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Presidential Power and Democracy in Mexico

by

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## **Abstract**

Between 1929 and 2000 Mexico was ruled by the PRI's authoritarian regime under which the presidency was regarded as extremely powerful. Accordingly, many observers considered that the country's democratic transition (1988-2000) weakened it. As evidence, they often point to the loss of its informal powers: the incumbent's ability to appoint his successor and to remove governors. The present thesis examines this notion by addressing the question of *how presidential power has changed after the transition*. It argues that while its formal dimension essentially remained unchanged, its informal dimension underwent a process of institutionalization. I conceptualize this development as a self-binding process whereby the presidency abdicated its informal powers in favor of new democratic institutions –the Federal Electoral Institute and the Electoral Tribunal of the Federal Judiciary- which carried out the same functions. In short, contrary to what many observers argue, democracy did not weaken the presidency, but rather transformed it.

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Rien ne se perd, rien ne se crée, tout se transforme.

-Antoine Lavoisier, Traité élémentaire de chimie.



## CHAPTER ONE: INTRODUCTION

The advent of the ‘third wave’ of democratization inspired a large volume of scholarship on the reconfiguration of executive power in Latin America. Two starkly different outcomes are the most stressed by scholars, the first being weak presidencies whose power migrated to other political actors. According to Mainwaring this is the case in Brazil, where a combination of a highly fragmented party system and a robust federalism made it difficult for the post-1985 presidents to enact their agendas (106). The second is, paradoxically, strong presidencies with extensive powers. For O’Donnell the leading example is Argentina during the 1990s, when the executive ruled by decree overriding both the legislative and the judiciary (*Delegative* 3). In order to contribute to this discussion I conducted a study on Mexico. Specifically, the research question I pursued was: *how has presidential power changed after the democratic transition?* The answer provided is that it decreased, yet that that is secondary to a more significant development: the institutionalization of its informal powers. Specifically, I argue that the president abdicated the extralegal powers to appoint his successor and to remove governors in the context of a postelectoral conflict in favor of the Federal Electoral Institute (IFE) and the Electoral Tribunal of the Federal Judiciary (TEPJF) respectively. I conceptualize this development as self-binding, this is when an actor that normally wishes to expand his authority prefers instead to limit it as a mean to an end.

I chose Mexico for two reasons that make it a critical case in the Latin American context. First, there is its long institutional tradition. The last military coup in the country took place in 1913 when president Madero was deposed and executed by a conservative-military plot; moreover, since 1934 all elected presidents have completed their

constitutional terms. These two characteristics set Mexico apart in a region where most other countries experienced recurrent institutional breakdowns or deep constitutional crises during the 20<sup>th</sup> century. The second reason is the nature of its authoritarian regime; this was a hegemonic party whose acknowledged leader was the sitting president. Put together, the stability and centrality of its presidency make Mexico a prime testing ground in the region for the theories of presidential power.

Much of the literature on Mexican politics in transition that deals with the presidency (particularly that by Mexican scholars) uses traditional theoretical frameworks: those based on the analysis of formal institutions, executive-legislative relations, and the constitution. Thus, this scholarship favors the rate of success of executive-sponsored bills as a measure of presidential power. The rate declined dramatically after the transition from which it would follow that democracy had an extremely negative effect on the presidency. I contend this is a narrow view which does not acknowledge two facts. First, that fluctuation of partisan support in the legislature for the executive is inherent to any democracy. And second, and more important, that the chief powers of the authoritarian presidency –the free appointment of his successor (the *dedazo*) and the removal of governors (the MPRG<sup>1</sup>)-were informal in nature.

In view of this, we need to resort to an alternative methodology to the traditional theoretical frameworks to account for the changes experienced by the presidency during the transition. This is particularly true when it comes to the institutionalization of its informal powers which, I argue, is the most significant and yet largely overlooked.

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<sup>1</sup> The acronym 'MPRG' stands for Metaconstitutional Power to Remove Governors. The term was first coined by Jorge Carpizo. In my opinion the prefix 'extra' would have been a better choice since it conveys the meaning of 'outside,' while 'meta' of 'higher.' However, due to the widespread use of Carpizo's term among the journalistic and scholarly communities I decided to stick to it.

Following Elster, who asserts that when a politician considers that certain tool is too dangerous –or certain value too important- to be subject to his control he may prefer to abdicate it, I contend that the president gave up the *dedazo* and the MPRG in favor of the IFE and the TEPJF respectively (*Ulysses* 90). This was a response to the increased electoral competition that raised to prohibitive levels the enforcement cost of the informal powers. In this way, their basic functions under the authoritarian regime –the succession of the executive and the pacification of local conflicts- were transferred to new democratic institutions. By doing this, the president committed the opposition and local political bosses to institutionalized politics at a time when these actors became stronger and increasingly anti-systemic in the defense of their interests.

The abdication by the executive of sensitive functions is a common strategy to attain objectives, and it is observable in a number of countries. Such is the case of those governments that opt to give up the control of monetary policy to autonomous central banks. Mexico itself is an example of this. Indeed, in an effort to achieve long-term economic stability, ex-president Carlos Salinas (1988-1994) granted complete autonomy to the Bank of Mexico (BM). Starting from 1993, “no authority can order the central bank to concede financing.”<sup>2</sup> This decision was taken due to the memory of the disastrous economic crises that followed the administrations of Luis Echeverría (1970-1976) and José López Portillo (1976-1982), prompted in good deal by their irresponsible use of the BM funds (Maxfield 100). By giving up control of monetary policy to the BM, Salinas secured economic stability better (more credible) than by retaining the power over monetary policy himself.

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<sup>2</sup> Article 28 of the Constitution.

The following chapters develop the same argument for the cases of the dedazo and the MPRG. Chapter Two introduces the traditional theoretical frameworks for the study of presidential power, as well as the alternative methodology I followed which addresses its informal dimension. Chapter Three analyzes the Mexican presidency before and after the democratic transition. In it I demonstrate that during the authoritarian regime the presidency was weaker than commonly assumed, since it heavily depended on partisan support at the legislature and its chief powers were informal in nature. I also demonstrate that these powers were the only ones that significantly changed through the transition as the formal ones remained the same. Chapters Four and Five respectively explain the democratic reconfiguration of the dedazo in the IFE and the MPRG in the TEPJF. Finally, I offer some concluding thoughts in Chapter Six.

## CHAPTER TWO: ON PRESIDENTIAL POWER

The analysis of presidential power has progressed through time. An initial theoretical framework was laid out in 1960 by Richard Neustadt in his seminal study on the US presidency: *Presidential Power and the Modern Presidents*. A second one, highly influential and here referred to as ‘constitutional-partisan,’ was originally conceptualized by Shugart and Carey in *Presidents and Assemblies* and later modified by Shugart and Mainwaring in *Presidentialism and Democracy in Latin America*. In this chapter I review them in order to set the theoretical foundation for the following in which it will become evident their insufficiencies to account for the changes underwent by the Mexican presidency during the democratic transition. To fill in the gaps I propose Helmke and Levitsky’s informal institutions theory whose core principles are explained in detail. I conclude the chapter with a brief look at the state of the literature on the reconfiguration of executive power in recently democratized countries of Latin America and Eastern Europe.

### **The Neustadtian framework**

In his study, Neustadt considers presidential power to be the president’s power to persuade other political actors, rather than his formal authority. For this author, the separation of powers established in the American constitution renders in practice a government of separated institutions sharing them. Thus, in most situations the president is not able to do what he wants simply by giving orders, having to resort to his persuasion skills to convince others that his interest is theirs and theirs is his. From this perspective, presidential power would be visible, for instance, in the incumbent’s ability to make deals with Congress.

The Neustadtian framework considers three sources of presidential power. First, the president's personal and institutional persuasion ability, which is more than charm or reasoned argument as it may include threats or other resources of the kind. Second, his reputation regarding his ability and determination among those men from whom he requests something; indeed, the president should be able to demonstrate that he has the skills and the will to back up his word. Third and last his public prestige, since legislators and other politicians care for the president's public standing; however, Neustadt warns that "what happens at the Capitol rarely will reflect the full extent of his apparent popularity" (76).

Neustadt's *Presidential Power* came as a dramatic departure from the previous paradigm set by Corwin in 1940, who defined presidential power as the set of legal possibilities made available to the president by the Philadelphia Convention. Kenneth R. Mayer explains the dismissal of this legalist view due to the late fifties behavioral revolution, which laid emphasis on explanation rather than description in the study of politics. Afterwards, he explains, political scientists engaged more in explaining and predicting the behavior of actors and agents, and less in the static analysis of institutions (Mayer 13). This theoretical revolution meant a shift in focus in the study of the presidency, moving from its legal dimension to its personal. From then on, the incumbent's style, rhetoric, biography, personality, leadership, wardrobe, moustache, etcetera, became objects of study and the true clues to presidential power.

For Mayer, Neustadt's work "came to dominate presidency studies as few books have dominated any field of scholarship" (12). However, it was not free of critics who complained that it belittled the legal and institutional foundations of power. For instance,



Sperlich argued that it underrates command and overrates persuasion, and that if Neustadt had selected less dramatic illustrations a more positive image of command would have emerged (185). Likewise, in 1979 Pious contested in his own study on the American presidency that “the fundamental and irreducible core of presidential power rests not on influence, persuasion, public opinion, elections, or party, but rather on the successful assertion of constitutional authority” (17). More recently, Mayer and Weko revisited Neustadt’s classic in light of contemporary research, concluding that it overlooks two facts not as evident back when it was first published: 1) presidents do not consider the powers of their office as fixed and can expand them; and 2) they can influence others by reshaping the institutions within which these men act.

### **The constitutional-partisan framework**

The critiques against Neustadt form the basis for the second distinctive way of thinking of presidential power: the constitutional-partisan. This framework regards it as the ability of the executive to get his legislative agenda enacted. There are two ways to achieve this: constitutional authority over legislation and/or partisan support at the legislature. Thus, in order to assess presidential power we have to look at these aspects by themselves and especially their interaction. This is so because an executive with low constitutional authority may appear either weak or strong according to his partisan support in congress. Conversely, an executive with high constitutional authority may be strong regardless of the legislature. In this interaction we have to bear in mind party discipline, since a president with low constitutional authority whose party holds a majority of seats will remain weak if this one is divided around his leadership (Shugart and Mainwaring 41).

Shugart and Mainwaring break down the constitutional authority in legislative and non-legislative. The first are the president's lawmaking abilities, while the second his authority over the cabinet and other political offices. They further classify legislative powers in relation to the legal status quo: those that allow the president to change it are labeled 'proactive' (decrees and referenda proposals), and those that allow him to defend it 'reactive' (package and item vetoes, and the exclusive introduction of legislation). For its part, the non-legislative powers are the authority over his cabinet, and the power to dissolve the assembly and call new elections; this last one is rarely found in presidentialist countries. To make sense of these powers in comparative perspective, Shugart and Carey assign weights to each of them according to their importance (150). Table 1 shows their 1992 formulation.

In what corresponds to the partisan element of presidential power, the constitutional-partisan framework considers that it is not only a matter of congressional seats but also of party discipline. Thus, it measures it with an index that weights the number of seats in control of the president's party with three institutional determinants of discipline in congress: 1) party leadership control over candidate selection, 2) party leadership control of the order in which candidates are elected from a party list, and 3) pooling of votes among candidates (Shugart and Mainwaring 421). These three determinants infuse discipline among legislators-to-be by creating incentives to act collectively. Candidate selection entitles the leadership to deny the party label to the rebellious in future elections. Control of the order in the party list confers upon the leadership a tool to punish or reward by moving their names up or down the list and, thus, affecting their chances to get elected.

Pooling of votes prevents the cultivation of personal reputations since the criterion for allocating seats is the number of votes won by the party.

**Table 1: Presidential powers considered by the constitutional-partisan framework**

Legislative	
Reactive	Proactive
<i>Veto</i>	<i>Decree</i>
4 No override	4 Reserved powers. No rescission
3 Override requiring > 2/3 (of quorum)	2 Temporary authority. Few restrictions
2 Override requiring 2/3	1 Limited authority
1 Override requiring 1/2 or less than 2/3	0 No powers or only as delegated by assembly
0 No veto or simple majority override	
<i>Partial Veto</i>	<i>Proposal of referenda</i>
4 No override	4 Unrestricted
3 Override by extraordinary majority	2 Restricted
2 Override by absolute majority	0 No presidential authority
1 Override by simple majority of quorum	
0 No partial veto	
<i>Exclusive introduction of legislation</i>	
2 Provided, major restrictions on amendment	
1 Provided also in nonbudgetary bills, no major restrictions on amendment	
0 No provision, or applies only to budget bill with no major restrictions on amendment	
Non-legislative	
<i>Presidential authority over the cabinet*</i>	<i>Presidential authority over other political offices (supreme court, local governments, diplomatic corps, and army officialdom)</i>
4 President names and removes cabinet members without need for confirmation by assembly	4 High. Free appointments including local authorities
3 President names and removes cabinet members subject to confirmation by assembly	3 Medium high. Appointments subject to congressional approval. Free for local authorities
1 President names premier, subject to investiture, who then names other ministers	2 Medium. Appointments subject to congressional approval. Local authorities popularly elected
0 President cannot name ministers except upon recommendation of assembly	1 Medium low. Appointments subject to congressional approval. Local authorities popularly elected. No say on the selection of supreme court justices
	0 Low. Limited appointment authority

\*Includes attorney general's office

The weighting factor in Shugart et al's formulation is 2/3, as they assume that an undisciplined party is reliable in that same ratio. Thus, if a president's party controls 50% of the congress but its legislators are not subject to any of the three discipline determinants,

the value index (VI) of his partisan power would be 33 (the product of the percentage of seats times 2/3). The VI is then classified according to the following table:

**Table 2: Shugart et al's index of partisan powers<sup>3</sup>**

<i>Category</i>	<i>Value</i>
Very high	VI $\geq$ 50
Medium high	VI $\geq$ 40
Low	40 > VI $\geq$ 30
Very low	30 > VI

Recently, some scholars have cast doubts on the constitutional-partisan framework as a reliable way to measure presidential power. Elster, for instance, has two concerns (*Afterword* 228). The first is that political practice often goes beyond the constitution and, therefore, a de jure centric analysis cannot account for the incumbent's informal powers. The second is the arbitrariness of the weights assigned, which if altered would surely lead to different conclusions. For his part, O'Donnell calls analysts to describe the executive and other centers of power in a realistic way by including their informal prerogatives (*Another* 2). Similarly, Weyland contends that in the case of Latin America a theoretical departure from the traditional methodologies is critical to understand the behavior of its politicians, since they continuously circumvent the formal rules and are more concerned with patronage than with the policy-making process (64).

### **Helmke and Levitsky's informal institutions framework**

In light of the objections referred to above, Helmke and Levitsky constructed a theory to account for the informal rules that guide the behavior of politicians. It draws from more

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<sup>3</sup> Scores are for both chambers or for the only chamber in an unicameral system. Exception made of the "very low" category whose score refers to at least one chamber (Shugart and Mainwaring 429-430).

than two decades of democratic politics in Latin America in which it became evident that “political actors respond to a mix of formal and informal incentives, and, consequently, the degree to which formal rules actually enable and constrain politicians varies considerably” (Helmke and Levitsky 2). Its premise is that whenever informal incentives supersede formal ones, actors develop unwritten rules that with time may become informal institutions. These are “socially shared rules, usually unwritten, that are created, communicated, and enforced outside officially sanctioned channels” (Helmke and Levitsky 4-8).

In order to clarify their definition, Helmke and Levitsky further establish four distinctions (4-8). First, weak institutions are not informal institutions. A poorly institutionalized presidency is not necessarily informally institutionalized as it may be that no established formal or informal rules constrain it (6). Second, not all informal behavioral regularities are informal institutions; these last ones follow an established rule whose violation is sanctioned. Helmke and Levitsky exemplify this point with the public graft that is rooted in shared expectations and that which is not, noticing that while the first can be characterized as institutionalized corruption the second is simply an informal behavioral pattern. Third, informal organizations are not informal institutions. Mafias, guerrilla groups, drug-cartels and other organizations of the kind are not considered under this definition. Fourth, informal institutions are not necessarily rooted in political culture, the former are linked to shared expectations while the second to shared values.

What explains the emergence of informal institutions in the realm of politics? Helmke and Levitsky put forward three reasons related to certain possible formal rules’ shortcomings (19-20): 1) their impossibility to regulate all the circumstances faced by

political actors; 2) their prohibitively costly enforcement; and 3) their lack of credibility which pushes actors into informal alternatives. A fourth one would be, of course, their deliberate installment in order to attain objectives that are publicly unacceptable. It is evident from these reasons that formal and informal rules are related and even interact among them. Based on their relationship, Helmke and Levitsky develop a typology of informal institutions which considers two dimensions: the convergence of outcomes between formal and informal institutions, and the degree to which formal rules are enforced in practice, that is, its effectiveness (13-19). The result is the following matrix:

**Table 3: Helmke and Levitsky's typology of informal institutions**

Outcomes / Effectiveness	Effective Formal Institutions	Ineffective Formal Institutions
Convergent	Complementary	Substitutive
Divergent	Accommodating	Competing

The upper left cell corresponds to *complementary* informal institutions: those that coexist with effective formal rules without violating them; usually they are routines and operating procedures that in fact enhance the efficiency of the latter. In the lower left cell are *accommodating* informal institutions: those that coexist with effective formal rules altering their outcome but without openly violating them; as Helmke and Levitsky put it, “these institutions are often created by actors who dislike outcomes generated by the formal rules but are unable to change them” (15). The *competing* informal institutions in the lower right cell coexist with ineffective formal rules and their outcomes are diametrically divergent; examples of them are corruption, patrimonialism, and nepotism. Finally, the *substitutive* informal institutions of the upper right cell coexist with ineffective



formal institutions with which they share the same outcomes; they are usually employed by actors who seek results compatible with formal rules when these have failed.

Challenging the prevalent notion in the literature that informal institutions are highly stable, Helmke and Levitsky contend they can change rapidly and repeatedly, of which they offer numerous examples (22). In their account, change may be instilled by three sources, the first being amendments to formal rules. Since many informal institutions are endogenous to formal ones, if the latter undergo changes in their design or effectiveness the costs and benefits of the former may vary. The second source is alterations in the underlying distribution of power and resources: an informal institution may collapse when the material conditions that uphold it are no longer present. The third is accumulation of experience or dramatic changes in shared beliefs.

### **The state of the literature**

Most studies on the reconfiguration of executive power in recently democratized countries of Latin America and elsewhere use methodologies similar to the constitutional-partisan framework. This is especially true for the case of Eastern Europe and Russia, as it can be verified in the works of Baylis, Huskey, Lijphart and Waisman, Olson and Norton, O'Neil, Taras, Von Mettenheim, and others. In the case of Latin America some examples of this tendency are the excellent works of Ames, Baldez and Carey, Londregan, Jones, Mainwaring and Shugart, Morgenstern and Nacif, Cameron, and Schmidt. However, in recent years Latin Americanists scholars have come to the realization that the exclusive analysis of formal rules is insufficient. For instance, O'Donnell demonstrates that in Argentina during the presidency of Carlos Menem (1989-1999) presidential power

extended well beyond the constitution (*Delegative* 3). Similarly, Siavelis demonstrates that in post-Pinochet Chile the executive has underutilized its power despite an exaggerated presidentialist constitution; he explains this puzzle making reference to a series of informal institutions –*cuoteo*, *partido transversal*, and *democracia de los acuerdos*- which moderate its actions (33).

As previously stated, in the case of Mexico much of the literature on its politics has been conducted using traditional theoretical frameworks based on the analysis of formal rules. I contend these frameworks are insufficient to account for the evolution of presidential power in the country. Indeed, in the following chapter I demonstrate that the Mexican presidency had both formal and informal powers, of which the second were considered the chief. These were the only ones that underwent a process of transformation during the transition, as their formal counterparts essentially remained the same. Clearly, in this case an analysis conducted exclusively under the constitutional-partisan framework is inadequate. We need to resort to a different methodology like that of Helmke and Levitsky.

### CHAPTER THREE: PRESIDENTIAL POWER IN MEXICO BEFORE AND AFTER THE DEMOCRATIC TRANSITION

Between 1929 and 2000 Mexico was ruled by the authoritarian regime of the Revolutionary Institutional Party (PRI). Under its rule, the political opposition was formally allowed and parties did exist; these, however, were either mere ‘satellites’ with strong ties with the PRI or, if independent, limited in their possibilities by electoral fraud. On account of this characteristic, Sartori created a special category for it in his typology of party systems. He defined it as hegemonic: those in which “other parties are permitted to exist, but as second class, licensed parties; for they are not permitted to compete with the hegemonic party in antagonistic terms and on an equal basis. Not only does alternation not occur in fact; it *cannot* occur, since the possibility of a rotation in power is not even envisaged” (Sartori 230).<sup>4</sup>

The presidency in the PRI regime has been characterized as exceptionally strong. Three principal authors on the subject –Octavio Paz, Cosío Villegas, and Carpizo- respectively define its powers as “immense,” “extremely wide,” and “vast” (52; 24; 25). Indeed, the incumbent in this period appeared to wield extensive faculties. He could remove state governors (the MPRG). The rate of success of his sponsored bills at the Chamber of Deputies was near-to-perfect. Almost all legislative initiatives came from his office. He nominated magistrates for the Supreme Court. The formation of his cabinet did not require congressional approval. His ministers could not be dismissed except by him. And, most importantly, he designated his own successor in office (the *dedazo*).

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<sup>4</sup> Italics in the original.

In this case, however, appearances are deceiving. Following Shugart et al's constitutional-partisan framework and Helmke and Levitsky's informal institutions theory, in this chapter I assess presidential power before and after the democratic transition (1988-2000). I demonstrate that 1) the chief powers of the president –the *dedazo* and the MPRG– are informal in nature; 2) they stem not from the constitution or partisan support at the legislature but from the hegemonic character of the PRI; and 3) they are the only ones that changed during the transition as the executive kept most of its constitutional prerogatives. While the presidency certainly lost some support at the chamber of deputies, this can be attributable to the normal electoral cycles expected in any democracy.

### **Presidential power prior 1988**

The 1917 Constitution establishes a presidentialist democracy. According to the relationship between the executive and the legislative, democracies are either presidential or parliamentary. In the latter, democratic legitimacy falls exclusively on a congress, while in the former it is shared with a president. This distinction stems from the fact that in presidentialism both the executive and the legislative are popularly elected and their tenures are fixed. Whereas, in parliamentarism legislators elect the executive and the tenure of each depends on the confidence of the other. Shugart and Mainwaring conceptualize these defining characteristics in Table 4 (15).

Lijphart contends that individuality is a third characteristic of presidential democracy (3). He argues that in parliamentarism the cabinet is a centre of collegial decision-making, while in presidentialism it is a “mere” body of advisors. This distinction however is too subtle to be effectively observed. Besides, the classification of democracies under Shugart

and Mainwaring's matrix is already difficult enough due to their wide variety and the presence of border-line cases. Take for example those countries where presidential elections are ultimately decided by an Electoral College or even the legislature. In the USA –the presidential democracy par excellence- on four occasions the candidate who won the popular vote did not become president.<sup>5</sup> In pre-1973 Chile if no contender received a majority of the vote the decision was left up to the congress. There are also countries whose constitutions put together features of both systems. In Peru and Uruguay the executive can dismiss the legislature under some circumstances. Are these countries presidential or not?

**Table 4: Systems of government**

		<i>Fixed terms</i>	
		Yes	No
<i>Executive elected by</i>	Voters	Presidential (USA, Latin American democracies)	Hybrid (Israel)
	Legislators	Hybrid (Switzerland)	Parliamentary (most of the UE)

In the case of Mexico there is little ambiguity. It squarely falls in the upper left cell of Shugart et al's matrix and even meets Lijphart's third requirement. Indeed, the Constitution establishes in articles 80, 81, and 83 that the exercise of the executive power is deposited in a sole individual elected every six years by relative majority and direct vote. This, however, tells us little about presidential power since presidentialist democracies also vary widely in this respect. In order to comprehend the constitutional and partisan faculties of the Mexican presidency, in the next section I analyze it under Shugart et al's constitutional-partisan framework.

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<sup>5</sup> This occurred in the elections of 1824, 1876, 1888 and 2000.

### *Constitutional powers*

The 1917 Constitution has undergone several reforms. According to Garrido, “every president since Obregón [1920-1924] has revised it, often to augment the constitutional prerogatives of the chief executive” (422). The one in force in 1988 granted the presidency with both reactive and proactive powers, albeit restrictively. Decrees were limited to specific legislation and, apart from regulatory rights (Art. 89) and sanitary measures (Art. 73 fr. XVI), subject to ante or post congressional approval. This was the case of international treaties (Art. 76 fr. I), economic regulation (Art. 131), and the necessary measures to face an emergency state (Art. 29). There was no provision to call referenda. Regarding reactive powers, package and item vetoes were granted but could be overridden by a two-thirds vote in congress. Besides, their enforcement was limited to legislation whose resolution did not pertain exclusively to one of the chambers (Art. 72). Exclusive introduction of legislation was only granted in connection with the budget.

In what corresponds to non-legislative powers, the president was vested with the authority to freely name and remove members of his cabinet, including the attorney general, so long as they were Mexican citizens by birth, thirty years or older, and in exercise of their political rights (Art. 89 fr. II). However, other important political offices required congressional approval such as the diplomatic corps (fr. III), army officers (fr. IV), and Supreme Court justices (fr. XVIII). Although the constitution established local authorities should be popularly elected by the inhabitants of their jurisdiction, Art. 89 endowed the presidency with the authority to freely appoint Mexico City’s mayor and the heads of its sixteen city councils.



Under the constitutional-partisan framework, the powers of the Mexican presidency do not stand out by contrast to those of other Latin American countries:

**Table 5: Presidential powers in selected Latin American countries<sup>6</sup>**

Country	Legislative					Non-legislative		Total
	Package veto	Partial veto	Decree	Exclusive intro.	Referenda proposal	Authority cabinet	Authority other offices	
Brazil	1	2	4	1	0	4	2	14
Chile	2	0	0	2	0	4	4	12
Colombia	1	2	1	2	0	4	1	11
Paraguay	2	2	2	0	0	4	1	11
<b>Mexico 1988</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>11</b>
Uruguay	1	1	0	2	0	4	1	9
Argentina	2	0	0	0	0	4	2	8
Venezuela*	0	0	0	0	0	4	3	7
Costa Rica	1	0	0	0	0	4	1	6

\*before 1999

**Table 6: Presidential appointment powers in selected Latin American countries<sup>7</sup>**

Country	Cabinet	Diplomatic corps	Army officials	Attorney General	Supreme Court Justices	Local authorities
Chile	F	F	F	C	C	F
Venezuela*	F	C	C	C	NP	F
Brazil	F	C	F	C	C	NP
Venezuela	F	C	F	C	NP	NP
<b>Mexico 1988</b>	<b>F</b>	<b>C</b>	<b>C</b>	<b>F</b>	<b>C</b>	<b>NP</b>
Argentina	F	C	C	C	C	NP
Paraguay	F	C	C	F	NP	NP
Uruguay	F	C	C	F	NP	NP
Colombia	F	F	C	C**	NP	NP
Costa Rica	F	F	NP	C	NP	NP

F = Free

C = Congressional Approval

NP = No provision

\*before 1999

\*\*The president's nominee is presented to the Supreme Court

### *Partisan powers*

Prior to 1988, the partisan powers of the Mexican presidency were very high under the constitutional-partisan framework. This was so first because of the overwhelming representation of the PRI in the chamber of deputies, which between 1967 and 1988 averaged 79 per cent; and second because of the discipline of its legislators when it came to executive-sponsored bills. Scholars usually explain these two facts by the electoral

<sup>6</sup> Source: Shugart and Carey 155; Shugart and Haggard 80.

<sup>7</sup> Source: My own analysis.

fraud, arguing that the PRI blatantly stole elections which in turn created incentives for members to remain disciplined. Indeed, as it will be demonstrated later, there is a connection between hegemony and party discipline. However, in regards to the high PRI turnout numbers, Magaloni contends in *Voting for Autocracy* that the electoral fraud does not fully account for them. She argues that cooptation is more efficient than exclusion for parties that want to remain as a hegemonic system. Thus, rather than relying on mechanisms of repression they tend to resort to what she calls “politics of vote buying:” the distribution of material rewards in exchange of loyalty. It is out of the scope of this thesis to look in detail at the determinants of the PRI vote. Here I limit myself to look at its record in legislative elections as a measure of the partisan powers of the presidency for the period 1967-1988 (see Tables 7 and 8).

The overwhelming figures were further enhanced by the three institutional determinants of discipline in congress. Indeed, the PRI leadership had complete control over the candidates’ selection and their order in the party lists. Specifically, it was the president who hand-picked and ordered them (Castañeda, *La Herencia* 231). Besides, the plurality voting system, under which 300 out of 400 deputies were elected, failed to create incentives for the PRI legislators to cultivate their personal reputations due to two factors. First and foremost, the constitutional prohibition against their continuous reelection regularly disconnected them from their constituencies. And second, the system’s hegemonic character precluded the possibility of fruitfully investing personal political capital in other parties. This combination of factors effectively tied the political future of the PRI legislators to their leadership.

**Table 7: President's party (PRI) results in federal elections for deputies 1967-1988<sup>8</sup>**

Year	Party	Opposition
1967	85%	15%
1970	80%	20%
1973	70%	30%
1976	80%	20%
1979	70%	30%
1982	69%	31%
1985	65%	35%
1988	51%	49%

**Table 8: Control of the Chamber of Deputies by the president's party (PRI) 1967 – 1988<sup>9</sup>**

Legislature	Total of seats	Party seats	%
1967-1970	212	177	83%
1970-1973	213	178	84%
1973-1976	231	189	82%
1976-1979	237	195	82%
1979-1982	400	296	74%
1982-1985	400	299	75%
1985-1988	400	289	72%

During the LIII legislature (1985-1988), the partisan power score of the president under Shugart et al index was 65 for the lower chamber and 94 for the Senate. This was very high in the Latin American context:

**Table 9: President's partisan powers<sup>10</sup>**

Very high	Mexico 1988	Dominican Republic	
Medium high	Argentina	Uruguay	Costa Rica Paraguay 1991 Venezuela
Medium low	Colombia 1991	Peru	Bolivia
Very low	Chile 1989	Brazil 1988	Ecuador

### *Metaconstitutional powers*

Elster asserts that political practice often goes beyond the constitutional text (228). This assertion is especially true in Latin America where, as Weyland observes, “political

<sup>8</sup> Source: National Institute of Statistics, Geography and Informatics (INEGI).

<sup>9</sup> Source: Secretary of the Interior (SEGOB).

<sup>10</sup> Source: Shugart and Mainwaring 432 (unless indicated, the information corresponds to 1997).

actors constantly negotiate their degree of compliance with formal rules” (67). Indeed, in Mexico during the PRI-era the president wielded a number of powers in addition to those granted to its office by law. Appropriately dubbed for the first time by Carpizo as ‘metaconstitutional’, these were: 1) the power to appoint his successor (the *dedazo*); and 2) the power to name and remove governors and other elective officials (the MPRG) (190-191). Over the years scholars added more items to Carpizo’s category. However, these were for the most part simple rewordings or constitutional faculties enabled by high partisan powers. For instance, Garrido refers to the following powers (422-426):

- 1) “Act as constituent power with the authority to make amendments to the Constitution (under Article 135).<sup>11</sup>
- 2) “Act as the chief legislator since, in reality, senators and deputies do not legislate.
- 3) “Establish himself as the ultimate authority in electoral matters.
- 4) “Designate his successor to the presidency.
- 5) “Designate state governors, members of the PRI majorities in Congress, and most state representatives and mayors.
- 6) “Remove governors, mayors and legislators at the federal and state levels.
- 7) “Impose his viewpoint on one or both houses of Congress.
- 8) “Exercise influence over the federal judiciary since he freely appoints Supreme Court judges under Art. 89 of the Constitution.
- 9) “Impose his authority over state governors, nullifying Article 40 of the Constitution.”<sup>12</sup>
- 10) “Hold sway over municipal governments, overriding local government autonomy as set forth in Article 115 of the Constitution.”<sup>13</sup>

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<sup>11</sup> Article 135: “The present Constitution may be added to or amended. In order that the additions or amendments shall become a part thereof, it shall be required that the Congress of the Union, by a vote of two thirds of the individuals present, agree to the amendments or additions and that they be approved by a majority of the legislatures of the States. The Congress of the Union or the Permanent Committee, as the case may be, shall count the votes of the legislatures and shall announce those additions or amendments that have been approved.”

<sup>12</sup> Article 40: “It is the will of the Mexican people to organize themselves into a federal, democratic, representative Republic composed of free and sovereign States in all that concerns their internal government, but united in a Federation established according to the principles of this fundamental law.”

<sup>13</sup> Article 115: “For their internal government, the States shall adopt the popular, representative, republican form of government, with the free Municipality as the basis of their territorial division and political and administrative organization.”

If it was neither the constitution nor the partisan support at the legislature, then what explains the metaconstitutional powers of the PRI-era presidents? What made it possible for them to appoint their own successors and to name and remove governors and other elective officials? Some fault the supposedly authoritarian political culture of Mexico. Meyer, for example, traces its origins “to the pre-Hispanic days and the power of the Aztec Emperor or great *tlatoani*” (Meyer 63).<sup>14</sup> Octavio Paz blames “the specific nature of the Mexican political tradition, characterized by a process whereby the different cultural molds –Indian, Spanish, mestizo, and creole– are synthesized” (Hernández Chávez 217). Others fault particular traits of the PRI political system. Cosío Villegas blames the unified character of the government and the high degree of discipline among party ranks (29). Carpizo points to the role of the president as party leader (191). Weldon blends these two arguments identifying three conditions: 1) unified government, 2) strong discipline within the party, and 3) that the president must also be the head of a centralized party (*Changing* 134-135).

In their respective studies of the dedazo and the MPRG, Langston and Eisenstadt demonstrate these powers held as long as the PRI remained as a hegemonic party system (143-159; *Mexico's* 227-248). As we will see in the next section, so long as the opposition did not pose an electoral threat the president was able to enforce them and presidential hopefuls and sitting governors abided by them. Magaloni explains this by the incentives offered by the hegemonic party: “when the party keeps its monopoly of electoral support, elites possess strong incentives to remain loyal because it is the ‘only game in town.’ When electoral support begins to wither, party autocracies become more vulnerable to elite splits and opposition rivals” (*Voting* 79).

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<sup>14</sup> Translation mine.

However, the identification of the necessary conditions of the metaconstitutional powers is not sufficient to explain why they were created in the first place. Following Helmke and Levitsky, in the next chapter I explain the establishment of the *dedazo* as a deliberate strategy to attain a publicly unacceptable objective. Indeed, this mechanism of executive succession secured the PRI's grip on power despite the constitutional provision for no reelection. In what corresponds to the MPRG, in Chapter Five I explain its establishment due to the weakness of a comparable formal rule, specifically article 76 section V of the constitution, which allows the president to remove a sitting governor.

The *dedazo* and the MPRG are considered the chief powers of the PRI-era Mexican presidents (*Political* 252). Certainly, as we saw above, their constitutional prerogatives were somewhat modest only enhanced by their very high partisan powers. Thus, it is safe to conclude this section stating that presidential power was during this era less strong than assumed, as it heavily depended on partisan support or was informal in nature.

### **Presidential power after 2000**

Mexico's democratic transition was successful by every measure. Lawson reports that "if in 1988 the country scored a zero on the combined Polity IV index, by 2001 it scored an eight. Freedom House scores show a similar trend, with Mexico's score falling from seven in 1988 to four in 2001" (*How* 45).<sup>15</sup> Also, following the 2000 election, *The Economist* expressed that Mexican voters "put a whole era behind them and turned their country into a real democracy at last" (*Making*). The *Wall Street Journal* considered that the alternation in government from the PRI to the National Action Party (PAN) –the long standing rightist

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<sup>15</sup> The data has been updated. The original says: "In 1991, Mexico scored a zero on the combined Polity IV index; by 2001, it scored an eight. Freedom House scores show a similar trend, with Mexico's score falling from eight in 1991 to four 10 years later."



opposition- transformed Mexico into a “full-fledged democracy” (*Mexico’s*). *El País*, for its part, expressed itself in similar terms and affirmed that Mexico was finally “*una democracia plenamente homologable*” (*Revolución*).<sup>16</sup>

Several scholars argue that the transition weakened the presidency. For instance, Hernández states that “since the early 1980’s, presidential power has been gradually limited as a result of the various reforms that have been implemented from within the government (for example, electoral reforms and federalism)” (Ugalde 134-135). Writing in 2000, Ugalde affirmed that the “president’s formal and informal powers have decreased dramatically over the last decade” (138). For Rubio, “as the electoral reforms unfolded, the structure of power, in particular that of the president, declined” (13). And Aguilar Camín contends that “Mexican democracy was in fact created to restrain unrestrained presidents” (*Gabinete*).<sup>17</sup>

Certainly, if we are to measure presidential power using the rate of success of executive-sponsored bills at the chamber of deputies, then we have to conclude it suffered a sharp decline over the 1988-2000 period. Specifically, it went from 99 percent in the 1988-1991 legislature to 55.6 in the 2003-2006 body (see Table 10).<sup>18</sup> However, this decline was due not to a reduction of constitutional power vis-a-vis the Congress, but to a fluctuation of partisan power. Indeed, if in 1991 the president’s party had 64% of the seats at the chamber, by 2003 it had only 30% (see Table 11).

By contrast to other countries of the region whose democratic transitions were followed by constituent assemblies, in Mexico the constitution of 1917 remained in place.

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<sup>16</sup> The phrase translates to: “A fully comparable democracy.”

<sup>17</sup> Translation mine.

<sup>18</sup> Mexico has a presidentialist system of government with a bicameral legislature formed by the Chamber of Deputies and the Senate. They are renovated every three and six years respectively.

**Table 10: Results for bills presented by the executive in the Chamber of Deputies, 1988-2006<sup>19</sup>**

<i>Legislature</i>	<i>Approved</i>	<i>%</i>	<i>Thrown out</i>	<i>%</i>	<i>Unresolved</i>	<i>%</i>	<i>Total</i>
LIV (1988-91)	70	99%	0	0%	1	1%	71
LV (1991-94)	133	99%	0	0%	2	1%	135
LVI (1994-97)	90	99%	0	0%	1	1%	91
LVII (1997-00)	36.5	84.9%	1.5	3.5%	5	11.6%	43
LVIII (2000-03)	47.5	89.6%	0.5	0.9%	5	9.4%	53
LIX (2003-06)	20	55.6%	2	5.6%	14	38.9%	36

**Table 11: President's party results in federal elections for deputies 1988-2006<sup>20</sup>**

<i>Year</i>	<i>Party*</i>	<i>Opposition</i>
1988	51%	49%
1991	58%	42%
1994	49%	51%
1997	38%	62%
2000	28%	72%
2003	24%	76%

\*Starting from 2000 the figures correspond to the PAN

**Table 12: Control of the Chamber of Deputies by the president's party 1988-2006<sup>21</sup>**

<i>Legislature</i>	<i>Total of seats</i>	<i>Party seats*</i>	<i>%</i>
1988-1991	500	260	52%
1991-1994	500	320	64%
1994-1997	500	300	60%
1997-2000	500	239	48%
2000-2003	500	207	41%
2003-2006	500	149	30%

\*Starting from 2000 the figures correspond to the PAN

What is more, most of the proactive and reactive legislative faculties that shape presidential power were left untouched. The president still has limited powers to issue decrees and to veto legislation, and still lacks the rights to call for referenda and to legislate in exclusivity (aside from the budget). Only its non-legislative powers changed with the transition (Ugalde 136):

<sup>19</sup> Source: For 1988-1997 Nava Polina, Weldon, and Yáñez López 95. For 1997-2006 my own analysis of Gaceta Parlamentaria.

<sup>20</sup> Source: INEGI.

<sup>21</sup> Source: SEGOB.

1. As of 1997, the mayor of Mexico City and the heads of the 16 city councils were no longer appointed by the president; instead, they were popularly elected.
2. As of 1994, the president's pick for attorney general required Senate confirmation.
3. Prior to 1994, the president directly appointed Supreme Court magistrates subject to confirmation by the Senate. From that year on he could only submit a list of candidates to the upper house, which in turn would make the final decision.

However, it is neither for the modest reduction of appointment powers nor for the decline in the rate of success of executive-sponsored bills –ascribable in any case to the normal fluctuation of partisan support in any democracy- that the presidency is considered weaker after the transition. Hernández, Ugalde, Rubio, Aguilar Camín and many others mostly refer to the loss of its informal powers. Indeed, starting in 1994 the *dedazo* stopped meaning the automatic transfer of the executive power from the sitting president to his favorite. And while the MPRG experienced a revival in the early nineties when governors stepped down at a presidential order in record numbers, in the second half of the decade its enforcement became increasingly rare and eventually was completely dismissed in the administration of Vicente Fox Quesada (2000-2006).

In the next chapters I deal with the evolution of these informal powers through the transition, albeit from a different angle. Unlike some of the authors reviewed above who conceptualize this process as their extinction, following Helmke and Levitsky's theory I contend they were institutionalized in the new democratic framework. The idea of 'institutionalization' here refers to the abdication by the presidency of its informal powers

in favor of new institutions. I will argue the IFE and the TEPJF respectively took over the functions of the dedazo and the MPRG: powers pertaining to the succession in the executive and the pacification of local conflicts. To demonstrate this, I will look at the presidential elections of 1994 when the dedazo was effectively replaced by the IFE. And, in the case of MPRG, to the first postelectoral conflict during the Fox administration whose resolution was left to the TEPJF.

## CHAPTER FOUR: FROM THE DEDAZO TO THE IFE

The dedazo, literally finger-strike, was, during the PRI regime, the power of the sitting president to select his successor or, more exactly, the party's presidential nominee (which in a hegemonic system amounted to the same thing). This was the president's undisputed prerogative, although he could consult with senior political figures such as ex-presidents and labor leaders. Typically he picked a member of his cabinet; and since the constitution granted him complete authority over it, he was also in control of the universe of possible successors. In similar way to the Catholic Church where priests do not openly seek higher positions, under the dedazo presidential hopefuls refrained from publicly displaying their ambitions. Any hint was considered a political gaffe as a PRI adage illustrates: "he who moves doesn't show up in the picture." These rules transformed the political struggle for the presidency into an intra-cabinet shadow play complete with palace intrigues and whispers at the prince's ear.

It is important to note that the dedazo had two dimensions or moments: the partisan and the national. The former was the imposition of a candidate at the interior of the PRI, and the latter the imposition of a president over the country. The hegemonic character of the party system blurred for many years this distinction. Here, however, I use the expression *the dedazo* exclusively to refer to its national dimension. In this chapter I explain its dismissal as a result of increased levels of electoral competition. Indeed, following the 1988 elections the opposition parties increasingly raised their profile, transforming the distribution of power in the country. This change offered to the dismayed presidential hopefuls a second-best option to pursue their ambitions. When the dedazo stopped being the only way to attain office –or at least the most secure- its effectiveness as an informal

power waned. At this point, its forcible enforcement became too risky as the costs outweighed the benefits. I contend that then an institutionalization process set off, whereby the president abdicated the *dedazo* in favor of a new institution –the IFE– which in several ways carries out its same functions.

## **Origins**

The first *dedazo* occurred in 1940 when president Lázaro Cárdenas (1934-1940) imposed Ávila Camacho as the PRI's nominee and later on as triumphant candidate in a fraudulent election. Why did Cárdenas choose this succession mechanism over democratic elections or his own reelection? The first option must have been quickly ruled out as it threatened the PRI's grip on power. As for open or covert reelection, by 1940 its prohibition was an effective formal rule due to three traumatic events in the country's history. First the Díaz's dictatorship (1876-1911), which ended in large-scale violence and set the stage for two decades of political turmoil in which twelve presidents served. Second the murder of ex president Obregón (1920-1924), who amended the constitution in 1928 to allow himself to run for a second term, and was shot dead shortly after winning a bitterly contested election. Third the Maximato (1928-1936), a period in which ex-president Calles exerted a decisive influence over three administrations until he was sent to exile in 1936. Thus, for Cárdenas, who had already extended his term from four to six years, the options were limited. Forced to choose a middle road that could allow him to abide by the principle of no reelection and at the same time maintain his party's grip on power, he came up with the *dedazo* formula.

### **The functioning of the dedazo**

As former president López Portillo points out, the dedazo started as soon as the new president took office “because one has to form a cabinet and one is aware that the next president will come from it” (Castañeda, *Perpetuating* 157). This, however, does not mean the executive had absolute control of the process from its beginning to its end. Presidential hopefuls also took part by trying to win the favor of the media, the public opinion, the PRI sectors, and, of course, the president. They worked hard in order to shine in public as well as to obscure others. Looking at these dynamics, Castañeda conceptualized two ideal types of dedazo: by decision and by elimination. In the first, the outgoing president decided early in his term who will be his successor without seriously considering any other option. He nurtured his favorite, protected him from the sharks around, deceived other hopefuls making them think they stood a chance, delayed the unveiling of his decision, and, finally, announced it with fake surprise. In the second, the president made up his mind at the very end of his term. Throughout his administration he explored alternatives, tested candidates, had them and their families investigated, interviewed them, etc.

Both dedazos had their positive and negative aspects. If by decision, it gave the outgoing president a certain ascendancy over the incoming, yet it also increased the resentment among the dismayed, understandably bitter after having being deceived for so long. If by elimination, it gave more freedom to the president, yet it exacerbated the necessary rupture between him and his successor, as the pride of the latter led him to consider his victory as result of his own merits. From 1958 until 1988, the dedazos alternated between decision and elimination. This regularity can be explained with Moya Palencia’s theory of presidential succession. According to this former interior minister,

“each generation gets two presidents, and no president hands power over to a new generation until at least another member of his generation has received the presidency first” (Castañeda, *Perpetuating* 27). Consequently, the dedazos by decision occurred when power was handed to a member of the same generation and friendship bonds were determinant. Whereas, the dedazos by elimination occurred when power was handed to a new generation and friendship became less important.

When the time to unveil the candidate arrived, a political ritual was set in motion. It started with the private disclosure of his decision from the president to the chosen one (*Señor Licenciado, are you interested in this?*) (Castañeda, *La Herencia* 131).<sup>22</sup> However, this announcement was unofficial pending the proclamation by the party sectors; until then the decision was kept in the most profound secrecy (*I am telling you this as a foretaste. Do not share this information, not even with your wife*) (Castañeda, *La Herencia* 206-207).<sup>23</sup> After this short interval, the ritual continues with the official proclamation: “*Licenciado, the president of the party, here present, informs me that after realizing a deep consultation with the party sectors all of them are in your favor and offer you the candidacy for the Presidency of the Republic*” (De la Madrid 23).<sup>24</sup> A nominating convention is then called in which party delegates vote for the only option available. The now-official candidate started a national campaign against no visible contenders, which led him to sure victory.

### **The dedazo as an institution**

Helmke and Levitsky define institutions as “rules and procedures that structure social interaction by constraining and enabling actors’ behavior” (5). The dedazo fits this

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<sup>22</sup> Translation mine.

<sup>23</sup> Translation mine.

<sup>24</sup> Translation mine.



definition as it effectively constrained presidential hopefuls, while at the same time enabled the executive as electoral authority. How did it become and remain an institutionalized mechanism of executive succession? The answer according to Langston lies in its successful enforcement at its beginnings despite meeting resistance in the party. Indeed, in the 1940 succession the then Nuevo León military chief, Juan Andreu Almazán, did not abide by it and launched his own candidacy. Six years later, foreign affairs minister Ezequiel Padilla ran against the official candidate Alemán. And in 1952 a former cabinet member, Henríquez Guzmán, launched another independent bid. None of them were successful and all claimed to have been victims of widespread fraud. For Langston, after these experiences the PRI politicians “simply did not believe an electoral challenge would succeed” (151).

Things, however, were somewhat more complicated. Magaloni contends, using an ambition-theoretic framework, that hegemonic party members abide by non-democratic nominations due to: 1) the party’s ability to mobilize voters in big numbers in order to win by wide margins; 2) its control over material rewards and government posts to reward the ambitious within the party; and 3) its image of invincibility magnified by a pro-government media (*Demise* 127; *Voting* 45). To make her point she considers a politician who, not having been favored by the party leadership in the distribution of nominations, must decide between abiding by and challenging the official appointee at the ballot box (*Demise* 127). She assumes his utility is a function of the importance of the political office he occupies. Thus, if he abides by the party’s decision his expected utility,  $E(U_A)$ , would be given by the product of the hegemonic party’s probability of victory in the next elections,  $P_A$ , and the probability of reaching a nomination,  $N_A$ , times the importance the

politician attaches to the office,  $O$ , minus campaign costs,  $C_A$ .  $O$  can be thought of as the opportunities provided by the office either to advance ideological goals or to practice graft:

$$E(U_A) = P_A N_A(O) - C_A$$

By contrast, if the hopeful candidate decides to challenge the official appointee, his expected utility,  $E(U_C)$ , would be given by the product of the opposition's probability of victory,  $P_C$ , and the probability of reaching a nomination,  $N_C$ , times the office importance,  $O$ , minus campaign costs  $C_C$ :

$$E(U_C) = P_C N_C(O) - C_C$$

It follows that as long as  $E(U_A) > E(U_C)$ , abiding by a non-democratic nomination would be the best choice for him regardless of his degree of ambition or ideological commitment. Therefore, the PRI leadership heavily invested in maintaining this relationship, which secured the unity of the party around the *dedazo* and, thus, its permanence as an effective institution of executive succession. First of all, it kept  $P_C$  close to zero by winning elections by the widest possible margin. Between 1929 and 1982, the PRI's official average vote share in presidential elections was close to 90%. If we consider these results were largely manipulated a question arises: why such high percentages? Magaloni suggests that any signal of voter dissatisfaction would have encouraged disgruntled members to split. In order to avert this possibility, the party made sure to win commandingly every election which gave it an aura of invincibility.

Besides, during the PRI-era  $N_A$  was in general high due to two factors. First, because of the vast bureaucratic and elective posts available to share within the regime; and second, because of the constitutional provision against reelection that guaranteed a constant circulation of elites. An amendment passed in 1933 forbade the reelection of presidents and governors as well as the continuous reelection of legislators and municipal authorities. In contrast,  $N_C$  was generally low due to the electoral legislation that gave to the Ministry of the Interior (SEGOB) considerable leverage in the internal affairs of the opposition parties, and the close ties of some of them with the PRI. Before 1982, the registered opposition included the National Action Party (PAN), the Authentic Party of the Mexican Revolution (PARM), and the Popular Socialist Party (PPS), of which the last two were deemed as ‘satellites’ (Magaloni, *Demise* 128).

Regarding campaign costs, during most of the PRI-era  $C_A < C_C$  mainly for four reasons. First, because the PRI was the only party with the necessary structure to put on a national campaign, the others were regionalized or exclusively urban. Second, because most of its campaigns were illegally financed with public funds, as it was demonstrated in the run up for the 2000 election in which USD 50 million were diverted from PEMEX (the State oil monopoly) to the campaign of its presidential candidate (Méndez Ortiz *Pemexgate*). Third, because the party received private support especially from the media where opposition voices “rarely appeared to challenge official paradigms; government abuses were ignored; and the ruling party received lavish coverage during election season” (Lawson, *Building* 48). And fourth, because repression and ‘health risks’ associated with political contestation raised  $C_C$  to prohibitive levels in some regions of Mexico.

It is clear then that the effectiveness of the *dedazo* as an institutionalized mechanism of succession heavily depended on the hegemonic character of the PRI, and that it would be compromised as electoral competition increases. But before I explain this process, let me first explain an important characteristic of the *dedazo* I have so far overlooked: its informal character.

### **The *dedazo* as an informal institution**

For Helmke and Levitsky, informal institutions are “socially shared rules, usually unwritten, that are created, communicated, and enforced outside officially sanctioned channels” (5). The *dedazo* fits this definition as it was widely recognized among the political class as an undisputed prerogative of the presidency; it was never enshrined in the constitution or the PRI statutes; it was effectively enforced and those who challenged it ended up in exile (Almazán), coopted (Padilla), or ostracized (Henríquez); and, even if State-sanctioned, the formal electoral authorities never acknowledged it pursuing instead a democratic fiction with exertion.

#### *What kind of informal institution?*

The *dedazo*, if we go by the typology set by Helmke and Levitsky, was an accommodating informal institution: one that contradicts the spirit but not the letter of the formal rules (15). Indeed, it allowed the sitting president to secure the PRI’s grip on power while at the same time abiding with the principle of no reelection. By imposing a candidate upon his party and by extension a president upon the country, the sitting president substantially altered the outcome expected from a strict adherence to the principle of no

reelection: governments pro tempore in which “the electorate at regular intervals can make those governing accountable and impose a change” (Linz 16). It is precisely for this characteristic of the regime that Vargas Llosa referred to it as a ‘perfect dictatorship’ (*Mexico* 23-24).

### **The demise of the dedazo**

In the five presidential elections between 1952 and 1982 the dedazo was not challenged inside the PRI and not even outside: two out of three opposition parties (the PARM and the PPS) invariably endorsed the PRI’s presidential nominee. Things changed in 1988 when the president’s pick was defied by a party split. This event opened a decade of increased electoral competition that transformed the distribution of power in the country, leading to the dismissal of the dedazo as an effective informal institution of executive succession. In the following section I explain this process in detail building on Magaloni’s ambition-theoretic framework and Helmke and Levitsky’s informal institutional change theory.

#### *Cárdenas’ split*

In 1985 a number of left-leaning PRI politicians under the leadership of Cuauhtémoc Cárdenas formed an antineoliberal faction within the party: the Democratic Current (CD). They protested against the laissez-faire policies of Miguel de la Madrid (1982-1988), as well as the PRI’s lack of internal democracy. For Cárdenas and his followers the State should remain active and nationalistic, and the president should give up the dedazo. After two years of infighting and once they realized how hopeless their efforts were, they opted to break with the party and challenge it in the 1988 elections.

This ideologically-based explanation has remained valid for long time and is still widely disseminated by journalists. Arguing against this notion from a rational choice perspective, Magaloni contends that CD members did not exit the party exclusively for ideological reasons but also for practical ones. According to her, the fact that they belonged to a different group to that of the technocrats in control reduced their chances to access important posts through the party (low  $N_A$ ) (*Voting* 53). De la Madrid seems confirms this opinion in an interview with Castañeda: “Do you recall anyone expressing opposition to any of the prospects? *Well, of course there were Cuauhtémoc Cárdenas and Porfirio Muñoz Ledo. From the outset the CD was founded in response, among other things, for fear of Salinas becoming the presidential candidate.*” (*Perpetuating* 181-182). Besides, Cárdenas’ own history as a loyal member during the harshest years of the regime would confirm that his democratic zeal was, in any case, quite recent.

Cárdenas’ electoral performance was outstanding, winning 31 percent of the vote. For the first time the opposition presidential candidates collectively had received almost 50 percent of the official vote tally. This was a dramatic increase if compared to past elections (see Table 13). Cárdenas had started a new era of electoral competition.

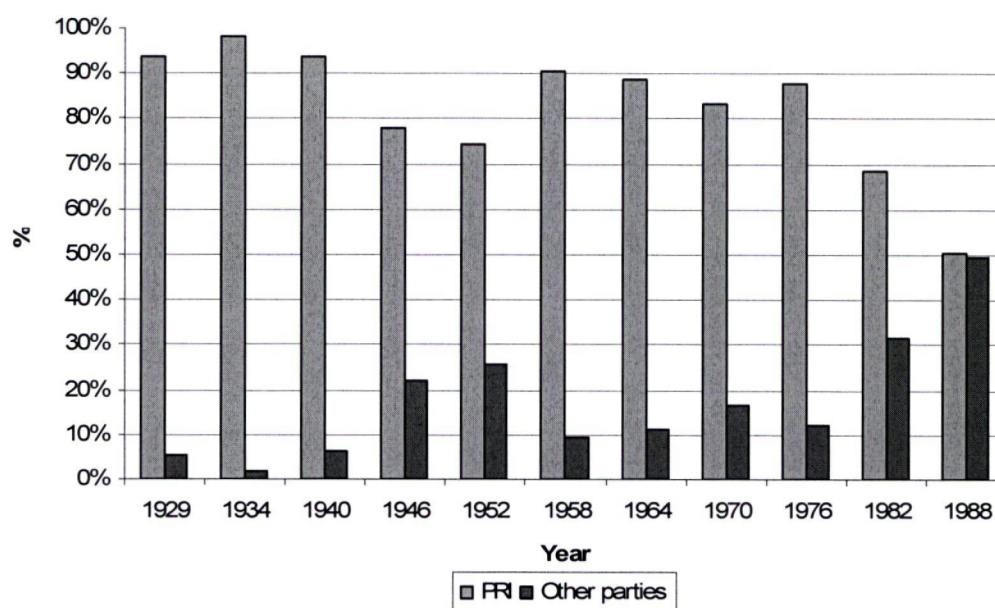
### *The growth of the opposition in the nineties*

Despite the PRI’s electoral rebound in 1991 and its victory in the presidential race three years later, the opposition’s growth did not stop in this period particularly at the subnational level. Between 1990 and 1995 its percentage of seats in local legislatures went from 30.3 to 44.1.<sup>25</sup> Electoral competition further increased after the 1995 peso crisis,

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<sup>25</sup> Source: Sixth State of the Union, Statistical appendix, 2006.

**Table 13: Presidential elections results 1929-2006<sup>26</sup>**



which prompted the defection *en masse* of voters to the opposition. Magaloni reports that, between 1994 and 2000, the PRI lost fourteen gubernatorial races (Mexico has 31 states) (*Voting* 54). Moreover, in 1997 the opposition managed to win the majority in the lower chamber and Mexico City's mayoralty:

**Table 14: PRI control of the chambers, state, and municipal governments 1994-2000<sup>27</sup>**

Year	Deputies	Senators	Governorships	Municipalities
1994	60%	74%	91%	83%
1997	48%	60%	78%	57%
2000	41%	45%	59%	54%

The change in the distribution of power undermined the conditions that sustained the *dedazo* as an informal institution of executive succession. Indeed, the expected utility of abiding by it,  $E(U_A)$ , stop surpassing that of challenging it,  $E(U_C)$ . This was because the

<sup>26</sup> Source: INEGI.

<sup>27</sup> Source: For deputies, senators and municipalities, Sixth State of the Union, 2006. For governorships my own analysis (includes Mexico City).

PRI's probability of victory,  $P_A$ , declined while that of the opposition,  $P_C$ , increased, offering real chances to office seekers. When this occurred, a door opened for the dismayed presidential hopefuls who in case of an unfavorable dedazo were no longer limited to abide by it or run a quixotic campaign. For the president this meant the loss of his authority to enforce it, since an informal institution in order to be effective must carry some form of credible sanction if its rules are broken. When the president could no longer credibly threaten disgruntled party members with political ostracism, it became far easier to challenge the dedazo.

### **The IFE**

Following Magaloni and Helmke and Levitsky I explain the dismissal of the dedazo due to a change in the distribution of power, which resulted from increased electoral competition that affected the expected benefits of the party members. Since the PRI after 1988 no longer offered assurance of victory, the incentives to abide by the dedazo ceased: if a politician was not favored by the president he could always turn his back on his old fellows and run on an opposition ticket with good prospects. In the following section I contend that the dedazo reconfigured in a new democratic framework. Specifically, that its principal function, namely the succession in the executive branch, was transferred to the IFE. My analysis builds on Magaloni's study of the creation of an independent electoral authority, and Helmke and Levitsky's informal institutions framework.

#### *How was the IFE created?*

I have characterized the dedazo as an accommodating informal institution: "created by actors who dislike outcomes generated by the formal rules but are unable to change or



openly violate them” (Helmke and Levitsky 15). From my perspective the *dedazo* was created to secure the PRI’s grip on power without infringing on the constitutional provision against reelection. For more than fifty years it remained effective, which ceased to be the case when the PRI lost its hegemony by the end of the nineties. Slowly but surely, the political struggle for the presidency moved from inside the cabinet into the open where the president had no authority. In a context where formal electoral rules were ineffective, the forcible enforcement of the *dedazo* to the detriment of a stronger opposition could have led the country down the path of violence. Following Elster’s rationale (“when certain tools are too dangerous, actors that normally wish to expand their authority prefer instead to limit it”), I contend that president Salinas abdicated the *dedazo* to preserve political order in the country. The result was an independent federal electoral institute that took over its primary function: the succession in the executive branch. I conceptualize this as a self-binding process in which the president progressively transferred his authority to the IFE.

The origins of the IFE can be traced to the 1988 post-electoral conflict, which prompted a constitutional amendment that set in place a new electoral legislation: the Federal Code of Electoral Institutions and Procedures (COFIPE). This piece of legislation replaced the formal, albeit ineffective, Federal Electoral Commission (CFE) with the IFE as the ‘depositary of the electoral authority’ (*Historia del Instituto Federal Electoral*). The president, however, kept for himself the reins of the new institute since COFIPE established that its board should be formed by the Minister of the Interior as its head, four members of congress of whom two belong to the largest party (read PRI), a varied number of party representatives according to their results in the last election, and six ‘magistrate councilors’ proposed by the executive. Evidently, this skewed composition guaranteed a

great degree of discretion to the president in electoral matters, rendering this initial IFE as ineffective to settle disputes and bring about a successful succession in the executive branch. It would take two more rounds of constitutional reforms to invest the IFE with complete authority, yet with the first it became an effective formal institution.

The first reform to the IFE came out just before the 1994 general election. The most significant change it introduced were new rules for the composition of its board. From then on, all political parties had one representative with no right to vote; also, the six magistrate councilors were now ‘citizen councilors’ proposed not by the president but by the parties in Congress. Additionally, the reform eliminated the power of the president of the board (the Minister of the Interior) to cast an extra vote in the event of a deadlock. This new set of rules meant the transformation of the IFE into an effective institution, since from then on the citizen councilors were the majority in the board. Indeed, according to Magaloni this group of citizens controlled much of the 1994 electoral process (*Demise* 132).

The transfer of electoral authority from the executive to the IFE was completed in 1996. That year a complementary amendment to the COFIPE fortified the institute by granting it complete independence from the president, who lost any representation in its board. The Minister of the Interior was replaced as its head by a ‘president councilor’ proposed by the parties and elected by two-thirds of the Chamber of Deputies. This responsibility fell for the first time on José Woldenberg, a scholar and long time leftist activist founder of the Democratic Revolution Party (PRD), the one created around Cárdenas. The following table sums up and gives full details of the process of transfer of authority from the executive to the IFE in the period 1987-1996 (Schedler 22):

**Table 15: Electoral Reforms in Mexico, 1987-1996: Election Management Body**

Year	Election Management Body	Presidency of the board	Members of the board
1987	CFE	Secretary of the Interior	Tempered proportional representation with PRI majority
1990	IFE		Tempered proportional representation: 6 PRI and 8 opposition representatives; 6 nonpartisan 'magistrate councilors' proposed by the president
1994			Egalitarian representation: one representative per party without voting rights; 6 'citizen councilors' proposed by parties in congress
1996		'President councilor' proposed by the parties and elected by two-thirds of the chamber of deputies	Egalitarian representation: one representative per party without voting rights; 8 'electoral councilors' proposed by parties in congress

### **The IFE in operation: the 1994 elections**

How can we confirm if the IFE took over the function of the dedazo, namely the succession of the executive? Or in Helmke and Levitsky's terms, how can we tell if the IFE has become an effective formal institution able to deliver its expected outcome (see chart below)? The experience of the 1994 election seems to confirm it. The events that preceded it put in risk the succession, which could have been easily derailed if there had not been in place an effective institution to conduct it.

**Table 16: Dedazo IFE comparison**

<b>Rule / Institution</b>	<b>Type</b>	<b>Objective</b>	<b>Expected outcome of objective</b>	<b>Actual outcome</b>
Dedazo	Informal	Executive succession due to prohibition of reelection	Pro tempore governments	"Perfect dictatorship"
IFE	Formal			Pro tempore governments (expected outcome)

Early that year, the Zapatista Army of National Liberation (EZLN) emerged on the national scene. Its declared objective was to advance towards Mexico City in order to depose the 'illegitimate' Salinas' government (*Zapatista*). The EZLN took everybody by surprise, including the president who lacked precise information on the strength of the group:

*“At the time, you didn’t know who Marcos and the Zapatistas were?”*

I have received some reports from the Ministry of Defense in mid-1993 indicating the existence of a training camp, and reports had been published in Mexican magazines. But information regarding a guerrilla force of the size that materialized in January 1994, no. As to its name, you should bear in mind that there are over two thousand organizations in Mexico that bear Emiliano Zapata’s name” (Castañeda, *Perpetuating* 223).

However, more than the EZLN’s military might, Salinas feared the possibility of its convergence with Cárdenas, who was running for the second time as presidential candidate of the left. During the Salinas administration PRDistas were ostracized and even persecuted; they claim that around 300 of its activists were murdered in this period (Magaloni, *Demise* 131). The harsh repression pushed Cárdenas into adopting increasingly anti-system stances; as Magaloni explains, there were doubts over his institutional loyalty: “There was a real question as to whether the PRDistas were going to join the Zapatistas in creating a united front against the regime, participate in the electoral process, and call the legitimacy of the elections into question after the fact” (*Demise* 135). This question became an imminent threat when Cárdenas and EZLN’s Subcomandante Marcos established contact and held a number of interviews in the election run-up. Facing this scenario, Salinas reacted with a nationwide political opening aimed to bring back the Cardenistas to institutional politics. He granted independence to the IFE, which gave them a legitimate chance in the elections (Magaloni, *Demise* 136). Indeed, three out of six citizen councilors had close ties with Cárdenas and/or the PRD.<sup>28</sup>

Eventually, the PRI won those elections. For the PAN –as well as for most observers– they were fair enough and it quickly conceded defeat. For his part, Cárdenas cried foul and called for a “national salvation government,” yet he was unable to set off big mobilizations

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<sup>28</sup> These were Miguel Ángel Granados Chapa, José Agustín Ortiz Pinchetti, José Woldenberg Karakowski.

like those of 1988. Magaloni explains this by the fact that “the independence of the IFE increased the costs to Cárdenas of claiming fraud after the fact. Who was going to believe him, and follow him into the streets, if the PRI was not in control of the process?” (*Demise* 136). The IFE had replaced the dedazo as an effective institution of executive succession. For the first time it was not the president who decided who were the competitors and the winner, but an independent institute vested with complete electoral authority. The dedazo had undergone the process anticipated by Elster: its institutionalization once its enforcement became too dangerous.

#### **Addendum: the partisan dimension of the dedazo**

The dedazo had two dimensions: a partisan one and a national one. The first was the imposition of a candidate on the PRI, and the second the imposition of a president over the country. The hegemonic character of the party blurred this distinction for decades, which only after the democratic transition became visible again. Indeed, even though president Ernesto Zedillo (1994-2000) was hand-picked by Salinas as official candidate, this did not mean the automatic transfer of executive authority. First he had to win the elections under the authority of the IFE, in whose board Salinas had no say. The partisan dedazo survived the collapse of the national but not for long; the reason for its final dismissal was also increased electoral competition.

There are two defining moments in the collapse of the dedazo at the interior of the PRI. The first is the party’s XVII Assembly on September 1996, in which the delegates agreed on new statutes that limited the universe of choices for Zedillo. Let us remember that in the successions under the dedazo only cabinet members were considered presidential hopefuls;

governors and other high-profile politicians were excluded. The XVII Assembly revoked this foundational rule by establishing new requisites for becoming presidential candidate. Starting from then he or she should have prior experience as militant, party leader, and elected official. While this new rule enabled governors and party officials it disqualified most of the technocrats in the cabinet, leaving the president without his refereeing functions.

The second defining moment was the modification of the presidential nomination process (Aznárez, *PRI*). In view of his limited options and of the growing strength of governors and party insiders, Zedillo preferred not to attempt the *dedazo* and called for a national open primary to choose the 2000 PRI presidential nominee. Four prominent party members, three of them cabinet outsiders, sought the nomination. Nicknamed the 'Fantastic Four' by the press, they were former governor of Sinaloa and Minister of the Interior, Francisco Labastida; governor of Tabasco, Roberto Madrazo; governor of Puebla, Manuel Bartlett; and former party president and congressional leader, Humberto Roque. For the first time ever, the president did not have any authority over the designation of the PRI candidate: the whole process was conducted by a party electoral commission expressly created for this purpose and directed by the senior PRI politician Don Fernando Gutiérrez Barrios. Seven million voters reportedly participated overwhelmingly picking Labastida. Despite the fears that runner-up Madrazo would split due to the aggressive tone of his campaign, he remained loyal waiting for the second chance he eventually had in 2006.

## CHAPTER FIVE: FROM THE MPRG TO THE TEPJF

Carpizo's second metaconstitutional power is the naming and removal of governors. Since the dynamics of its first aspect are similar to those of the *dedazo*, in this chapter I deal with the second: the extralegal removal of governors, here referred to as the MPRG. This power was the PRI-era presidents' power to force the resignation of constitutionally, if sometimes fraudulently, elected state executives. Due to its extralegal character that infringed the legal framework that ruled the relation between the center and the states, it usually took the form of a 'voluntarily' resignation, a sudden illness, or any other 'personal reason' that could excuse a governor of its functions. Once the office was vacant it was filled in by a presidential appointee swiftly ratified by the local legislature while new elections were organized. Understandably, the MPRG cultivated the notion of governors as disposable employees of the federal executive.

However, the MPRG was enforced not to 'punish' administratively incompetent governors but those whose actions or omissions led to social unrest (Hernández Rodríguez, *Cambio* 800). Only when a governor failed in the basic mission of preserving local political stability the president would replace him. Thus, the MPRG can be thought of as a political, albeit extralegal, exit to a local conflict prompted by the state executive. Hernández explains it: "The relationship between governors and the president was always more complex than what is usually accepted. The president did not have such a bearing on everyday activities; nor did state governors lack power or resources. Their relation, as the total of removal shows, was based on the governor's ability to uphold the authority to control and regulate conflict" (*Renovation* 106).

In the same way as in the case of the dedazo, in this chapter I explain the dismissal of the MPRG due to the new levels of electoral competition that came together with the democratic transition. As the PRI lost its hegemonic character the president also lost his ascendancy over the state executives, which represented a serious risk at a time when local conflicts increased due to postelectoral quarreling. Here I contend that at that moment the MPRG became too costly to be effective, and thus (in accordance with Elster) the president abdicated it into an independent tribunal –the TEPJF- that carried out its same functions in the context of a postelectoral conflict. Again, I conceptualize this development as a self-binding process whereby an informal presidential power was institutionalized in the new democratic framework.

#### **Article 76 section V**

Contrary to the dedazo that had no comparable formal rule (no law granted the president the right to name his successor), the MPRG did. Article 76 section V of the constitution enables the Senate to remove a sitting governor “whenever all the constitutional powers of a state have disappeared,” and replace him from a list of three candidates proposed by the president. Theoretically, in such situations the upper house limits itself to take note that the constitutional order no longer prevails in a state, and then invites the president to submit his list. However, Weldon observes that in the few occasions this provision was enforced –only three since 1954- it meant in practice the deposition of the governor by the executive (*Political* 253). Indeed, it was the president who recommended the Senate to issue a declaration of constitutional breakdown; and even



though the article expressly stipulates that *all* constitutional powers must be absent, local legislators and judges remained in their posts.

Art. 76-V has its origins in Article 72 of the 1857 constitution, added in 1874 due to two serious local conflicts in the 1870s (González Oropeza 43-45). The first of them occurred in Yucatan, where the governor and other authorities extended their terms without calling elections, enraging the mob which expelled them from the state at gunpoint. The second occurred in Coahuila, where the refusal of the governor to promulgate a law passed by the local legislature degenerated in an open civil war. The memory of these and several other local conflicts persuaded the constitutional convention of 1917 to leave this provision in place. It, however, failed to specify when the powers of a state ‘disappear.’ This legal lacuna was finally mended in 1978, when the Congress passed a regulatory statute that specified that the Senate could only issue such declaration when the local executive, legislative, and judiciary either: 1) break the principles of the federal regime, 2) abandon their duties, 3) are physically impeded from carrying out their functions due to conflicts caused by themselves that precipitated the breakdown of the constitutional order, 4) extend their terms without calling elections, or 5) adopt a political organization different from that of the Republic.<sup>29</sup> Even though the statute did not expressly authorize the president to submit a recommendation to the Senate, it left enough leeway for him to do so as it established this was the responsibility of “senators, federal deputies and citizens of the state.”

Table 17 shows that, between 1946 and 2000, Art. 76-V was called into effect only in five occasions and none after 1975. Nevertheless, in that same period 41 governors stepped

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<sup>29</sup> Ley reglamentaria de la fracción V del artículo 76 de la constitución general de la república. 1978.

down from office at a presidential order due to their failure to uphold the rule of law in their states (see Table 18).

**Table 17: Governors who did not complete their constitutional period 1946-2000<sup>30</sup>**

Administration	Period	Called into federal cabinet	Enforcement of Art. 76-V	Resignation	Total
Miguel Alemán Valdés	1946-1952	2	1	11	14
Adolfo Ruíz Cortines	1952-1958	3	1	4	8
Adolfo López Mateos	1958-1964	0	0	3	3
Gustavo Díaz Ordaz	1964-1970	1	1	0	2
Luis Echeverría	1970-1976	3	2	4	9
José López Portillo	1976-1982	2	0	3	5
Miguel de la Madrid	1982-1988	2	0	4	6
Carlos Salinas	1988-1994	5	0	12	17
Ernesto Zedillo	1994-2000	2	0	5	7
Totals		20	5	46	71

**Table 18: Causes for resignation of governors<sup>31</sup>**

Administration	Period	Enforcement of MPRG	Disputes within the PRI	Health problems	Total
Miguel Alemán Valdés	1946-1952	8	3	0	11
Adolfo Ruíz Cortines	1952-1958	3	1	0	4
Adolfo López Mateos	1958-1964	3	0	0	3
Gustavo Díaz Ordaz	1964-1970	0	0	0	0
Luis Echeverría	1970-1976	4	0	0	4
José López Portillo	1976-1982	3	0	0	3
Miguel de la Madrid	1982-1988	4	0	0	4
Carlos Salinas	1988-1994	12	0	0	12
Ernesto Zedillo	1994-2000	4	0	1	5
Totals		41	4	1	46

If Art. 76-V enabled the executive to lawfully remove problematic governors, then why did the PRI-era presidents resort to the MPRG? De la Madrid explains this due to the high social cost of the legal way. He argues it can lead to violence because as long as the governor remains in office he is the acknowledged local political boss (298). Besides, in his experience it is not easy to build up a case against sitting governors, since the necessary

<sup>30</sup> Sources: González Oropeza 237-253; Hernández Rodríguez, *Inestabilidad* 204-206; Hernández Rodríguez, *Cambio* 800; my own análisis.

<sup>31</sup> Sources: González Oropeza 237-253; Hernández Rodríguez, *Inestabilidad* 204-206; Hernández Rodríguez, *Cambio* 800; Eisenstadt, *Courting* 104; my own analysis.

information is under their custody. In regards to the apparent willingness of the governors to step down at a presidential order, he conjectures it is due to their dark record (*"tienen cola que les pisen"*<sup>32</sup>); otherwise, he ventures, they would react harshly knowing that in a public confrontation their prestige would not be the only one damaged (298).

A less cynical perspective –which this chapter adopts- is that of Weldon. For him, the fact that the Senate was filled with PRI members meant that, if needed, the president could easily persuade them to declare the disappearance of powers in a state. Thus, for a governor it would always be better to resign voluntarily than being forced out, especially if he held any hope of being rehabilitated in the future, as his prospects in subsequent political cycles were better if he stepped down quietly (Weldon, *Political* 254).

To illustrate, let us briefly look at the case of governor Enrique Velasco Ibarra of Guanajuato (1979-1984), which ex-president de la Madrid describes as ‘symptomatic.’ Keep in mind that the enforcement of the MPRG varied widely through its 41 editions, and that a detailed study of its typology (à la Castañeda in regards to the *dedazo*) is still to be written. What I offer here is simply an exemplary case during the last administration that did not cohabit with any state opposition government. Hopefully, it will allow us to move on in our discussion with a better understanding of this metaconstitutional power.

### **The Velasco case**

Against the extended idea that during the PRI-era the permanence of the governors was subject to the despotic will of the president, the fact is it depended upon the political stability in their states. Besides, the relatively small number of deposed executives suggests in any case that the completion of their constitutional term was the rule and not

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<sup>32</sup> The phrase translates to: “They have tails to be stepped on.”

the exception. Indeed, Hernández Rodríguez reports that the percentage of those who completed it fluctuated between 72 and 94 in the 1952-1988 period (*Cambio* 799). This implies that the MPRG was a last resource when facing a local crisis. How did its enforcement unfold? It usually started with bad news coming from *provincia* to Mexico City. In the case of Enrique Velasco, de la Madrid recalls in his memoirs that as soon as he arrived to Guanajuato “he fell madly in love with a girl and had public problems with his wife, whom he finally divorced sparking a huge local scandal” (297).<sup>33</sup>

Bad news was followed by a period of study of the governor’s actions by the president, who gathered more information through his ministers, the party, and the population. In the case of Velasco, de la Madrid did not have to go far in his investigations: it was well known that the personal life of the governor had become his sole concern. The governor had completely neglected the government leaving it in the hands of his finance minister, Raúl Robles, who acting as his factotum amassed a fortune through his private companies (De la Madrid 297). De la Madrid feared Velasco’s extreme apathy could lead to an untenable situation: “A vacuum of power had been created in [Guanajuato] in which the agrarian problems were not resolved and political ones surged. Meanwhile, the government had fallen in generalized corruption” (297).<sup>34</sup> The dissatisfaction among the citizenry became evident in the 1982 mid-term local elections, when the opposition won the capital of the state (bear in mind that at this time political alternation was extremely rare).

The proximity of the 1984 state’s elections and the conviction that the governor “was not able or did not want to face the serious responsibility of governing,” compelled de la

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<sup>33</sup> Translation mine.

<sup>34</sup> Translation mine.

Madrid into action (297).<sup>35</sup> On February of that year, Velasco was called to Mexico City and ordered to immediately dismiss his cabinet and replace it with functionaries appointed by SEGOB. As for his Finance Minister, he was accused of fraud and imprisoned (Rionda Ramírez, *Guanajuato*). Despite the enormous pressure Velasco refused to resign arguing the sovereignty of the state, however he yielded as soon as new evidence of corruption under his administration emerged. On June, the governor requested permission to the local legislature to leave his post for 90 days due to ‘personal reasons.’ It was in fact a definitive removal and that very day Agustín Téllez Cruces was sworn in with the acquiescence of all PRI local legislators. De la Madrid defused a conflict that threatened to escalate, now he could focus on other troubled states: “The governor of Chihuahua, Óscar Ornelas, is a good man but unfortunately weak (...) They say that José de las Fuentes Rodríguez of Coahuila does not work more than three hours in the mornings, spending the afternoons drinking with friends” (299).<sup>36</sup>

### **The MPRG as an informal institution**

Following Helmke and Levitsky’s typology of informal institutions, the MPRG would be substitutive: those that combine ineffective formal institutions and compatible outcomes. These institutions “achieve what formal ones were designed but failed to do so” (Helmke and Levitsky 16). Indeed, the presidents enforced it to defuse the local political conflicts anticipated in Art. 76-V. This, however, was not achieved through the mechanisms established in the referred article. Was it because it was inefficient? Not quite. Rather, the reason is that Art. 76-V was less cost-efficient than the MPRG. Let us

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<sup>35</sup> Translation mine.

<sup>36</sup> Translation mine.

remember its enforcement was not a display of force, but a measure in extremis to cope with a state that fell into disarray. As de la Madrid explains, “the replacement of governors discredits us and harms us, even if it is achieved without violence” (299).

*The MPRG as an informal institution to pacify electoral conflicts*

The democratic transition set in motion in the late 1980s brought new challenges that profoundly transformed the MPRG and eventually led to its dismissal. It increased the political instability across the country, which in turn led to an increase of the use of the MPRG. Table 19 shows that during the Salinas’ administration twelve governors ‘voluntarily’ stepped down from office due to political instability in their states; this was a threefold increase if compared to the previous administration. More interestingly, however, is the fact that seven of them resigned specifically for postelectoral conflicts, which marks an important difference between Salinas and his predecessors. Indeed, under his administration the MPRG was transformed into an informal mechanism of electoral justice in which the president served as the jury, the judge, and the executioner. This was to the point that its use in the context of a postelectoral conflict received a name of its own: *concertaciones*, a slang that combines the words ‘concertation’ and ‘concession,’ and that became part of the Mexican political lexicon.

**Table 19: Causes of political instability that prompted the removal of governors 1988-1994<sup>37</sup>**

Ingovernability - opposition postelectoral mobilizing	7
Ingovernability - unpopular policy choices	4
Governor faces strong suspicion of graft	1
Total	12

<sup>37</sup> Source: Hernández Rodríguez, *Inestabilidad* 204-206; Hernández Rodríguez, *Cambio* 800; Eisenstadt, *Courting* 104; my own analysis.

The greater number and intensity of postelectoral conflicts in this period can be explained due to the advance of the opposition during the late eighties and early nineties that raised the level of electoral competitiveness. Between 1990 and 1994 the average gap between the winner (read PRI) and the runner-up in municipal elections shrank from 42 percentage points to 26. Eisenstadt demonstrates that both the PAN and the PRD supporters were more likely to mobilize after losing a closely contested election than in a noncompetitive race (*Courting* 147). In his own words, “electoral competition increased postelectoral competition” and thus, I add, political instability (*Courting* 116).

**Table 20: Electoral results in municipal elections 1990-1994<sup>38</sup>**

Year	PAN	PRI	PRD	Otros	Difference between winner and runner up
1990	14%	56%	10%	19%	<b>42%</b>
1991	21%	62%	7%	10%	<b>41%</b>
1992	26%	56%	9%	9%	<b>30%</b>
1993	16%	63%	12%	9%	<b>46%</b>
1994	27%	52%	13%	8%	<b>26%</b>

Facing an opposition now able to challenge the PRI-regime at the ballot box and in the streets, Salinas saw the need for an agent of electoral justice. He had at hand two formal options at the beginning of his term. One was the costly, lengthy, tortuous path offered by Art. 76-V. The other was the Tribunal of Electoral Contention (TRICOEL), whose decisions Eisenstadt documented “were widely ignored and largely irrelevant” (*Courting* 45). Indeed, this judicial instance lacked independence and jurisdiction over local affairs. Without a formal institution that could settle postelectoral disputes, Salinas resorted to the MPRG which, even if informal, was effective at defusing local conflicts. Thus, this should not be understood as a reflection of a despotic character, but as a response to increased

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<sup>38</sup> Source: Sixth State of the Union, Statistical Appendix, 2006.

political instability due to the better electoral results of the opposition, particularly of the PAN.

To illustrate the point, let us look at Guanajuato's 1991 elections which Eisenstadt regards as a model of postelectoral conflict settlement during the Salinas' administration. In that occasion the officialist candidate, Ramón Aguirre, won according to the PRI-dominated state electoral board with 622 000 votes against Vicente Fox of the PAN, who received 417 000. These figures, however, were deemed fraudulent by several observers who reported all kinds of electoral offences before, during, and after election day. Krauze reports that "the PRI candidate spent public funds in a very expensive campaign and mobilized the peasants as what they have always been: political cattle. He transported them, fed them, pampered them, convinced them and, in due course, probably threatened them to vote for him" (429). The protests that followed this scandalous fraud were loud and became massive when the inefficient local electoral court –packed with the governor's appointees- dismissed all claims of fraud. Large crowds poured into the streets of the main cities of Guanajuato making headlines around the world. Even the *Wall Street Journal* had its say about this matter, calling on Salinas to annul the election (Golden, *Mexican*). Fox recalls the unrest in which the state fell after the election:

"We started a sixty kilometer 'Rally for Democracy' towards Guanajuato City in order to demand the State's Electoral Tribunal the nullification of 700 polling stations. The actions of civil resistance included the blockade of highways, the international airport, and the besiegement of Guanajuato City. The squares of León, Celaya, Irapuato, and Dolores were packed with citizens, homemakers, students, and seniors, denouncing the electoral fraud. The state experienced exaggerated animosity; and as if problems were not big enough, a mob or drunken PRIistas tried to destroy the local congress building" (79).<sup>39</sup>

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<sup>39</sup> Translation mine.



Facing the real possibility of violence in the state, Salinas decided to remove Aguirre minutes after he was declared governor-elect. His place was taken by the PANista Carlos Medina, a concession of Salinas in order to pacify the radical element of the 1991 Guanajuato protests. In this way, the postelectoral conflict was defused following the rationale that, as the then sub-secretary of the interior explained to Eisenstadt, “between violence and concertación [MPRG], the lesser evil was the second” (*Courting* 108).

### **The demise of the MPRG in the context of postelectoral conflicts**

The MPRG was a power of last resort when facing a local crisis. It was an undesirable exit even if more cost-efficient than the enforcement of Art. 76-V. Nevertheless, for lack of a better solution Salinas repeatedly resorted to it to settle postelectoral conflicts. Despite the fact that these problems did not de-escalate in number and intensity in the next administration, president Zedillo was unable to enforce it throughout his six years in power. When and why it stopped being an effective informal mechanism of electoral justice? How did this process unfold? In the following section I address these questions, building on Helmke and Levitsky’s informal institutions change model.

#### *The 1994 elections in Tabasco*

The precise moment the MPRG collapsed can be traced early in Zedillo’s term, specifically to January 1995 when the then PRI governor of Tabasco, Roberto Madrazo, disobeyed a presidential order to step down. In November of the previous year Madrazo won the state elections through blatantly fraudulent means:

“The Tabasco PRI had violated campaign spending limitations fifty-fold with impunity, jammed the state’s electoral apparatus with biased officials who committed flagrant election-day ‘engineering’ (including a mysterious blackout of the vote-tally computer, which turned back on with 4 percent fewer votes cast), and engaged in the usual ‘get out the vote’ promotions and petty ballot stuffing” (Eisenstadt, *Mexico’s* 238).

Following the examples set in the previous administration, the PRD candidate and runner-up in the election, Andrés Manuel López Obrador, launched a rally to Mexico City to occupy its central square. His actions in the capital were followed with oilfield blockages and street demonstrations in Tabasco’s capital, which greatly affected the state’s economy. Forced to react, Zedillo engaged in discussions with López that considered the enforcement of the MPRG. When word of this reached Madrazo, he answered in the very same way as López: taking streets and organizing extensive social mobilization which effectively ended up paralyzing the state. Madrazo was not alone in his stance against the president, as local and federal legislators took sides with him.

When Zedillo realized he lacked the support of his party he distanced himself from the bargaining table with the PRD, and withdrew his offer to enforce the MPRG. For the rest of his term he did not enforce it as a mean to solve postelectoral conflicts. Instead, he reserved its use to four extreme cases of violence, two of which related to the uprising of the EZLN in Chiapas. The first involved governor Robledo Rincón, who was sacrificed as a concession to the guerrilla to initiate peace talks. The second the successor of Rincón, Ruiz Ferro, who was dismissed following the Acteal massacre in which 45 Chiapanecan indigenous died. A third governor was sacked after another mass murder in 1996, this was Rubén Figueroa of the state of Guerrero, whose police killed seventeen unarmed peasants en route to attend a protest march. Interestingly, in this case the president was unable to force the governor’s immediate resignation, which only came after a video of the crime

went public. The fourth and last dismissed governor was Carrillo Olea of the state of Morelos, who was forced to resign after his anti-kidnapping squad chief was arrested dumping a body along a rural road. This crime set off a serious crisis in the state in which even the Catholic Church intervened, threatening to excommunicate all the implicated (Dillon and Golden, *Yucatan*).

### *Reasons for its dismissal*

The gravity of the cases described above and the problems of president Zedillo to enforce the MPRG in the context of a postelectoral conflict, indicate this informal institution was not efficient anymore. As in the case of the dedazo, I contend this was due to Helmke and Levitsky's second source of informal institutional change: variations in the underlying distribution of power and resources. This as a result of the protracted democratic transition experienced by the country following the 1988 elections, which at first increased electoral competition and later prompted the alternation in political office.

If we are to follow Weldon's thesis, the apparent willingness of the PRI-era governors to abide with the MPRG was due to: 1) the fact they could be ousted by legal means under Art. 76-V if so the president decided, and 2) their expectation to be rehabilitated in the future. When the PRI's electoral fortunes declined, the validity of these two determinants waned. First, because by the time Zedillo was sworn in the PRI controlled only 74% of the Senate, just slightly above the two thirds (67%) necessary to declare the disappearance of powers. Only nine votes were needed to block the motion, not hard to find if we consider each state has four senators likely to take sides with the local executive. Second, because the likelihood of future rehabilitation, either at the local or federal levels, diminished as the

opposition started to win elections. In the first year of the Zedillo administration the PRI managed to win only three out of six state elections, in all cases with tight margins of victory ranging from 15% to 6%. Thus, simply put, the president was left without the stick (Art. 76-V) and the carrot (access to office) necessary to enforce the MPRG.

**Table 21: 1995 state elections results**<sup>40</sup>

State	PAN	PRI	PRD
Baja California	<b>50.94%</b>	42.34%	3.32%
Chiapas	9.16%	<b>50.49%</b>	35.00%
Guanajuato	<b>58.10%</b>	32.90%	7.02%
Jalisco	<b>53.95%</b>	37.96%	4.08%
Michoacan	25.49%	<b>38.89%</b>	32.39%
Yucatan	44.35%	<b>48.68%</b>	2.99%

### The reconfiguration of the MPRG in the TEPJF

Following Helmke and Levitsky I have characterized the MPRG as a substitutive informal institution: those that deliver the expected outcome of an inefficient formal rule, in this case Art. 76-V of the constitution which bestows upon the federation the responsibility to restore the legal order in a state that had fallen into disarray. Thus, far from being a despotic practice the MPRG was for the president a more efficient way to accomplish his constitutional mandate of “looking in all ways for the welfare and prosperity of the Union.”<sup>41</sup> However, as we saw, changes in the distribution of power and resources due to increased electoral competition left the president without the necessary means to enforce it. In this section I contend that its function as a defuser of postelectoral conflicts was taken over by the Electoral Tribunal of the Federal Judiciary (TEPJF). I explain this development as a self-binding process in which the president abdicated the MPRG in this new institution set in place during the transition.

<sup>40</sup> Source: Centro de Investigación para el Desarrollo (CIDAC) and INEGI.

<sup>41</sup> Art. 87 of the Constitution.

**Table 22: MPRG Art. 76-V comparison**

Rule / Institution	Type	Objective	Expected/actual outcome of objective
MPRG	Informal	Defuse a state conflict product of the negligence or incapacity of the governor	Appeasement of the state
Art. 76-V	Formal		

**Table 23: MPRG TEPJF comparison**

Rule / Institution	Type	Objective	Expected/actual outcome of objective
MPRG	Informal	Defuse a postelectoral conflict	Appeasement of the state
TEPJF	Formal		

*The TEPJF: reasons for its creation*

The most remote antecedent of the TEPJF was the TRICOEL, which as we saw was inefficient to defuse local postelectoral conflicts. This tribunal was formed by seven magistrates elected by the parties represented in the lower chamber to serve four-year terms. Needless to say, the absolute majority of the PRI introduced a strong bias in their choice (Eisenstad, *Courting* 66). But the TRICOEL's most important shortcoming was its limited jurisdiction, as it could only review cases in connection with federal elections.

The 1990 electoral reform replaced the TRICOEL with the Federal Electoral Tribunal (TRIFE), which was formed by 5 magistrates proposed by the president and selected by 2/3 of the deputies. Different from its predecessor, the TRIFE had judicial as well as administrative authority; however, despite several subsequent reforms during the nineties that increased its scope and reach (tighter eligibility criteria to become magistrate, extended range of evidence acceptable, the authorization to the Supreme Court to nominate magistrates) it still lacked jurisdiction in state and municipal elections (Eisenstadt, *Courting* 68). This was granted only after the 1996 so-called 'definitive' electoral reform pushed by president Zedillo which replaced the TRIFE with the TEPJF, bestowing it with

the authority and means to settle postelectoral conflicts in the fashion of the MPRG. Indeed, this new tribunal could depose a governor and order the appointment of an interim by annulling his election if it deemed it as fraudulent. Moreover, the TEPJF was granted complete independence from the executive as it was incorporated into the federal judiciary. From then on, its magistrates were proposed by the Supreme Court and ratified by 2/3 Senate. The following table details the evolution of the agent of electoral justice in the period 1987-1996 (Schedler 22):

**Table 24: Electoral Reforms in Mexico, 1987-1996: Electoral Dispute Settlement**

<i>Year</i>	<i>Agent of electoral justice</i>	<i>Members</i>	<i>Independence of agent</i>	<i>Jurisdiction</i>
1987	TRICOEL	Seven magistrates proposed by parties and elected by chamber of deputies.	No. Its decisions can be overruled by simple majority of electoral college.	Federal elections
1990	TRIFE	Five magistrates proposed by president and nominated by 2/3 of the chamber of deputies.	No. Overruled by 2/3 of the electoral college.	
1994			Not for presidential elections; yes for legislative.	
1996	TEPJF	Magistrates proposed by Supreme Court and nominated by 3/4 of Senate.	Yes for both elections.	Federal, state and local elections

### *The effectiveness of the TEPJF*

Why did Zedillo push for the creation of the TEPJF? First and foremost, there was the risk of leaving the struggle for power at the subnational level to the law of the survival of the strongest. A tenacious opposition facing corrupt local political bosses could only result in tragedy. At this respect, Eisenstadt reports that between 1989 and 2000 there were 155 deaths of opposition activists in postelectoral conflicts (*Thinking* 39). The need for an effective institution of electoral justice was acute, particularly after the Tabasco experience in which Zedillo was unable to play a decisive role. As Eisenstadt points, the TEPJF owed

its creation partly to the aborted Tabasco gubernatorial concertación (MPRG) (*Mexico's* 238).

But, does the TEPJF work? Has it taken the place of the MPRG as an effective formal institution able to defuse postelectoral conflicts? The experience of Tabasco's next postelectoral conflict in 2000 seems to confirm it. In that occasion, the TEPJF annulled the victory of the PRI's gubernatorial candidate two days before he was sworn in on the grounds of several 'indicators of electoral fraud.' The TEPJF considered that the illegal intervention of the state government made the whole process unfair (Eisenstadt, *Mexico's* 242). While the deposed governor-elect Manuel Andrade Díaz cried foul, no acts of defiance followed the court's ruling: local legislators designated Enrique Priego Oropeza as interim governor while new elections were organized. The TEPJF had effectively acted as an agent of electoral justice, defusing a local conflict just as the MPRG used to under the authoritarian regime.

## CHAPTER SIX: CONCLUSION

This thesis argues that the chief powers of the authoritarian Mexican presidency were reconfigured in new democratic institutions. Following the Introduction, in Chapter Two I explained the need to resort to an alternative methodology to the traditional constitutional-partisan framework in order to grasp this development. The need is justified by the fact that these powers were informal in nature. Therefore, an analysis that exclusively focuses on formal institutions, executive-legislative relations, or the constitution, will be missing an important part of the story. This is not to say these aspects are irrelevant, but that the study of the authoritarian presidency has to be complemented by an analysis of the informal rules and institutions that were a critical part of its powers. I concluded the chapter by looking at the literature on the reconfiguration of the executive power in recently democratized countries, noticing it has been largely underpinned by theoretical frameworks similar to the constitutional-partisan one.

In Chapter Three I analyzed the presidency before and after the democratic transition. I argue that during the authoritarian regime it was weaker than what is often assumed. Indeed, its constitutional prerogatives were modest by contrast to other Latin American countries, and only enhanced by its high partisan support in the legislature. I also showed that its powers were primarily informal and that these stemmed not from the constitution or partisan support at the legislature, but from the hegemonic character of the PRI. Finally, I showed that these powers were the only ones that changed during the democratic transition as most of its prerogatives stipulated in the 1917 Mexican Constitution remained in place for the new regime.



In Chapter Four I analyzed the reconfiguration of the *dedazo*. I argued that it was originally created by the PRI elites to fulfill the constitutional provision against reelection and at the same time to maintain their grip on power. I demonstrated that the *dedazo* was contingent upon the hegemonic character of the PRI, and that when the opposition parties became competitive it was made ineffective as an informal institution of executive succession. This last point was due to the fact that dismayed presidential hopefuls were no longer limited to abide by it or run quixotic campaigns: the opposition had become an effective vehicle to attain office. Once the political struggle for the presidency moved outside the hegemonic party, the need for an all-encompassing electoral authority turned out to be pressing. I argued that ex-president Salinas' response was to grant independence to the IFE, committing in this way the leaders of the opposition to institutionalized politics. From then on, the IFE carried out the basic function that the authoritarian regime assigned to the *dedazo* for many decades: the orderly succession of executive power.

In Chapter Five I analyzed the second informal power of the presidency: the MPRG. I explained that this power was during the PRI-era was an extralegal exit to local conflicts prompted by the actions or omissions of state governors. The MPRG had a comparable formal rule (Art. 76-V of the Constitution), yet it was widely preferred by the presidents to pacify a state due to its comparatively low political cost. As in the case of the *dedazo*, the MPRG was contingent upon the hegemonic character of the PRI, especially on its control of the Senate and its monopoly of bureaucratic posts. I argued that this extralegal power, in the context of the increased electoral competition in the final years of the PRI regime, was reconfigured in the TEPJF. As the democratic transition unfolded, local postelectoral problems became recurrent and so the enforcement of the MPRG became more

problematic. However, when the PRI lost its large majority in the Senate and its absolute control over bureaucratic posts, the governors became less willing to step down if ordered by the president. Ex-president Zedillo's response to this challenge was to abdicate his authority in local postelectoral conflicts in favor of an independent tribunal whose effectiveness was demonstrated in 2000 in Tabasco. Indeed, this tribunal resolved a postelectoral as the MPRG had done in the old regime: by deposing the governor-elect and ordering the local legislature to select an interim.

One possible counterargument against my general argument would be that, rather than an abdication or self-binding, the president underwent an 'other-binding' process. This is when other actors, in this case opposition parties, become strong enough to bind a powerful actor. From this perspective, it would not be the president who voluntarily abdicated his informal powers, albeit forced by the circumstances, but rather he would be the last of the PRIistas to have been affected by the democratic transition. The response to this counterargument is that, admittedly, the process of abdication that I have described here was driven by the pressure of the opposition as much as by the president's own conviction. However, even if the opposition prompted the process, the Mexican presidents had a choice: abdicate their powers in favor of new democratic institutions or cling to them. Many other autocrats have chosen the second option, even when facing the risk of violence. It is said that near his downfall president Trujillo of the Dominican Republic uttered: "I am no Batista, Pérez Jiménez, Rojas Pinilla, or General Perón. I will not spend my last years as a retired statesman overseas" (Vargas Llosa, *Feast* 118-119).

However, it is important to state that my argument is not that the former informal powers of the authoritarian presidency were a hundred percent transferred to the new

democratic institutions. This is particularly true in the case of the MPRG, which lost in the transition most of the qualities that made it the presidents' tool to hold the local political bosses in check. Indeed, the TEPJF can only resolve local conflicts related to electoral politics that directly involve the state governor; in the rest, the president is powerless to act. The most pathetic case was probably Puebla's 2006 protests, ignited after it was revealed that its governor Mario Marín (2004-2010) was in the middle of a sordid case of pedophilia, bribery, influence peddling, and abuse of authority (González, *Determina*). In the PRI days, a governor that caused such a public scandal would have been quickly removed by the president.

Another clarification to my argument is that it does not imply that the IFE and TEPJF are flawless institutions through which a pristine democracy is possible in Mexico. Both have shortcomings and face important challenges. Regarding the IFE, during the 2006 presidential election run-up it became evident that it lacked the means to stop the illegal campaigning of interest groups, the federal government, and local authorities. Furthermore, the inconformity with the final results of the defeated candidate led to the removal of the IFE's President Councilor, Luis Carlos Ugalde, by the political parties represented in Congress. Several observers considered this move an act of defiance against the electoral authority; indeed, as Ugalde pointed out: "The decision of the Chamber of Deputies transgresses the institutional life of the IFE and generates uncertainty over the fundamental decisions of its board" (*Ugalde renuncia*).<sup>42</sup> With regard to the TEPJF, it has shown incapacity to resolve postelectoral conflicts when more sophisticated methods of fraud are at play. Such is the case of the 2007 postelectoral conflict in Puebla, sparked after the PRI surprisingly regained 20 percentage points of vote share in the intermediate local elections.

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<sup>42</sup> Translation mine.

The spectacular increase was due not to the traditional ballot stuffing or to mysterious blackouts at the vote counting center, but to the selective distribution of state funds among the population (Reséndiz, *Marín*). In that occasion, the TEPJF was neither able to play a determinant role in the conflict nor to hold governor Marín to account.

### **Concluding thoughts**

Journalists as well as scholars repeatedly say that the presidency in Mexico is weaker now under democracy. Their opinions are mostly based on an analysis that uses a narrow weak-strong continuum and focuses on a limited number of measurable indicators: how many prerogatives it holds, how many of its bills are passed by congress, etc. In doing this, they overlook the more fundamental transformation I contend resulted from a self-binding process: the institutionalization of the executive's former informal powers. Admittedly, for the presidency this development represented a loss, yet this can hardly come as a surprise. As one of the leading theorists of democratic societies, Adam Przeworski, points out: "The decisive step toward democracy is the devolution of power from a group of people to a set of rules" (14).

It is time to change the parameters of the debate from the question of whether or not democracy has weakened the presidency in Mexico, to which is the optimum equilibrium between different formal institutions of power. This debate inevitably will have to touch on the need to preserve and increase their independence, particularly that of the new democratic institutions with respect to the elective powers (executive, legislative, and local authorities). As we have seen, the encroachment of the former on the latter represents the

most serious threat to their effectiveness. But again, this is, and will remain, an ongoing debate.

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