful parliamentary systems are often monarchies (Britain, Denmark, Sweden, Spain). If the head of state is determined by dynastic succession then there can be no directly elected fixed term President, and the design of a good democratic system must be adjusted to this constraint. Equally, in the western hemisphere there is a score of constitutional republics, with elected Presidents that serve as chief executives and heads of state, as well as commanders-in-chief of the armed forces. Once this system has been established and built in to the collective consciousness it is very hard to see how it could be completely eliminated. The few attempts to do this (the collegial executive in Uruguay, the referendum on reverting to a monarchy or a parliamentary system in Brazil) have not prospered and are unlikely to be repeated. So the useful area of enquiry is not into presidentialism as such, but into the most appropriate varieties of presidentialism for those constitutional republics that are seeking to build high quality democratic regimes. That, at least, is the topic of the day in Mexico, and that is the focus of this paper.

“Varieties of Presidentialism” can be analysed from a formal and institutionalised perspective and much good work has already been done in this regard. But the “quality of democracy” literature also draws attention to the informal and de-institutionalised aspects of regime performance, especially when examined in terms of citizen expectations and satisfaction, and not just from a narrowly functionalist or legalistic standpoint. The second is the angle of enquiry pursued here. This is not to undervalue the significance of the constitutional provisions defining the role of the presidency and its powers and obligations in relation to the other branches of government. In particular, this aspect of presidentialism will be given due attention in section III (where the case of Mexico is examined from a comparative perspective), but before that the paper reviews the diversity of practices found in Latin America (section II) embraces a wide range of possibilities with strict observance of the formal rules very much the minority case. For that reason it dwells on topics such as weak institutionalization; the encroachment of one branch of government on the spheres of activity properly reserved to another branch; and the political realities and tacit or informal conventions driving such executive behaviour. The concluding section IV draws some inferences from this kind of analysis concerning the most constructive approaches to the strengthening of presidential legitimacy within a “good quality of democracy” framework. While the modification of constitutional rules certainly belongs among the approaches worthy of consideration here, both sections II and III give grounds for caution about the way such modifications are likely to play out in practice. As the Brazilian reformers of the 1990s were painfully and slowly educated by their people to understand, abstract rule changes designed to “improve incentives” may disrupt tacit understandings, provoke emotional resistance, or in other ways produce consequences unintended by their authors. The adjustment of proposals to take into account local context and popular understanding; modesty concerning the reliability of our diagnoses and prescriptions; and a general preference for incremental development rather than silver bullet blueprints – these are the elements likely to do least harm. They could even assist the political leadership of a new democracy such yours to improve the workings of the venerable institution operating from Los Pinos, and might thereby somewhat enhance the quality of Mexico’s democracy.

## II. THE MANY (AND ERRATIC) VARIETIES OF PRESIDENTIALISM IN LATIN AMERICA

Fidel Castro occupied the presidency of the Cuban Republic continuously for around 45 years; Alfredo Stroessner lasted for forty years as the personal ruler of Paraguay. By comparison Porfirio Díaz served only 35 years (including a 4 year interlude when he governed Mexico through a proxy). Now entering his tenth year as the democratically elected President of Venezuela, Hugo Chávez expressed willingness, if the voters chose him, to outlast them all and serve until 2050, when he would be 95. (By a very narrow margin the Venezuelan electorate declined his generous offer). Juan Vicente Gómez only lasted in the same post for a mere 27 years, although (like Díaz) his political legacy included a passionate desire for alternation in office thereafter. Francisco Madero on the other hand, lasted little more than a year and was assassinated together with his Vice President when Huerta seized power. A fiction of legality was preserved when the Foreign Secretary succeeded to the Presidency as a preliminary to the elevation of the conspirator. Mexico has never since allowed a president to be displaced by his entourage. (The office of Vice President was never re-established). The President of the Bolivian Supreme Court, Eduardo Rodríguez Veltzé, took over in a crisis and organised elections in which he was not a candidate. Unlike most of his kind he left office with a very high popularity rating, having served for only seven months. After President de la Rúa was driven from office one year into his term, no fewer than four politicians briefly occupied the Casa Rosada—for a week or two at a time, until the Peronist party rebuilt itself and conferred family dynastic control to the Kirchners. In summary, then, Latin America has a long track record of presidential rule, ranging from the lengthiest terms of incumbency recorded anywhere in the history of the world (Castro has outlasted almost all hereditary rulers) to the briefest and most evanescent.

Some presidents were kleptocrats, others earned less than the average airline pilot. Some were freemasons, some were ultra-montanes, some confronted the church and even sought to “defanaticise” the population through anti-clerical education. Some nationalised foreign investors or even the domestic banking system; others privatised pensions and basic infrastructure, and gave direct control over economic policy to the wealthiest entrepreneurs they could enlist. Some entered into backroom

understandings with drugs traffickers, paramilitary forces, death squads, or indeed insurgent groups; others went on hunger strikes, risked assassination, or were driven into exile, because they would not betray their oaths of office or the trust deposited in them by the electorate.

Turning to questions of political organisation, not a few Presidents took office first, and organised political parties thereafter (Calles, Castro Peron, Vargas, Balaquer); more recently Chavez and —prospectively— Correa). Others rose through loyalty to a long-established and well-entrenched political party, which continued to exercise leverage over its President even after he had taken office (many Colombian presidents, Lionel Fernandez; most Costa Rican incumbents at least until recently; Paraguayan Colorados after Strossner; many Uruguayan presidents perhaps Lula; and perhaps Daniel Ortega and arguably the great majority of PRListas, at least until Zedillo —although this requires closer examination, in section III below). Then there are those who reached highest office through the support of political parties that they then discarded (like Rene Barrientos or Manuel Noriega or perhaps Sanchez de Lozada and of course, there are also others that had to operate in a political system characterised by inchoate structures with no reliable party base available either before or after their incumbency— Fujimori, Batista, etc.

Another feature of presidential authority concerns its relationship to the state security forces. Until the 1980s many (perhaps a majority) of Latin American Presidents rose to office at least partly via promotion within the armed forces. But there were also civilian Presidents who, with greater or less success, aimed to curb the autonomous power of the military. In the extreme case of Costa Rica, PLN Presidents abolished the armed forces – a course also pursued by Panamanian and Haitian Presidents in the 1990s. Mexican and Uruguayan Presidents often claimed their assertion of civilian control over the military as one of their historic achievements. Here too a wide variety of institutional configurations are possible, and even in the current period of constitutional democratic ascendancy quite a few presidents have to guard their positions against the possible dangers of military insubordination (e.g. in Bolivia, Ecuador, Guatemala, Paraguay, and perhaps even both Colombia and Venezuela). Apart from the extreme contingency of a coup, most Presidents need to devote some of their energy to cultivating support within the higher reaches of the armed forces (they may have a crucial influence over promotions), and to setting policy on arms procurement, defence spending, fo-

reign military ties, and the assignment of officers to politically sensitive security tasks, including anti-narcotics operations as well as border defence. Regardless of their formal powers. Ministries of Defence and congressional oversight committees typically provide inadequate monitoring and control, so that only the commander-in-chief (i.e. the President) has the real authority to settle major issues of security policy.

The routine subordination of Ministries of Defence to the leadership of the Latin American president/commander in chief is just one manifestation of a broader feature of presidentialism in this large region - in principle, and most of the time, the President and his office dominates over the rest of the Cabinet, the executive, and indeed the other political officeholders within the republic. There are usually formal rules that help to consecrate this dominance (the unqualified power of ministerial appointment and dismissal; the presidential power to declare states of emergency; the annual presidential "state of the nation" address; the power to propose and veto laws, including budgetary laws, etc.) But these are found in the US system as well, without necessarily producing the personalistic dominance of the chief executive that I have in mind here. That requires an additional set of ingredients - an informal and customarily established set of assumptions about how a strong president is expected to respond to a variety of challenges. Within the Mexican political tradition, for example, the contrast between the formally established powers prescribed in the 1917 Constitution and the additional "meta-constitutional" prerogatives exercised by all PRI presidents between 1929 and 2000, has frequently been noted. Since 2000 these informal powers have been radically curbed, leaving a constitutional office that is often hard-pressed to meet socially embedded expectations of assertive leadership. But, in truth, not all PRI Presidents were uniformly and equally dominant within the executive at all times. (The contrast between Carlos Salinas, and both his predecessor and his successor is sufficient to illustrate this point). More generally, as we shall see, many Latin American Presidents experience drastic fluctuations in their capacity to prevail over their cabinets and other nominees, even the course of a standard presidential term. The intensely fluctuating authority of such elected presidential figures as Salvador Allende, Raul Alfonsin, Fernando Belaunde, Francisco Toledo, and Humberto Mejia should serve to demonstrate this recurring pattern. Although the ideal of a strong and controlling head of state may be widely disseminated, it is accompanied by a widespread recognition

that such ascendancy is constantly under challenge, and may need to be reaffirmed through repeated demonstrations of resolve. And even this generalization about Latin American presidentialism requires qualification. The Presidential office in Costa Rica or Uruguay is far removed from that in El Salvador or Venezuela. Thus, there is both high volatility of presidential dominance within many political executives, and also great variability between executives in neighbouring republics.

In addition to these diverse internal features of executive organisation in the various states of the region, national officeholders also interact in contrasting and divergent ways with the other branches of republican government. Congressional-executive relations are a key focus of attention in the academic literature. There are others at this conference (including from IDEA) who are more expert on this topic than myself, so a brief overview will have to suffice here. Recurring themes in the literature include the dangers of a fixed term presidency, given that mid-term legislative elections may confer a more recent mandate, and thus convert the incumbent chief executive into a “lame duck”; and the complications of executive coalition-building, where a President may find it necessary to structure his cabinet to reflect the balance of shifting coalition majorities in the legislature, thus introducing party infighting into the heart of his administration. These are important general issues, but my stress in this section is on the variability rather than the commonality of Latin America’s models of presidentialism. Thus with regard to executive/legislative relations, at one extreme, we find examples like contemporary Ecuador (president Correa boycotted the congressional election and has no representatives in that body), and Venezuela (the opponents of President Chavez boycotted the last congressional election, so he has 100% support there). In other words, there are democratically elected presidents who either entirely control or entirely exclude the elected legislature. In the middle we find curious cases like the Dominican Republic, where the President and Congress are both elected for four year terms – but with a two year staggered timetable. Thus, for the first two years of his current term President Fernandez was confronted by a legislature dominated by followers of his discredited predecessor. For the second two years of the same presidential term he benefits from a legislative majority that is guaranteed to persist beyond the next presidential election whether or not he runs or is successful. Towards the other end of the scale we have the situation in contemporary Mexico (to be examined more fully in section III

below) where the bicameral Congress is learning to assert its considerable formal powers, and whoever is elected President can be almost certain that the two major opposition parties will outnumber his supporters in the legislature. Abstracting from all these institutional specificities, the overall pattern is that stable and co-operative executive-legislative coexistence is an exception rather than the prevailing norm. In democratic Latin America, as so often in the earlier history of these republics, a see-saw relationship (in which each branch of government strives to overwhelm the other) is more typical than the “checks and balances” clockwork imagined by the original theorists of the separation of powers.

According to such theorists, the necessary balance between executive and legislature was in the last resort assured by the activities of a third, non-elected, branch of government. The judiciary and in particular the Supreme Court or perhaps a Constitutional Tribunal, was envisaged as an independent guardian of a clash of competences, or to exert restraint if any branch of government attempted to exceed its designated powers. In practice here too we find an impressive range of alternative judicial configurations, with not much predictability attached to any of them. In Bolivia, at the time of writing, President Morales is attempting to replace un-co-operative members of the Supreme Court and the Constitutional Tribunal with alternative jurists more to his liking. In theory such nominations are the joint responsibility of Congress and the executive, but interim appointments are permitted if Congress is in recess. To avoid marginalisation the opposition-led Senate tried to continue legally in operation deriving the Christmas holiday, whereas the pro-government lower house closed its doors. Whether or not interim appointments would be legal in such context would be a matter for the judiciary to decide... except that it is the composition of the judiciary that is in question. Bolivia’s current tribulations may represent an extreme case, yet the broader pattern revealed by this anecdote is recurrent and widespread. The underlying issue is that all too often neither the contending political actors nor the general public can be relied upon to view their highest courts as neutral and dispassionate interpreters of a legal rule. Any politically controversial judicial decision will be interpreted, by those who benefit from it, as an incontrovertibly just and necessary ruling; but those whom it disappoints are all too likely to cry foul, to question the composition or professionalism of the court, and to assert that true justice would require the opposite decision. In some cases the judges in question lack all credibility and



barely attempt to disguise the opportunism of their rulings. Increasingly over the past twenty years, or so, however, a higher standard of professionalism and of jurisprudential conduct has emerged. (To my mind this applies to Mexico as well as to a number of other countries). But even where any fair-minded analyst ought to accept that the courts had ruled in accordance with the letter of the law, and were bent on doing their republican duty, it is notable that much commentary and opinion continues to interpret such rulings as the expression of some political interest or partisan preference. In such a climate the President who simply limits his conduct to strict compliance with the constitutionality prescribed procedures, and to unwavering application of the judgements of the courts, is likely to be viewed not so much as a model of republican virtue as an innocent, or a weakling, or a poor defender of his office. (Nevertheless, there are a few such Presidents—including certain former justices, who may see their terms of office as opportunities to instruct citizens in the merits of governing “by the book” or in rigorous accordance with the constitution and the law). Many different patterns of executive-judicial interaction are possible in Latin America. But once again “seesaw” behaviour, and lack of continuity, can be identified as prominent institutional traits.

Thus far, the picture of Latin American presidentialism presented here may be through discouraging. If our concern is with the “quality of democracy” many of the features outlined above would have to be rated as examples of low quality; lack of institutionalization; practices that would tend to generate insecurity and anxiety rather than social stability and predictability. But perhaps this cross-sectional sketch is too static and draws attention only to deficiencies. An alternative perspective might direct attention to the emergence of some countervailing trends, some incremental and long-run processes of institutional upgrading, and the progressive knitting together of hitherto unco-ordinated centres of power. Democratic institution-building can be expected to take time, to proceed in fits and starts, and to progress through error-correction rather than the foresight of the original designers. That, at least, is the view of those who work on Brazilian democratic development from a “state-crafting” perspective (a group of scholars with which I am loosely associated). If this is a tenable argument for Latin America’s largest republic, then perhaps it offers some guidance for the analysis of democratization in other countries as well (including Mexico). So what follows is a brief sketch of state-crafting and the upgrading of presidentialism in democratic Brazil. Early in the demo-



cratization process Brazilians elected Fernando Collor de Melo as their first President produced by universal suffrage. At that time the 1988 Constitution was barely in operation, the macro-economy was in disarray, the party system was inchoate, and the incoming chief executive displayed nearly all the faults of what O'Donnell then theorised as a "delegative democracy". Neither the federal nor the state-level institutions were capable of constructive co-ordination, and President Collor aimed to circumvent these deficiencies by decreeing a series of "shock therapy" remedies that only made the insecurity worse. His partial confiscation of bank savings, and the uncovering of a huge corruption scheme apparently intended to perpetuate him in office, led to his impeachment in 1992. The brief Collor presidency exemplifies all that I have outlined above under the headings of low quality and deinstitutionalised electoralism. By contrast, fifteen years later, when the Brazilian Congress unexpectedly refused to extend the life of a critical source of tax revenue, the executive accepted the setback with reasonably good grace. Zero sum conflicts between executive and legislature, or between federal and state authorities, have been replaced by complex webs of interdependency and (fairly often) positive sum compromises. In a far more orderly economic environment a somewhat more coherent party system supports the pursuit of relatively legitimate and predictable policy objectives implemented by fairly competent and stable specialised agencies. In synthesis, there has been cumulative progress since the 1988 constitution in building up a democratic presidential/parliamentary regime with lengthened time horizons, improved dispute resolution mechanisms, and somewhat greater transparency and accountability. This can be summed up in the phrase "democratic state-crafting". This is not a claim that all is well with Brazilian democracy, or that past improvements can be relied upon to continue, or even to survive. But it does offer some antidote to the idea that all Latin American republics are necessarily caught in a "low quality" institutional equilibrium trap. Other positive examples can be found – to some extent e.g. in Uruguay, perhaps also in the Dominican Republic.<sup>1</sup>

<sup>1</sup> It is customary to rate Chile at the top end of this scale, and there is no doubt that its democratic presidentialism is very highly institutionalised, by comparison with the other countries considered here. My reservation about the 'quality' of this democracy comes from a different source – too rigid an institutional framework can become an oppressive straitjacket, detaching the voters from their rulers. The Chilean case leads me to conjec-

This discussion is far from exhausting all the dimensions on which democratic presidentialisms can be compared and contrasted. There is also an extensive literature on presidential politics and the mass media; on presidential responsiveness to indicators of public opinion; on presidentialism and financing of electoral campaigns; on relations with the business community and other “*fuerzas vivas*”; and on the symbolic dimensions of presidential power projection. In all these areas it would be possible to produce further illustrations of the diversity of contemporary experiences across the Latin American region. But enough has been said to make the general point. It will suffice to conclude this section with reference to one very simple but fundamental aspect of incumbent behaviour – the comparative extent to which Latin American presidents serve out their terms of office (and no more).

Since 1934 every Mexican president has been scrupulous in serving a single full six year term of office – no less, no more. This highly predictable timetable constitutes an absolutely central feature of Mexican political life, both under one party dominance and under conditions of multi-party democracy. There are a few other republics (such as Honduras) where a similarly entrenched commitment to the constitutionally mandated political calendar can be observed. But, overall, these are limit cases, far removed from the general rule, either under authoritarian conditions or after democratic transitions. It is true that since the peace processes in central America that sub-region’s presidents have been almost consistent in serving their terms of office and then departing. But in the larger – and less US-dependent-democracies of South America the record is quite different. Over the past ten years four Argentine Presidents, three Bolivians and four Ecuadoreans have been driven from office by popular protests, impeachments, or breakdown of civil order, long before completing their constitutional mandates. The ousting of Fujimori in Peru after he attempted to perpetuate himself in office for a third term might also be included in this list. On the other side of the ledger the elected Presidents of Brazil, Colombia, and Venezuela all had the constitution changed once they were in office, not only to establish the principle of re-election in abstract (which could be a legitimate democratic measure to improve the rules of the game), but to benefit themselves as the incumbent heads of state, who

ture that such features taken to the extreme can present almost as much as an impediment to democratic accountability as a de-institutionalised presidential regime.

would thereby be allowed to campaign from the presidential palace for a further mandate beyond that to which they were originally entitled. The presidents of Bolivia and Ecuador are currently engaged in similar exercises of constitutional re-engineering to extend their terms of office. This is not in accordance with the democratic principle of “equal access”, because –however fairly conducted– the resulting electoral process confers a patronage advantage, and a prior presumption of entitlement, on one of the candidates at the expense of the others. The incumbent president is seen by many as having been “pre-elected” to an additional term by virtue of the constitutional reform, prior to the presidential election itself. This was the “pecado de origen” of the Porfiriato that led to the Mexican Revolution of 1910, and it was in repudiation of this practice that the slogans “Sufragio Efectivo, No Re-election” became part of the national political patrimony here.<sup>2</sup>

In conclusion, this section has presented evidence to demonstrate the very wide range and high variability of presidentialist political practices that can be found across Latin America, not only historically but also under contemporary conditions of so-called “Third Wave” democratization. Although the conventional political science literature has helped identify and calibrate some components of this variability, I believe it suffers from a certain myopia. It starts out from the extensive and in-depth study of the workings of presidential politics in the USA. Some of this is modelled in a manner that probably idealises the stability and functionality of the US system, but even if we assume that the foundational literature accurately characterises that particular variant of presidentialism, it deals with an atypical case. There are both domestic and external dimensions to the atypicality of US presidentialism. On the internal side, the political regulation of the system provided by the Supreme Court, and by an exceptionally highly developed structure of constitutional law and judicialization of politics,<sup>3</sup> has no real counterpart elsewhere in the western hemisphere other than perhaps in parliamentary Canada. There is a connection between this feature of the US system, and the USA’s exceptional international profile. No external hegemon, international legal authority, or foreign security imperative, constrains the discretionality of the US

<sup>2</sup> Alan Knight has compared this to the slogan of the US Progressives – “A Real Vote and No Boss Rule”.

<sup>3</sup> Of the US, 43 Presidents, 25 have been lawyers.

Presidency; whereas all other republican chief executives have to cope with potential external constraints, ranging from invasion, through economic sanctions, to international censure, and the encouragement of internal dissidence. No ex-President of the USA has ever gone into exile, or sought the support of external protectors, whereas until recently almost all Latin American incumbents have had to contend with the possibility of retaliation after they leave from office, and many continue to seek refuge or career protection from abroad. That behavioural contrast reflects a broader attitudinal difference. There is nowhere in the western hemisphere, outside the USA, where the President sits so clearly at the apex of a homogenising civic religion.<sup>4</sup> Hence, and given the rich and indeed confusing array of Latin American experiences outlined in this section, models of presidential politics derived from the US case are likely to be far more stable, predictable, conventional, and narrow than the western hemisphere norm. Thus, however much one may admire the special example of the USA, from a comparativist perspective too much reliance on its properties is likely to prove misleading when applied elsewhere. Models of presidential politics and institutional design drawn from this interesting but statistically aberrant example are unlikely to pass muster as sources of guidance and understanding when addressing Latin American presidential politics. Just as no-one would attempt to prescribe a “one right system” of institutional design derived from the Chilean constitution of 1980, or the Venezuelan constitution of 1999, so the distinctive structure and informal practices that has grown up around the US Constitution of 1787 has to be appraised in its context. There are comparative lessons to be drawn to be sure, but if they are overstated or inappropriately generalised the outcomes are likely to be far different from those intended or expected by the designers.

With this consideration in mind, let us now examine the specifics of Mexican presidentialism.

<sup>4</sup> There is evidently a fairly strong and quite homogenising democratic civic religion in Costa Rica, but this is a small face-to-face society, and the focus of unity is the electoral process, rather than the office of the presidency. For the Mexican case see Section III below.

## III. VARIETIES OF PRESIDENTIALISM IN MÉXICO SINCE 1917

On a literal reading of the 1917 Constitution, the powers of the Mexican presidency are relatively circumscribed, as compared to many other presidential systems. Not only does the Congress operate as a strong counterbalance at the federal level, the formal sovereignty of the constituent states of the federation also restrains centralised power. These are the “rules of the game” that emerged from the anti-Porfirian revolution, (and also that Madero’s failed presidency attempted to live by). But the long history of independent México is also characterised by an alternative conception of national leadership – a conception that in its most extreme (and also failed) versions can be labelled “imperial”. Iturbide and Maximilian exemplify this in its extreme version. So far, the most stable and successful variants of Mexican presidentialism have contained an elaborate balance between formal constraints on republican officeholders combined with extensive socially sanctioned meta-constitutional opportunities for assertiveness and personalised domination. As mentioned previously, Porfirio Díaz operated such a system of individual rule, disguised behind constitutional formalities, for 35 years. The PRI improved on this formula and institutionalised its ascendancy as a dominant party for twice as long. It overcame the key flaw in the Porfirian system (the irreplaceability of the top man) with a remarkably effective enforcement of the six yearly presidential term limit. But while this aspect of the formal constitution was elevated to an unquestionable imperative, many of the other restraining provisions of the 1917 Constitution could be circumvented with impunity, thanks to the discipline of the ruling party, and its endorsement of a series of meta-constitutional prerogatives for the President. What is quite exceptional here is the extent to which certain key rules (essentially concerning an unwavering commitment to a predetermined political calendar) could be not only routinised but in effect almost sacralised (raised above the realm of mortal control) at the same time that the non-sacred components of the “rules of the game” were rendered almost pure formalities or decorative embellishments. (in the English constitutional tradition there is also a key distinction made by Bagehot – between the “efficient” and the “decorative” aspects of that great edifice). So how was this stark separation established and maintained, and how might it be bridged in more reflexive and pluralist times? Renegotiating the delicate balance of such entrenched structures and ti-

meworn practices is not simply a question of rewriting an article of the Constitution, or issuing a new Supreme Court ruling. It involves a much broader process of collective deliberation and social persuasion.

The almost sacralised status of the Mexican political calendar provides a good entry point into this analysis. México's sexennial presidency can be largely defined by the alternatives it repudiates. No to dynastic rule. No to *continuismo*. No to *golpismo*. No to military deliberation. No to a divided executive. No to a term of office too brief or insecure for effective and durable policymaking. What converts these prudential maxims into an unchallengeable imperative is the entrenchment of the sexennial one term presidency within a reinforcing framework of political practices controlling the behaviour of all power contenders, and the systematization of the resulting temporal rhythms within an overarching republican doctrine.

The idea of a regular electoral calendar can be traced back well before 1917—to the 1857 constitution, if not earlier. Thus the first post-revolutionary presidential election held in September 1920, (with the incumbent taking office that December) was a reaffirmation of the four yearly electoral cycle that had prevailed before the revolution—even under Porfirio Díaz. It was the unavoidable obligation to hold another election in 1910 that precipitated the succession crisis that terminated his dictatorship. In a similar vein, it was the failure to find an electorally viable successor to the Constitutionalist victor, Carranza, that led to his flight and death, in April 1920, and thus to the first on-schedule presidential election of the post-1917 era. The key electoral innovation of the Revolution was to replace the indirect elections of the nineteenth century by direct elections based (in principle) on universal manhood suffrage. But under this system the voters were expected to ratify the outcome of prior intra-elite struggles for office, not to choose their own rulers (The Revolution had done that for them). Hence the sanctity of the electoral calendar was part of this ritual of orderly ratification—a reassuring demonstration that “Revolutionary Family” remained firmly in control. The reliable timetable of elections, annual reports to Congress, and general observance of pre-agreed institutional routines also provided a sense of discipline that served to contain the personalist excesses of individual revolutionary generals and other power brokers.

It took time (and a succession of crises) to stabilise this collective understanding. The assassination of Obregón as he attempted to secure

election for a second time (in 1928), and the exile of Calles when he tried to interfere with the decisions of his successor Cardenas (in 1935), were the pivotal moments in the conversion of the constitutional routine into a foundational principle of the post-revolutionary settlement. Of course these turning points were just the publicly visible and most dramatic demonstrations of more intricate and specialised processes of political statecrafting. At the federal level these concerned the construction of the PNR (later the PRI) and the extension of the “no re-election” rule to the Congress (thus elevating the nominating powers of the centralised ruling party above the indiscipline of the pre-existing legislative factions).

It is also important to bear in mind that at this time a great deal of the struggle for office and power was still conducted at the local level—in both state governments and municipalities—and that until the 1940s the electoral process was decentralised, with considerable scope for sub-national variations in the conduct of electoral processes. But here too, in principle at least, the electoral calendar and the no re-election rule were supposed to apply. As the PRI system of centralised dispute resolution and disciplined circulation of elites took hold at the national level it was also generalised and entrenched at these local levels – albeit with increasing acceptance of presidential direction and a “last resort” over-ride from the ruling party. Each state continued with its own separate constitution, and electoral processes were staggered, rather than co-ordinated to coincide with the national timetable. This probably added to the stability of the presidential system because an incoming presidency would start his incumbency needing to work with a large array of state governors who had come to office under his predecessor. Only gradually, as his six yearly term progressed, would the next cohort of governors owe their fealty to him. By the time he nominated his successor, his decision would be supported by a full slate of governors promoted on his watch. Thus, the sacralisation of Mexico’s electoral timetable built up not only at the federal level, but throughout the entire political system.

The six-yearly presidential nomination process was also hedged around with ritual and at times even with what might be termed reverence. It became reminiscent of the church’s apostolic succession (similarly justified by the need to protect a timeless institution from the vagaries of human mortality and factional intrigue). Although the analogy should not be pressed too far, there were elements of mystification and emotional blackmail involved in orchestrating a false appearance of unity around



the identity of the “tapado” that resemble Vatican obscurantism. In these more democratic times it would be easy to under-estimate the significance of this aspect of Mexico’s inherited civic religion of predictable calendrical presidentialism.

At the same time that the political chronology became so reliable, other aspect of Mexican presidentialism retained their power to shock and transform. A guaranteed six yearly term is long enough to invite forceful leadership and ambitious projects, and Mexican society expected each head of state to make a difference. It was believed that the challenges facing the nation could not always be addressed through routine administration or the forging of broadly-based alliances. A directly elected president in control of a dominant party and in possession of the political capital generated by the Revolution would also know that he would only have one term to make his mark. The nationalization of the foreign oil companies, in 1938; the purging of the union involvement in 1948; the brutal crushing to an idealistic student rebellion in 1968; the nationalization of the banks in 1982; the sweeping privatizations of the early 1990s; perhaps even the current involvement of the military in a war on narco-trafficking; these all share a common logic and structure of sexennial presidential assertiveness. No other source of power can compete with Los Pinos when it comes to mobilising such political energies. This helps to explain why the Presidency remains the “one big prize” in the Mexican political game – indeed perhaps more reliably so than in any other Latin American republic.

The Mexican president’s ascendancy over the armed forces, the police, and the security apparatus, counts for a great deal in all such trials of strength. In many other western hemisphere republics there is a question mark over just how far the nominal “commander-in-chief” can push his authority without encountering open resistance or disloyalty. Historically this was also one of the great constraints on Mexican chief executives. The revolution, the founding of the PNR, the promotion of “civilistas” after 1946, and the defeat of the “henriquista” challenge in 1952, all served to cumulatively overcome that source of danger. Of course, the Mexican military face no prospect of serious international military involvement. On the domestic side, in each crisis when a president confronts a challenger (the oil workers union, the Zapatista rebellion, the narcos) he also reaffirms his authority in the security area. One reason why Mexicans have high confidence that their Presidents will serve for the precise term

of office prescribed by the constitution (no more, no less) is that they feel they can rely on the security services to protect his safety, to obey him in an emergency, and to transfer their allegiance without hesitation to his legally designated successor. (This is not to disregard some other troubling issues of civilian-military relations, and the possible politicization of some agencies, but simply to put such issues in an appropriate comparative perspective).

Concerning the relationship between the President and the broader executive branch of government, there is no other republic with a single fixed-term six year presidency, and with no vice-president. No Mexican President since 1920 has been required to cede personal control over his office even for the briefest of intervals. (This unbroken succession of fully competent constitutional authorities is almost certainly a world record – far better than the USA, with its assassinations, vice presidential substitutions and interludes of presidential ill-health). This continuity of presence stabilises and co-ordinates the Mexican executive branch, but it does not necessarily signify what Cossío Villegas famously labelled “*el estilo personal de gobernar*”. Perhaps this applied to some periods and episodes (e.g. under Echeverría or Salinas) but more recent scholarship has tended to downplay the personalism of the Mexican presidency, and this revision of view can be reinforced from a comparative perspective. At least since Cardenas Mexico has had no equivalent to Chávez, Perón, or Vargas in the presidency. Indeed many of the great bureaucratic agencies of the Mexican executive (the Banco de Mexico, the Secretaría de Hacienda, Programación y Presupuesto, but also Agricultura y Recursos Hidráulicos, PEMEX, the CFE, etc.) are largely worlds unto themselves. The ability of the Head of State to co-ordinate, monitor, or meddle with these great agencies of government is highly constrained. He has important supervisory powers – it is the President who reports each year to the Congress on the labours of these agencies; he can always dismiss a minister (not much use unless he has identified a more loyal or more competent individual as the replacement). But these powers only serve his purposes if they are used judiciously. Any president is highly reliant on his team, can only occasionally reshuffle its composition, and may not possess all the information or expertise required to second guess a strong minister. Moreover, as his *sexenio* draws to a close, his ministers lose their dependency on him. Some compete among themselves to succeed him. Others seek favour from whoever seems most likely to take his pla-

ce, whereas still others seek alternative career options, perhaps as governors or congressmen, or in the private sector. Since his period of office is known in advance, so too are the limits to his powers both of patronage and of retaliation.

Then there is the relationship between the President and his party. (Of course this was the PRI until 2000, and the PAN thereafter). A comparison with the USA is pertinent here. Regardless of which party occupies the White House or controls the majority in the US Congress there exists two permanent, broadly based and at least partially autonomous representative institutions. They have their pragmatic and even ideological proclivities, their independent sources of funding. Their members select candidates to office through primaries and party conventions that are not essentially controlled from above. After all, neither the US Democratic Party nor the Republicans can be sure whether they will be in government or in opposition in the next period. They have therefore developed party structures that are independent of the state apparatus. The contrast with the PRI in its ascendancy is particularly notable. There was a brief period in the 1940s when party primaries were allowed, but these gave rise to such intense factional conflict that for almost a half century after 1951 party nominations were managed from the top down. The President of the Republic *de turno* appointed the President of the Party, and the latter transmitted instructions “from the palace” to the ruling party. It is true that governors also exercised similar powers over the party at the state level, and that rival groups were encouraged to bide their time from within rather than to break with the party and challenge constituted authority from without (always a perilous option). It is also true that as each President gave way to his successor the party also moved on. In one sense it was a continuous institution, although in another it was really a transmission belt for a succession of quite distinct presidential political projects. At any rate the dominant party never exerted real restraint on the options chosen by the President, although this became an increasing issue of concern to many PRIlists after the end of the Salinas presidency (under his successor the party established “candados” aimed at curbing the autonomy of the so-called “technocrats”, and also reintroduced party primaries, although it can be debated whether these reforms durably limited the top-down discretionality of the party leadership).

The PAN was always more of a programmatic party than the PRI, so one might have expected its capture of the Presidency to signify a radi-

cal shift towards the US-model of presidential-party relations. But many observers consider that since 2000 the PAN has struggled to define its role as something different from the traditional PRI. Certainly its history and interests are distinct, but neither in policy nor in personal terms has it proved easy for the current President's party to break free from the habitual expectation that it should serve as an instrument of incumbency. If the PRI were to return to the Presidency there are ample grounds to anticipate that it might be likely to revert to its traditional posture, and the PRD also displays similar tendencies.

However, perhaps this overstates the continuity between dominant party rule and the current apparently entrenched three party set-up. The area of clearest contrast between the two periods concerns executive-legislative relations. Since 1997, and in contrast to the pattern prevailing consistently for the previous seventy years, Mexican Presidents have all found themselves co-governing with congressional majorities composed of opposition parties. There is every sign that this pattern will continue into the indefinite future, regardless of who wins forthcoming presidential contests. Back in the mid-1920s the Congress had exercised a considerable degree of autonomy – which was partially attributable to its constitutionally granted power to validate its own election. This faculty was transferred to the IFE in the 1990s, but other aspects of the 1917 separation of powers have returned to the forefront as the PRI's extra-constitutional system of discipline has been dismantled (at least at the federal level). Consequently Presidents Zedillo/Fox/ and Calderon have all found themselves surprisingly at the mercy of Congress, after generations in which it was downgrade legislature. The President can be refused permission to travel abroad; his budgetary and tax raising power are poorly defined and weaker than in most republics; many critical reforms involve constitutional amendments and therefore require a two-thirds majority. In short, since 1997 Mexico has “seesawed” from a condition of exaggerated presidential dominance to one of unusually forceful legislative co-government. Workable mechanisms of bargaining and dispute resolution are still quite untested and incomplete. (Presumably this conference is motivated in part by concerns on this score). The resulting disequilibrium in federal policy-making is aggravated by the consolidation of a roughly three party system, with strong inter-party antagonisms that are reinforced by the almost constant succession of electoral contests

(with congressional mid-terms, staggered timetables for the major governorships, etc.).

Thus, on the one hand there is a socially legitimate expectation of a strong (or at least a coherent and effective) presidency; but on the other hand the legislative now possesses some very considerable veto powers. A hitherto rather docile judiciary has found itself increasingly called upon to reinterpret the terms of the constitution and to arbitrate between the conflicting branches of government. Section IV below will consider more fully the potential and pitfalls of this method of circumventing veto points, and will also review various alternative possibilities for tackling emerging institutional blockages and imbalances. But before turning to that conclusion we need to complete this survey of Mexican presidentialism with brief observations about the Presidency and the state governors; the presidency and public opinion; and the changing roles of the intermediaries who shape public opinion, the media – and the “*fuerzas vivas*” who may finance electoral contests. (In principle one might anticipate that a skilful chief executive might be well placed to mobilise these additional sources of support, and thus bolster his authority by comparison with the Congress).

Until 1989 every state governor belonged to the ruling party, and therefore owed a debt of allegiance to their national leader, the incumbent President of the Republic. This situation gradually changed during the 1990s, until today the great majority of governors (including the head of the Federal District) belong to parties that are in opposition to the President. The most important of these see themselves as political rivals as well as potential successors to the occupant of Los Pinos. The head of the Federal District, in particular, is now strategically placed to act as a national “leader” of the opposition”. The governor of the largest state (the Estado de Mexico) is similarly placed. Even state governors who belong to the same political party as the current President may well see themselves as his competitors for control of their party rather than as their natural leader. Thus the “seesaw” between President and legislature is equally in evidence when we consider relations between the federal executive and the state-level counterparts. At the same time all governors (regardless of party) have a strong interest in establishing some kind of understanding, and indeed a good working relationship with the federal authorities. Once again the balance between co-operation and rivalry is

still being worked out, and here too the judiciary can find itself required to break the logjam.

There is also a growing role for an informed public opinion, and a more independent-minded electorate to redress the balance of the “seesaw” tilts too far against an incumbent President. In Mexico, as in most countries, the Presidency offers a powerful “bully pulpit” from which a seasoned politician can reach out beyond the political class to redefine the issues and to mobilise a wider public for his cause. At the same time a head of state who mismanages this channel of communication can severely undermine his effectiveness, and can even bring about his early downfall. Whereas PRI rulers such as Díaz Ordaz were sometimes able to suppress dissent and curb criticism, the old instruments of censorship and intimidation have long since faded away. Even López Portillo and Salinas relied more on speaking to the electorate than on silencing them. President Fox, under democratic conditions, took a risk when he flirted with the “desafuero” of López Obrador as a contender for the 2006 presidency; but eventually he regained the initiative and won the communications battle, leaving office with a surprisingly high personal approval rating, despite his disappointing performance as the head of state. President Calderón also needs to cultivate popular support and understanding, given both the controversy over his initial election victory, and the many institutional tripwires he confronts.

To some extent public opinion can be directly accessed from the office of the presidency, but much also depends upon the activities of intermediaries – the press, the broadcast media, the providers of political finance and more generally the “fuerzas vivas” of Mexican society. When I began studying Mexican politics in the 1970s all of this seemed heavily orchestrated by the ruling party and its national leaders. Thirty years later all these intermediaries are much freer to pursue their own convictions (and interests). The recent enactment of the so called “Ley Televisa” has been viewed as a major indicator of the growing power of the privatised media. New rules on the public financing of electoral campaigns may further diminish the ability of elected politicians to control the messages they transmit, and to counter the criticisms they receive. At a time when quite a few Presidents in Central and South America are regaining a degree of control over antagonistic intermediaries, Mexico currently stands out as one of the clearest instances of diminishing executive authority in this area. One way to chart this progression is to trace the evolution of

coverage of the annual presidential address to congress over the past ten years. This tracks the broader shift from an imperial presidency to that of the contested discourse of a prominent citizen and officeholder.

Now that we have completed this sketch overview of the distinctive features of the Mexican presidential system we can turn to the final segment of this paper – what are the best options for a reform and upgrading of existing practices?

#### IV. ALTERNATIVES FOR A MORE DEMOCRATIC MEXICAN PRESIDENCY

This concluding section of the paper is much more provisional than the preceding parts. It is likely to be rewritten as a result of the ideas discussed in the February 2008 conference. In its present form the intention is to use the preceding analysis to derive some suggestions about alternative possible routes to a strengthened democratic presidentialism in Mexico. My aim is not to set out a single integrated blueprint for a new political structure. As already indicated, I am disinclined to believe in the existence of any “one right model” that deserved to be generally transplanted without regard to already existing local practices and conditions. My stress will be on incremental adjustments, and “trial and error” experiments in democratic state-crafting, rather than on Napoleonic coherence and wholesale innovation in accordance with rationalistic principles. Nevertheless, any prescriptive suggestions require a prior diagnosis, and needs to rest on some overall view of how the various components of a political system work together. My analysis of the Mexican case (Section III above) has identified a number of distinctive features that may be rated as virtues of the system and that accordingly should not be put at risk. I have also characterised the present state of affairs as incomplete and untested. The case for incremental change and experimentation rests on the supposition that current imperfections require correction. The wide array of Latin America alternatives outlined in section II can provide us with a variety of possible areas for reform, including some constructive examples as well as many errors worth avoiding. This section will therefore proceed by reviewing what most deserves to be preserved in the current system; then where the most urgent demands for reform are located; then what partial improvements may be worth most careful consideration; and finally what mistakes it is most important to avoid.



Mexico's strong commitment to a highly predictable electoral calendar, and the expectation that all officeholders will complete their terms and then depart, are precious advances toward a well-institutionalised democracy and should not be jeopardised. Civilian control over the military and the security forces is a vital accomplishment. There are merits in the existing unity of the federal executive (no Vice-President, no Prime Minister) which should not be lightly sacrificed given the instability that could arise if one part of the sexennial political establishment were to be mobilised against another. The separation of powers, and in particular the pluralism engendered by state and municipal autonomy is also a democratic advantage that deserves to be preserved and further developed. Trustworthy specialised state institutions also need to be strengthened and perfected, not dismantled (even though the IFE, the Bank of Mexico and the Supreme Court have all become the target of opposition criticism, some of it well-founded). Freedom of association and freedom of expression are also vital and should be not only preserved but extended and reinforced (see below on reforms). With regard to human rights and citizen security the present situation is far less satisfactory, but there have been improvements in both areas over the past twenty years, and these need to be conserved (and extended).

As we proceed through this list of characteristics worth preserving we soon run into adjacent areas that are in fairly urgent need of improvement in terms of urgency the agenda for reform is roughly as follows: The electoral process is not consensually viewed as legitimate. The public is bombarded with political promises generated by a constant succession of electoral campaigns, but the "no re-election" rule means that officeholders cannot be held to account by the electorate at the end of their mandates. The separate branches of government are not adequately co-ordinated. The balance between the initiative – taking and power-checking component of the system has been tilted towards obstructionism.

There is an increasing risk that the office of the presidency may be undermined, despite its central role in Mexico's collective political imagination. In synthesis the current system is not generally viewed as satisfactory, and there is a strong demand for reform. In order to assess the reform agenda it is necessary first of all to decide what features of Mexican presidentialism cannot or should not be changed. Then we need to identify the aspects of the current structure that require improvement. What, precisely are the defects or dangers that any reform is supposed to

mitigate? Third we need to consider whether the problems identified can be corrected at reasonably low cost (i.e. with limited dangers of unintended consequences, or adequate scope for review and reversal if the remedy proves worse than the disease).

I suggest that there are three main areas of difficulty where limited reforms to Mexican presidentialism are worth considering. The first is the legitimacy and precision of the electoral process. This has already been addressed via the current electoral reform, and although further adjustments may be needed, my conclusion is that it would be best to wait at least another six years to see how well the existing arrangements can be made to work, before revisiting that aspect again.

The second concerns what I have termed the “seesaw” relationship between Congress and the federal executive. I will focus these comments about the “deliberative” as distinct from the “decisional” aspects of the governmental process in a high quality democracy.

The third topic is not at present so directly at the centre of the policy debate in Mexico, but I believe that it lurks in the background, helping to explain both the problems of electoral legitimacy and the friction over executive/legislative relations. This concerns the public frustration and disappointment arising from the discovery that —at least so far— the process of transition from authoritarian rule to multi-party democracy has not opened the way to more avenues of popular participation or citizen involvement. Even if the electoral process was put beyond reproach, and the congress turned out to have established a co-operative and effective policy dialogue with the executive, there would still be danger from the charge that the professional politicians had constructed a closed political game (a “partidocracia”) designed to screen themselves from inconvenient intrusions of “the people” into their prerogatives as custodians of the governance of the republic.

If this is an approximately correct assessment of the current situation what aspects of the reform agenda improvements deserve priority attention? The recent political reform has attempted to restore confidence in the electoral process in general, and in the IFE in particular. This is rightly seen as an urgent concern, not least because a failure to establish confidence in the integrity of the 2009 mid-term Congressional elections could be disastrous, coming on top of the disputed 2006 presidential contest. It remains to be seen whether the electoral authorities have been defanged by the parties they are supposed to supervise; whether the broad-

cast media will improve their service to democracy now that the flow of public financing into their coffers has been reduced and reallocated; and whether the horse-trading over these reforms will be seen by the voters as an expression of coalition-building and inter-party co-operation, or as a manifestation of disregard by the political class in its entirety for the view and interests of the wider public. But, however well these particular reforms turn out, they only address a fraction of the pending issues. A further reform that might be quite helpful concerns the idea (now adopted) of co-ordinating the schedules for all state and federal elections so that in each calendar year there is only one election day. This could to some extent alleviate the problem of the endless succession of electoral contests, that leave so little space for settled policymaking between elections. There could also be improved procedures for bargaining and conflict resolution between branches of government (e.g. more stable protocols – regulating the annual budgetary cycle), and better co-ordination between the federal cabinet and the state governments. There are all elements of formal “state-crafting” that could (to a modest extent) improve the functionality of Mexico’s democratic presidentist regime. However, repeal of the “no re-election” rule, or the establishment of a parliamentary/presidential regime (e.g. with a prime minister appointed by the President but answerable to the Congress) would represent much more drastic and potentially destabilizing innovations. It is only if the informal climate of political expectations and understandings is extensively prepared in advance that rule changes such as these could be expected to deliver the benefits claimed for them by their advocates.

Others at the UNAM conference have examined a variety of devices intended to strengthen the mutual interactions of Mexico’s executive and legislative and to promote stable co-operative relations within a framework of “renovated” presidentialism. These proposals range from granting the executive various new rights (to expedite a certain number of legislative proposals per session, and to veto spending bills, etc.) to granting new powers to Congress (to ratify the appointment of key government ministers, and if need be to censure them, etc.). There are also proposals to abolish unnecessary and archaic practices that create unnecessary friction (such as the President’s need to request permission from Congress before travelling abroad). The common characteristic of all these proposals is that they concern rules of control – each party cedes certain legal powers of decision-making to the other, in order to smooth

decision-making and align incentives in favour of co-operation. I find various of these proposals promising, and note that they can be introduced experimentally and incrementally. So they fit within the general template of the approach that I favour, and others can assess better than me the best sequence and the precise content of each adjustment. What I would like to add to this discussion is a complementary consideration, not an alternative. Democratic theory has recently shifted emphasis from the mechanisms of legislative decision-making to the broader issues of persuasion, education, and value discovery that can be summed up under the term “deliberation”. My proposal is that initiatives promoting executive-legislative deliberation could reinforce initiatives directed to more harmonious methods of crafting legislation. What follows is an illustrative suggestion intended to flesh out the deliberative framework. The details can readily be varied, it is the deliberative principle of mutual enlightenment that counts.

Let us start with the idea that the existing annual report of the President on the state of the nation no longer serves its traditional purpose. It is not an exercise in decision-making, but rather one of persuasion, education and agenda setting. How might these deliberative objectives better be served under a renovated system of democratic presidentialism? The existing presidential report covers all the main activities of the executive as a whole, with the President assuming personal responsibility for a host of matters that are not, in fact, his central concern. An alternative would be to arrange for each minister to present a periodic (probably but not necessarily annual) account to Congress of the work of that particular branch of the executive. I would recommend that this innovation be combined with an increased role for congressional committees, so that for example the Secretary of Tourism would present his report to a specialised subset of congressmen, composed of those who had chosen to make tourism one of their areas of expertise. The hearings might take one or more days, and might include the cross-examination of select witnesses, both from the ministry and from the social organisations most active in the sector. At the end of the hearing the congressional committee on tourism (or agriculture, or mining, or defence, etc.) would draft a brief evaluation of the ministerial report and associated evidence. This would not be a vote of approval or censure, but rather a concise summary, noting achievements, intentions, disappointments and (where necessary – but not as the main objective) failings. The report could include recommen-

dations for future improvements or shifts in priorities. It would be sent for debate and perhaps revision, to the Congress *en pleno* (both the lower and the upper houses). The final corrected text would then be passed to the President for his consideration. The President would not be expected to respond in detail to every report as it arrived, but he too would have a periodic opportunity to report to the Congress (this time *en pleno*) on the series of evaluations and suggestion he had received across the whole range of ministerial offices, and the broad strategy he was pursuing in the light of these congressional deliberations. It would obviously be possible to associate this process with votes of censure directed against individual ministers who were judged to be failing in their duties, but if the process of confidence building and informal evaluation gained authority such “disciplining” responses would become secondary and last resort. Thus the danger of irresponsible *asambleismo* might be conjured, and replaced by the prospect of mutually enlightening dialogue between executive and legislative. This formula could enhance the accountability of individual ministers without breaching the crucial (and in Mexico highly valued) principle of a unitary presidential-led executive. It would also enable congressmen to demonstrate to their electors that they were focussing their attention on serious and specific questions of public policy. And it might raise the level of public debate and understanding (e.g. relevant extracts from the hearings and reports could be broadcast live on a dedicated public television channel).

This reference to public education brings me to the third topic where innovations might stabilise a renovated and more democratic presidentialism. If the electoral calendar has been sacralised and is not to be tampered with, then the President cannot be granted power to dissolve Congress. Nor can Congress be granted the right to impeach the President. Better electoral transparency and more co-operative executive-legislative relations could reduce the dangers of direct confrontation between these two rival expressions of popular sovereignty, but in the end they may still clash. So some last resort system of tie-breaking may be required to deter the two branches from pressing their disagreements to the extreme, and to generate a binding decision when all attempts at conciliation and compromise have come to naught. In very limited circumstances the judiciary may be required to provide such arbitration (as in the question of the Presidential right of veto over spending bills). But the courts need to be kept out of political disputes, except where some very precise constitutional

ruling is at stake. It is the electorate, rather than the judges, who should be the ultimate tie-breakers. But under the no re-election rule, Mexican voters are deprived of the chance to approve or withhold support from politicians by granting them a second term.

Finally, therefore, I would like to conclude this provisional survey of possible alternatives by drawing on the second section of the paper, to highlight a range of dangers well worth avoiding. Although a case can be made for the convening of a Constituent Assembly to rewrite the constitution as a whole (a measure that proved productive in Brazil in 1988, for example) this is not a step that should be taken lightly, and not one likely to work well in the current political climate in Mexico. Recent experiences in South America have shown that such conventions, rather than laying the foundations for a permanent new political order, can actually generate insecurity and polarisation. Mexico would do better to negotiate partial and incremental reforms within the rules provided by the 1917 Constitution, rather than attempting a *tabula rasa* that would probably stimulate greater confrontations and worse design errors. The priority should be to make the 1917 system work to its full potential (not something attempted between 1928 and 1996). Within this framework it would still be possible to operate a different set of presidential rules. For example, the original design was for a presidential term of only four years. It might also be possible to consider the reintroduction of the office of the Vice-President (so that if the voters wished to continue on the path set by the executive in particular term they would have the option of selecting the incumbent's running mate as his successor). This might be a better way to combine the possibility of continuity with the benefits of limited terms. Whether a four or a five year presidential term should be associated with the possibility of a single second term, either straight away for after a one term interval, is less clear to me. I find it easier to envisage this rule change (which is quite common in the rest of Latin America) than a parliamentary/presidential option (which seems to me too drastic a break with Mexican ideas and experience of presidential leadership). But the "no re-election" tradition is also very compelling, especially as regards Presidents and state governors (Congressional re-election with term limits could improve the professionalism accountability, and career structures of Mexican legislators and thus perhaps reduce the frictions arising from excessive veto playing). Above all, however I would recommend that any change to the re-election rule should not take

effect until after those who introduce it have left office. This is a crucial difference from the prevailing practice in the rest of Latin America, and is essential if Mexican public opinion is to be persuaded of the long run system's collective interest benefits of such a reform.

My proposal to allow the electorate last resort tie-breaking role is as follows: It would be necessary for the two sides to invoke a specific "irreconcilable differences" procedure that could only be triggered once in every three year congressional term. Both executive and a simple majority in the legislative would have to agree that the issue in question should be accorded that status.<sup>5</sup> They would then have to draft a very precise definition of the policy agreement in question (for example, a detailed law, ready for enactment, on the reform of the energy sector, or whatever). So the question put to the electorate would be a clear and consensually agreed choice along the following lines. "The government recommends the enactment of the attached law. A majority in congress believes it should not be enacted. The electorate is invited to vote "yes or no". The IFE could be assigned the task of ensuring that both sides of the issue were presented to the voters in a balanced way, and that the importance of citizen participation was broadcast through the media. The decision of the voters would be accepted in advance as binding provided some reasonable threshold of electoral participation (say 25% of the registered voters) was achieved. If the turnout was below that threshold the law would not be enacted.

The objective of this mechanism would be to give the electorate a sense of involvement and responsibility concerning the most controversial questions in dispute between the executive and the legislative. But it is designed to avoid excessive and irresponsible plebiscitarianism. In most cases the two branches would have a strong incentive to settle their differences by compromise rather than risk repudiation by the electorate. The mechanism could only be used once in every congress so only the most crucial and otherwise insoluble issues would be suitable for its application. The law in question would have to be carefully drafted and fully debated before the voters had their say, so irresponsible plebiscites on poorly defined issues should be avoided.

<sup>5</sup> It would be possible to provide that only one side needed to declare irreconcilable differences in order to trigger this mechanism. My proposal is more cautious and consensual. It should be tried first, but could be reconsidered in the light of experience.



It may be asked why Mexico should be expected to establish a mechanism like this, when nowhere else in the world has such a practice. There is no reason why Mexico should not be in the vanguard in establishing responsible mechanisms of direct democracy, just as it innovated with the IFE. The specific characteristics of the Mexican presidential tradition - a sacralised calendar a six yearly presidency with no re-election creative distinctive possibilities of executive-legislative deadlock, and therefore also provide incentives for creative innovation to overcome immobilisation and to build new links between electoral politicians and their voters.

Finally, all these suggestions refer to executive-federal relations at the national level. But a large amount of public policy is made by state governors, who are no longer subject to strong controls from the centre and who may not belong to the party occupying Los Pinos. A balanced political reform and a renovated democratic presidency no doubt requires that the mechanisms of power sharing and conciliation established at the federal level are also replicated in the states and the D. F. otherwise the party controlling the presidency may be hobbled, while the party in controls most of the governorships remains free at that level to practice the old *prepotente* style of pre-democratic Mexican politics.