

Interaction between President Fox and the Congress after the First Political Power Turnover in Mexico, 2000-2005

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Abstract

After experiencing seventy-one years of one-party rule, Mexico witnessed its first political power turnover in 2000. However, because no single party took more than half of the legislative seats at the national level, opposition parties controlled the Congress, and Mexico evolved into a period of divided government. That dynamic shift incited a contest for power between President Vicente Fox and the Mexican Congress that exerted a great challenge to Fox's legislative power. Several of Fox's most significant legislative proposals (a tax-reform bill, an electrical-energy privatization bill, and an indigenous rights bill) met with strong legislative resistance, and the approval ratings for his proposals greatly diminished, in comparison to the legislative record during the Institutional Revolutionary Party's decades-long unitary governance. This essay describes the exacerbated relations between the executive and the legislative branches as well as the emergence of political gridlock and stalemate on selected issues between President Fox and the Congress after 2000.

Mexico's 2000 presidential election broke the Institutional Revolutionary Party's (PRI's) seventy-one-year one-party-dominant rule when opposition candidate Vicente Fox Quesada of the National Action Party (PAN) won the presidency. Fox's victory, however, took place in an institutional vacuum. Because no party took a majority of the seats in the Congress, the country's national legislature, opposition parties controlled the body, and the PRI's longtime ability to wield power, which had once changed the old institutional structures, persisted.

Since 1929, under PRI rule, the executive and legislative branches had operated as one, but after 2000, Mexico had to rely on constitutional provisions that proved inadequate to bringing about effective cooperation between the two branches of the government. However, as many proposals would require

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two-thirds majority in the opposition-controlled Congress in order to become law, it became rather difficult for President Fox to succeed in creating new institutional arrangements that would help him gain a congressional majority. Accordingly, Mexico faced a dynamic era of political power shifts and governance by coalition.

Confronting a constitutional predicament as well as a lack of PAN members in important positions in his coalition government during his first half term (2000-2003), President Fox was unable to form a reliable and effective party organization to back his legislative initiatives. Nor was he able to exert sufficient leadership to persuade other parties to trust and support him in the Congress, which weakened his influence on significant legislative processes.

As President Fox was wrestling with the multiparty Congress, Mexico's traditionally strong presidential power gradually diffused, and power tilted toward the legislature. Opposition parties were in the majority in both the Chamber of Deputies and the Senate, with President Fox facing the combined strength of the PRI and the Democratic Revolutionary Party (PRD), another party in opposition to the PAN. Thus Fox inherited a significantly weaker presidency vis-à-vis the legislature than Mexico had ever seen. Because Fox lacked an effective strategy for dealing with the Congress and the stalemate that characterized national politics, the probability of executive-legislative deadlock for President Fox was high (see table 1 and table 2).

Executive-legislative deadlock was particularly evident in congressional resistance to Fox's three most important legislative initiatives in his first half term: a tax-reform bill, a proposal to privatize the electricity sector (a proposal unprecedentedly referred to Mexico's Supreme Court and ruled unconstitutional), and the Indigenous Rights Bill (a bill that candidate Fox promised to enact but that was eventually passed in drastically revised form). The growing antagonism between President Fox and the Congress during these and various other legislative processes created new political challenges for Mexico's divided government.

In exploring the institutional concept of divided government, the facts of interaction between Mexico's president and political parties, and President Fox's personality and legislative tactics, this essay analyzes the relationship between the executive and legislative branches after the transfer of national political power in 2000. It examines the processes of the three key legislative initiatives cited above, the percentage and number of approved legislative bills between 2000 and 2005, and the impact of the 2003 midterm election on the political dynamic between President Fox and the Congress, as well as the role of divided government in shaping Mexico's democratic political development.

The rest of the essay is divided into six parts: First, the introduction, which covers the background and arrangement of the discussion; second, a review of the theoretical perspectives of executive-legislative relationships in divided government that facilitates understanding of factors affecting political interaction, its processes, and consequences; third, description of the

Table 1. Seats in Mexican Senate as of 2000*

Party	2000 Election Results
PRI	60
PAN	46
PRD	15
PVEM	5
Unassigned	1

* Source: CIA, *The World Factbook: Mexico*, CIA Online, October 1, 2006, <http://www.cia.gov/cia/publications/factbook/geos/mx.html#Govt> (accessed October 10, 2006).

Table 2. Seats in the Chamber of Deputies, 1991-2005*

Party	1991	1994	1997	2000	2003
PRI	320	299	236	211	224
PAN	89	119	121	206	151
PRD	41	65	126	50	97
PVEM	-	-	6	17	17
PT	-	9	7	7	6
PSN	-	-	-	3	-
PAS	-	-	-	2	-

* Source: David A. Shirk, *Mexico's New Politics: The PAN and Democratic Change* (London: Lynne Rienner, 2005), 197.

executive-legislative relationship prior to the power turnover in Mexico; fourth, discussion of the executive-legislative relationship thereafter with reference to Fox's three significant initiatives, the legislative bills approved between 2000 and 2005 under divided government as against under the PRI's unitary governance, and the 2003 midterm election; fifth, analysis of the interactive relationship between the president and the Congress, as well as the factors of tension between them; and last, the conclusion based on the analysis.

Perspectives on the Executive-Legislative Relationship in Divided Government

Divided government, as it is usually understood in the United States, means in a broad sense that the chief executive's party can in no way form a majority to control the legislative branch of government, whether congress or parliament. That feature of American governance informs the assessment of theoretical

perspectives and should facilitate this discussion and analysis.

Initially, democratic theories adopted in American government were configured in the form of separation-of-powers and checks-and-balance mechanisms, dispersing nation-state power into the executive, legislative, and judicial branches to avoid the extreme concentration of power that might lead to eroded and/or corrupt government. Both presidential and parliamentary concepts of a democratic polity have evolved over time, with the United States and United Kingdom systems, respectively, typical examples of each. The fusion of executive and legislative powers, as well as the collective party responsibilities typical of the United Kingdom's parliamentary system, differ in deployment of political resources from the presidential mechanism of separate and specific executive and legislative powers articulated in the Constitution of the United States. Over the course of more than two hundred years, when America's executive and legislative branches have been controlled by adversary political parties, neither party (politics in the United States has always been contested by only two political parties of note) has been able to fully control the nation's policy agenda, still less exercise absolute power.¹ Even when one party has controlled the presidency and the two houses of Congress in the United States, interbranch and internecine political rivalries, as well as political discourse fueled by a free press, have subjected public officials to scrutiny, interrogation, and criticism from a variety of sources.

Divided-government research that focuses on the separation of powers in government has for many years been an important focus of study in the American political environment. Since World War II, divided government engendered by election results has become routine in American government at both federal and state (i.e., provincial) levels. To some extent, American voters support and are accustomed to divided government as a validation of its institutional arrangements. During the twelve years of Republican executive governance by the Reagan and Bush (Sr.) administrations, the Democrats were in the majority in one or both houses of Congress.

The pertinent cause of divided government in America has been the constitutional framework of separation of powers and checks and balances in the American political system.² One interpretation of the phenomenon is that voters deliberately split their votes.³ Yet, various critiques have been mounted against the contradictory election results inherent in voters' nondeliberate vote-splitting behavior,⁴ and the rules of American presidential and congressional elections. Further, disparities among electoral districts (in terms of social class, economic cleavages, urban-rural splits) are said to have affected voting behavior based on different political stances and dual, sometimes even contradictory, standards of evaluation of politicians.⁵

¹ David Menefee-Libey, "Divided Government as Scapegoat," *Political Science & Politics* 24, no. 4 (1991): 643-646.

Formation of divided government is relevant to party systems, and majority rule by party seats in a parliament can be seen in both two-party and multiparty systems of government. The American two-party presidential system and its European multiparty-cabinet counterpart alike entail the possibility of developing into divided-government arrangements.⁶ Theoretically, under divided government, the blurring of political responsibilities, the president's and the congressional majority's policy stances, and divergent interest considerations in elections easily create sharp party rivalry and difficulty in winning majority support for policy legislation, thus leading to legislative deadlock and stalemate and affecting government performance and lawmaking efficiency. Therefore, divided government may cause governance paralysis, budget deficits, and a poisoned executive-legislative relationship.⁷

Mainwaring argues that the institutional combination of presidentialism and multipartisanism is problematic for three reasons. First, multiparty presidentialism is likely to produce immobilizing executive/legislative deadlock that may weaken democracy. Second, multipartisanism is more likely than bipartisanship to create ideological polarization, thus complicating

² Lloyd N. Culter, "Some Reflections about Divided Government," *Presidential Studies Quarterly* 18 (1988): 489-490; James L. Sundquist, "Needed: A Political Theory for the New Era of Coalition Government in the United States," *Political Science Quarterly* 103 (Winter 1988): 613-635; Matthew D. McCubbins, "Government on Lay-Away: Federal Spending and Deficits under Divided Party Control," in *The Politics of Divided Government*, ed. Gary W. Cox and Samuel Kernell (Boulder, CO: Westview Press, 1991), 113-153; Matthew D. McCubbins, "Party Governance and U.S. Budget Deficits: Divided Government and Fiscal Stalemate," in *Politics and Economics in the Eighties*, ed. Alberto Alesina and Geoffrey Carliner (Chicago: University of Chicago Press, 1991); and David McKay, "Divided and Governed? Recent Research on Divided Government in the United States," *British Journal of Political Science* 24 (1994): 517-534.

³ Morris Fiorina, "Divided Government in the American States: A Byproduct of Legislative Professionalism?" *American Journal of Political Science* 41 (1994): 543-563.

⁴ Gary W. Cox and Samuel Kernell, eds., *The Politics of Divided Government* (Boulder, CO: Westview, 1991), and Menefee-Libey, "Divided Government as Scapegoat," 643-646.

⁵ Cox and Kernell, *The Politics of Divided Government*; James A. Thurber, *Rivals for Power: Presidential-Congressional Relations* (Washington, DC: Congressional Quarterly Press, 1996).

⁶ If the leading force of parliamentarianism is faction, not party, then it would be inaccurate to define divided government based on power distribution under a party system. Whether in a broad or narrow definition, as long as no party takes half of the seats in the legislature, whichever party takes executive power will face a form of divided government. For detailed treatment of the issue, see Don-Yun Chen and Tung-Yi Hwang, "Divided Government in Taiwan: The Trend of Local Political Studies" [in Chinese], paper delivered at the Local Parliaments: Recollection and Prospect Conference, Tai Chung, Tung Hai University, 1998.

⁷ James L. Sundquist, *Constitutional Reform and Effective Government* (Washington, DC: Brookings, 1986); James L. Sundquist, "Needed: A Political Theory for the New Era of Coalition Government in the United States," *Political Science Quarterly* 103 (Winter 1988): 613-635; Lloyd N. Culter, "Some Reflections about Divided Government"; McCubbins, "Government on Lay-Away: Federal Spending and Deficits under Divided Party Control"; and id., "Party Governance and U.S. Budget Deficits: Divided Government and Fiscal Stalemate."

problems often associated with presidentialism. Finally, “the combination of presidentialism and multipartisanship is complicated by the difficulties of interparty coalition building in presidential democracies, with potentially deleterious consequences for democratic stability.”⁸

Even so, some observers of American government and party operations argue that, given the constitutional distinctions between presidential and congressional terms and constitutionally defined duties that one branch cannot usurp from another, as well as differences between electoral districts and constituent bases and the minute divergence between divided and unified governments under weak two-party systems, divided government does not necessarily create executive-legislative gridlock. Instead, emphasis has been placed on presidential communication, conciliation, and persuasive abilities that are critical to maintaining a healthy executive-legislative relationship.⁹ Mayhew and others believe that divided government corresponds to the check-and-balance constitutional principle, meets voter expectations, does no harm to effective policy making or implementation, and thus does not inevitably cause legislative stalemate. In fact, political party image and healthy interparty interaction, policy preferences, and executives’ personal expertise, personality, and tactics in dealing with legislators, as well as election turnouts and presidential popularity ratings, have all been the factors affecting executive-legislative relations and passage of legislation.¹⁰

Under divided government, president, legislators, and party affiliations in Congress are the key variables affecting legislative processes and party interactions. Not only can congressional party leaders affect legislation

⁸ Scott Mainwaring, “Presidentialism, Multipartism, and Democracy: The Difficult Combination,” *Comparative Political Studies* 26 (1993): 198-228.

⁹ Samuel Kernell, *Going Public: New Strategies of Presidential Leadership* (Washington, DC: Congressional Quarterly Press, 1993); Richard E. Neustadt, *Presidential Power and the Modern Presidents* (New York: Free Press, 1990); Richard W. Waterman, *Presidential Influence and the Administrative State* (Knoxville, TN: University of Tennessee Press, 1989); and Chong-Li Wu, “Literature Review of Research on American Divided Government: With Taiwan Political Development as a Side Discussion” [in Chinese], *Issues and Studies* 39, no. 3 (2000): 75-101.

¹⁰ David R. Mayhew, “Divided Party Control: Does It Make a Difference?” *PS: Political Science and Politics* 24 (1991): 637-640; id., *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990* (New Haven, CT: Yale University Press, 1991); George C. Edwards, Andrew Barrett, and Jeffrey Peake, “The Legislative Impact of Divided Government,” *American Journal of Political Science* 41 (1997): 544-563; Charles O. Jones, “Facing an Opposition Congress: The President’s Strategic Circumstance,” in *The Politics of Divided Government*, ed. Cox and Kernell; Charles O. Jones, *The Presidency in a Separated System* (Washington, DC: Brookings, 1994); Scott Adler and Charles M. Cameron, “The Macro-Politics of Congress: The Enactment of Significant Legislation, 1947-1992,” paper presented at the Midwest Political Science Association Annual Meeting, Chicago, IL, April 1994; Keith Krehbiel, “Institutional and Partisan Sources of Gridlock: A Theory of Divided and Unified Government,” *Journal of Theoretical Politics* 8 (January 1996): 7-40; and Wu, “Literature Review of Research on American Divided Government: With Taiwan Political Development as a Side Discussion.”

design and outcome, but also congressional majority parties can effectively exert their impact.¹¹ Political parties operating in divided government possess significant influence, and they are far from shy about showing their interests, policy stances, and claims in various election and legislative cycles to attract voter support.¹² Writing separately, Edwards, Peterson, and Thurber provide other interpretations of the presidential role—sometimes dictating, sometimes facilitating—in legislative processes.¹³ Also, legislators’ law-making behavior is affected by such factors as party, ideology, and constituent interests,¹⁴ and clarifying party affiliations and their interactions in Congress can facilitate understanding of how policy initiatives are derived.¹⁵ As a group, these theoretical examinations of divided government underpin a more thorough understanding of the relationship between Vicente Fox and the Mexican Congress after Fox’s election to the presidency in 2000.

The Executive-Legislative Relationship before the First Power Turnover

The history of Mexico’s modern political system began in the late 1920s in the aftermath of the 1910-1920 civil war. The Institutional Revolutionary Party, known by its Spanish acronym PRI, was founded in 1929 to put an end to armed strife between regional warlords and rival revolutionary factions. Afterward, the PRI absolutely dominated national and local elections and established client networks through corporatist party organizations, monopoly of government posts, and state-owned business resources, which it used to control almost all political activities in the country.¹⁶ For a long time, the

¹¹ David Rohde, *Parties and Leaders in the Post-Reform House* (Chicago: University of Chicago Press, 1991), and Barbara Sinclair, “The Emergence of Strong Leadership in the 1980s House of Representatives,” *Journal of Politics* 54 (August 1992): 657-684.

¹² John B. Gilmour, *Strategic Disagreement: Stalemate in American Politics* (Pittsburgh, PA: University of Pittsburgh Press, 1995).

¹³ George C. Edwards, *At the Margins: Presidential Leadership of Congress* (New Haven, CT: Yale University Press, 1989); Mark A. Peterson, *Legislating Together: The White House and Capitol Hill from Eisenhower to Reagan* (Cambridge, MA: Harvard University Press, 1990); and Thurber, *Rivals for Power: Presidential-Congressional Relations*.

¹⁴ John W. Kingdon, *Congressmen’s Voting Decisions*, 2nd ed. (New York: Harper and Row, 1981), and John R. Petrocik, “Divided Government: Is It All in Campaigns?” in *The Politics of Divided Government*, ed. Cox and Kernell.

¹⁵ Peterson, *Legislating Together: The White House and Capitol Hill from Eisenhower to Reagan*.

¹⁶ Roderic A. Camp, *Politics in Mexico: The Decline of Authoritarianism*, 3rd ed. (New York: Oxford University Press, 1999); Zhong-Jian Deng, *Mexico’s Political Development: A Political Economy Study* [in Chinese] (Taipei: Shi-Ying, 1997); Wayne A. Cornelius, “Political March toward Democracy Hits a Pothole,” *Los Angeles Times*, November 24, 1996, M1; Stephan Haggard and Robert R. Kaufman, *The Political Economy of Democratic Transitions* (Princeton, NJ: Princeton University Press, 1995); and Hsiao-Yun Yu, “The One-Party Dominant Political Systems in Latin America: A Comparison of Mexico and Paraguay” [In Chinese], in *Latin American Studies*, ed. Anthony Hsiang (Taipei: Wu Nan, 2001), 81-97.

party and the state remained intertwined and inseparable. Generally, Mexico's executive-legislative relationship before the mid-1990s was characterized by an authoritarian PRI presidency and a weak Congress.

Under the PRI's one-party dominance, Mexican presidentialism inclined toward centralization of power, with the president controlling the country's major decision-making and policy-implementation mechanisms. The legislators' duty was to obey the president,¹⁷ who had the privilege of choosing his successor.¹⁸ In due course, Mexican presidents utilized extraconstitutional measures and practices to further expand their real power, in effect creating a presidential dictatorship with a six-year term.¹⁹ Mexico's president was widely acknowledged as having the most extensive executive powers of all the Latin-American countries.²⁰ The president could remove state governors who did not perform well, whose election aroused suspicion, or who did not cooperate with federal government policies. In the 1950s, President Adolfo Ruiz Cortinez unblushingly bragged that the Congress and governors were subordinates of the president.²¹

The Mexican Congress has two houses: the 500-seat Chamber of Deputies and the 128-seat Senate. The former has a three-year term, among which 300 seats are elected through a single-district majority-vote system (*uninominal*) and 200 from the five larger districts by a party representational proportional system (*plurinominal-PR*). The Senate has a six-year term whereby according to 1993 Electoral Rules, 96 members are elected by popular vote to serve six-year terms, and 32 seats are allocated on the basis of each party's popular vote.²² Article 59 of the Mexican Constitution prescribes that all legislators cannot seek immediate reelection to a term in one house, but they are allowed to seek election to the other house.²³ Compared to Mexico's presidential

¹⁷ Jeffrey A. Weldon, "Political Sources of *Presidencialismo* in Mexico," in *Presidentialism and Democracy in Latin America*, ed. Scott Mainwaring and Matthew Soberg Shugart (New York: Cambridge University Press, 1997), 237.

¹⁸ For seventy-one years (1929-2000), all Mexican presidents were from the PRI. Before 1988, the PRI routinely obtained more than 70 percent of the vote. The fact that the president was also the PRI's chairman meant that the party authorized him to choose the next presidential candidate—and thereby guarantee that candidate's accession to power. Only in the July 2000 presidential election was the PRI's hold on electoral victory broken, by Vicente Fox of the National Action Party (PAN).

¹⁹ Howard Handelman, *Mexican Politics: The Dynamics of Change* (New York: St. Martin's Press, 1997), 50.

²⁰ *Ibid.*, 225.

²¹ Jorge Alcocer, "Recent Electoral Reforms in Mexico: Prospects for Real Multiparty Democracy," in *The Challenge of Institutional Reform in Mexico*, ed. Riordan Roett (Boulder, CO: Lynne Rienner, 1995), 70.

²² CIA, "Mexico: Government," *The World Fact Book*, <http://www.cia.gov/library/publications/the-world-factbook/geos/mx.html#Govt> (accessed July 2, 2007).

²³ Handelman, *Mexican Politics: The Dynamics of Change*, 56.

continuity under the PRI, the disjointed congressional succession customs bespoke political weakness. As a practical matter, this meant that the Congress lacked effective institutional independence and functionality under PRI rule.

In any case, for as long as the PRI controlled the Mexican presidency, it also controlled the Congress, and the president manipulated it willfully by controlling individual legislators' political lives and futures. PRI members who wanted to enter a congressional election had to obtain presidential permission and, once elected, often took the president's advice in order to sustain their political careers. Due to the no-re-election provision, the legislators' after-term political careers greatly depended on the president's largess. Thus, they tended to be docile vis-à-vis the president.²⁴ The president's legislative initiatives were almost unchallenged; irrespective of the particular president, Congress was at best his rubber stamp.²⁵

It is perhaps curious that Mexico's 1933 Constitutional Amendment set single-term limits on the presidency, which inhered in sometimes significant problems of accountability at all levels of government. More important, the single-term limit helped strengthen the PRI as an institution, limiting individuals' ability to establish permanent personal power bases and increasing the significance of the PRI.²⁶ In addition, the 1933 extension of the single-term mandate to legislative office reinforced executive and ruling-party power by limiting legislators' opportunities to develop political experience and increasing their dependence on executive and party sponsorship for future appointments and candidacies.

In the late 1970s, Mexico underwent a series of institutional changes, particularly in the electoral realm. The 1977 reforms that ushered in an increase in the diversity of the party system, by making the electoral process more accessible to smaller opposition parties, bolstered PRI legitimacy without directly challenging its hegemony.²⁷ By allowing free electoral competition, however, the government eroded its ability to reward PRI politicians with elective office. After 1982, the number of PRI ballots in both presidential and congressional elections began to decrease mainly because economic reforms in the late 1980s and early 1990s, and the rapid increase of PAN and PRD members in elective office, gradually transformed the country's politics.

Economic reforms brought changes to the political environment. By giving up control of major parastate companies (e.g., Telmex, banks, and steel

²⁴ Weldon, "Political Sources of *Presidencialismo* in Mexico," 237.

²⁵ Luis Carlos Ugalde, "The Mexican Congress: Old Player, New Power—Mexico in Transition," *ReVista: Harvard Review of Latin America* (Fall 2001): 14-16; Camp, *Politics in Mexico: The Decline of Authoritarianism*, 169.

²⁶ David A. Shirk, *Mexico's New Politics: The PAN and Democratic Change* (London: Lynne Rienner, 2005), 20-21.

²⁷ *Ibid.*, 24.

companies), the PRI government lost its prime vehicle for allocating political spoils within the party. By deregulating import and foreign-investment regimes, it undermined the interests of local producers, unions, and political clusters, all of which had prospered through subsidies, import permits, and the pricing power inherent in the absence of competition. As the reforms unfolded, the country's politics gradually liberalized, providing breathing room for a tired but potentially unstable political system. The structure of power, in particular the power of the president, declined.²⁸

Mexico's political system underwent substantial change in the late 1990s as well. Due to both shifts in voter preference and important reforms that made the electoral system significantly more proportional,²⁹ representatives of the PAN and the PRD in Congress, together for the first time, demolished PRI dominance, especially after the 1997 congressional election (see table 2). That enabled the opposition parties to control the Chamber of Deputies and resulted in a tripartite division of government. After 1997, political power in Mexico migrated away from the presidency to Congress, which became the center of political negotiation as well as a major source of gridlock.

The PRI's loss of its congressional majority signaled the beginning of the end for its presidential rule, and congressional politics was dedicated to weakening a failing presidency. The Mexican Congress began to evolve as a significant player in the political arena with an active role in policy making and overseeing the executive branch. Not only could the opposition parties then strive to impose their preferences, but so could disgruntled PRI legislators for whom the loss of the congressional majority was tantamount to being liberated; from then on, the careers of PRI politicians were no longer entirely subject to the president's dictate. In the 1999 budget review, opposition parties extensively cut and revised the federal budget to an extent impossible to have imagined decades before. The budget was passed only a few minutes before the end of the fiscal year, barely preventing the government from shutting down.³⁰

The Presidential-Congressional Relationship after Transition

Examining the legislative processes, consequences, and relative electoral results aids an understanding of the relationship between the president and Congress, as well as the voters' evaluation of the performance of elected officials and their parties. This section examines the legislative history of three of President Fox's most significant legislative proposals, the percentage and number of approved legislative bills introduced by the president and executive

²⁸ Luis Rubio and Susan K. Purcell, *Mexico under Fox* (Boulder, CO: Lynne Rienner, 2004), 13.

²⁹ Ugalde, "The Mexican Congress: Old Player, New Power—Mexico in Transition," 14-16.

³⁰ *Ibid.*, 15.

branch under Mexico's divided government, and the 2003 midterm election turnout as indices of interaction between Fox and the Congress.

In the 2000 presidential election, Fox pledged “to bring change to Mexico” and won the presidency with a plurality of 42.5 percent of the vote. Because no single party took half of the congressional seats, however, the PRI and the PRD made up the opposition majority in Congress. They began bringing congressional functions into full play through a frontal engagement with the president by monitoring the executive branch's policy making. By late 2000, one-third of Mexico's states and nearly half of its municipal governments were governed by opposition parties, moving the country's political development further away from a one-party-dominant system and toward a competitive-party system proper. The difficulties that three-party competition posed for government activity, however, meant that most of Fox's policy agenda was either stalled or watered down during legislative processes in a Congress that had ceased to be a mere rubber stamp.³¹

The Key Legislative Initiatives Debate

The key legislative initiatives—tax reform, electrical-energy privatization, and the indigenous rights bill—were proposed by President Fox as benchmark legislations. It was perhaps inevitable that, as high-stakes proposals from the presidential standpoint, they would have a high public profile and would invite controversy and the public airing of political rivalries. They aroused serious debate between Fox and the opposition Congress during Fox's first half term.

The Tax Reform Bill

Improving federal tax revenue was seen as an urgent priority for facilitating the Fox administration's initiatives. In 2001, President Fox proposed bolstering revenue for the federal government by increasing and widening the application of a value-added tax. The administration focused on the VAT primarily because such taxes were easier to collect and monitor than others. Passing the VAT would add \$12.4 billion in revenue that, as Fox claimed, could be used to implement his social welfare policies. However, when failing to secure necessary support for the proposal partly because of the unpopularity of extending the VAT to include food, medicines, books, and other traditionally exempt consumer items, Fox added a 15 percent uniform imposition on these items anyway. Consequently, the Congress considered the VAT on food items to be a regressive measure, as most of the Mexican poor spent 65 percent of their income on food and medical care; the VAT would exert its greatest impact on low-income families. Thus Congress stalled the VAT proposal and instead

³¹ Manuel Paster and Carol Wise, “The Fox Administration and the Politics of Economic Transition,” in *Mexico's Democracy at Work: Political and Economic Dynamics*, ed. Russell Crandall, Guadalupe Paz, and Riordan Roett (Boulder, CO: Lynne Rienner, 2005), 100.

passed its own tax reform bill, levying taxes on such luxury items as perfume, jewelry, boats, and caviar. That devastated President Fox's fiscal intent.

The Electrical-Energy Privatization Bill

In May 2001, President Fox announced the government's plan to allow private electricity plants to increase their sales of necessary energy to the state-owned power company, the *Comisión Federal de Electricidad*, or CFE. That "energy privatization" program angered the Congress, which declared that Fox had no authority to create such a policy. In-sourcing private energy into the public sector would involve revisions of articles 126 and 135 of the Constitution, as well as articles 73 and 89, which mandate the common role of the executive and legislative branches in amending the Constitution. What was perceived as Fox's disregard of the Constitution and failure to consult with the Congress in advance of making his proposal impelled the Congress to file an unprecedented lawsuit with the Supreme Court, accusing Fox of violating the Constitution.³² The Court's ruling against Fox was applauded by many in Congress.³³

The Indigenous Rights Bill

In regard to reaching a peaceful agreement and dialogue between the government and the Zapatistas de Liberación Nacional (EZLN), better known as the Chiapas rebels or Zapatistas, Fox bragged in his presidential campaign that he could resolve the issue within fifteen minutes.³⁴ In November 2000, Fox initiated the COCOPA "Indigenous Rights Bill,"³⁵ which granted autonomy and ownership of the natural resources to the indigenous communities of Chiapas as a gesture of the government's goodwill, with a view toward ending the protracted civil

³² In an interview with the BBC in September 2003, President Fox declared that, in the three years remaining in his term, he would work with the Congress to privatize natural gas, petroleum chemicals, and electricity resources and provide overseas investment opportunities, though the new Congress remained opposed to his reform program. See BBC News, "Fox Urges Unity over Reforms," <http://news.bbc.co.uk/go/gr/ft/-/1/hi/world/americas/3197727.stm> (accessed October 5, 2006). Also see *Reforma* [in Spanish], [From Reforma Municipal to Solidaridad to Nuevo Federalismo] (Boulder, CO: Westview Press, 2001); Jeffrey A. Weldon, *The Fall 2002 Term of the Mexican Congress—Mexican Congressional Report Series* (Washington, DC: Center for Strategic and International Studies, 2003), <http://www.csis.org/americas/mexico/weldonspring2003.pdf> (accessed October 9, 2006).

³³ Russell Crandall, "Mexico's Domestic Economy: Policy Options and Choices," in *Mexico's Democracy at Work: Political and Economic Dynamics* (61-88), ed. Russell Crandall, Guadalupe Paz, and Riordan Roett (Boulder, CO: Lynne Rienner, 2005), 82.

³⁴ Paster and Wise, "The Fox Administration and the Politics of Economic Transition," 110, and Shirk, *Mexico's New Politics: The PAN and Democratic Change*, 200.

³⁵ The Indigenous Rights Bill was generated from the previously reached San Andreas Accords in 1996 by the multiparty congressional Commission for Peace and Reconciliation (Comisión de Concordia y Pacificación-COCOPA).

unrest in that state. Although Fox favored a quick and amicable resolution to the Chiapas problem,³⁶ the PAN's own key players in the Senate did not agree and objected to permitting members of the EZLN to address the Senate in the ski masks they used to protect their identities. When the PRD and the PRI supported the idea of letting the EZLN address the Senate, all PAN Senators left the floor in protest.

Afterward, the Congress passed an amendment that recognized indigenous rights, which became the first major reform addressing the status of aborigines in Mexico since the *Reforma* of the nineteenth century. For its part, the EZLN remained unsatisfied because the legislative amendment did not grant local autonomy and backtracked on key provisions of the San Andreas Accords, negotiated in 1996. In fact, the Zapatistas desired enlarging protection of indigenous rights to collective land rights, control of natural resources, access to media in native languages, customary law, and the legal recognition of indigenous "peoples" (rather than communities) as subjects of domestic law.³⁷ Discontented with the new legislation, the EZLN retreated to Chiapas without laying down arms; so much for Fox's boast about resolving the Chiapas rebellion.

In sum, Fox's proposals were unsuccessful due to doubts within his own party, staunch PRI and PRD opposition in Congress, and general public outcry against his initiatives.³⁸ Moreover, in the second year of his term, the Congress disallowed Fox's constitutionally mandated travel requests (article 99 allows eight to twelve international visits per year), which raised the profile of a politically hostile legislature.³⁹ Nevertheless, Fox was reluctant to show his weakness, exercising his presidential veto a total of five times during his first

³⁶ The bill that Fox originally proposed provided that (1) Mexico's existing political system not be applied in the aboriginal regions, while the aborigines keep their basic customary systems as a recognition of aboriginal autonomy; (2) the right of mining underground resources within the aboriginal regions be handed to the aboriginal people. Were the Congress to have passed the original bill, it would have limited the interests of Mexico's elites, who had long profited from Mexico's petroleum and underground resources. Meanwhile, making the aborigines fully autonomous would have led to tribal governance (and possible dictatorship), thus creating one state with two systems. Therefore, not only did the PRI oppose the original bill, but Fox's party, PAN, did as well; and PAN's constituencies included the financial and metropolitan middle classes, which certainly would not accept any laws impeding their interests.

³⁷ Shirk, *Mexico's New Politics: The PAN and Democratic Change*, 204; Paster and Wise, "The Fox Administration and the Politics of Economic Transition," 111.

³⁸ "Fox Takes Reform amid Strong Opposition in Congress," *Los Angeles Times*, September 1, 2001, M1; Jeffrey A. Weldon, *The Spring 2003 Term of the Mexican Congress—Mexican Congressional Report Series* (Washington, DC: Center for Strategic and International Studies, 2003), 205, <http://www.csis.org/americas/mexico/weldonspring2003.pdf> (accessed October 1, 2006); and Paster and Wise, "The Fox Administration and the Politics of Economic Transition," 109.

³⁹ Jeffrey A. Weldon, *The Fall 2002 Term of the Mexican Congress—Mexican Congressional Report Series* (Washington, DC: Center for Strategic and International Studies, 2003).

four years, unprecedented in thirty years (1970-2000) of Mexican politics and illustrating Fox’s efforts to counter the opposition-dominated Congress.⁴⁰

Percentage of Approved Bills Introduced by the Fox Administration

During the period of the PRI’s political control, almost all presidential initiatives were approved. However, in the 57th (1997-2000), 58th (2000-2003), and 59th (2003-2005) congresses, signifying the periods of divided government, the approval rate of presidential legislative bills decreased from 99 percent before the 57th congress to 90 percent in the 57th and the 58th, and to 76 percent in the 59th (see table 3 and table 4). That the 99 percent approval rate of presidential legislation under PRI rule decreased yearly during periods of divided government indicates deadlock in the relationship between President Fox and the Congress.

Table 3. The Number of Executive Bills Approved in the 57th, 58th, and 59th Senate

Terms \ Bills	Bills Introduced	Bills Approved	Percent Approved
57 th	64	61	95.3%
58 th	87	80	92%
59 th	65	48	73.8%

Source: Jeffrey A. Weldon, *The Spring of 2003 Term of the Mexican Congress*—Mexican Congressional Report Series (Washington, DC: CSIS, 2005), 21-23.

⁴⁰ In his review of the fall 2002 congressional session, Weldon remarks that the presidential veto was relatively common from 1917 to 1969 but was not used from 1970 to 2000; Eric Magar and Jeffrey A. Weldon, “The Paradox of the Veto in Mexico, 1917-2001,” paper presented at the 60th Annual National Meeting of the Midwest Political Science Association, Chicago, April 25-28, 2002.

Table 4. The Number of Executive Bills Approved in the 57th, 58th, and 59th Chamber of Deputies

Bills Terms	Bills Introduced	Bills Approved	Percent Approved
57 th	26	24	92.3%
58 th	191	170	89%
59 th	147	115	78.2%

Source: Jeffrey A. Weldon, *The Spring of 2005 Term of the Mexican Congress* (Washington, DC: CSIS, 2006), 33-35.

As regards the annual introduction and approval of bills in the Senate terms (1994-2005), the percentage of approved bills decreased from 82 percent in the 56th Senate to 48.6 percent in the 59th under divided government (see table 5). The annual introduction and approval of bills in the Chamber of Deputies (1988-2005) decreased from 34.6 percent in the 54th session to 23.6 percent in the 59th (see table 6). Under divided government, the percentage of approved bills in both houses all decreased, reflecting gridlock in Congress.

Table 5. Annual Introduction and Approval of Bills in the Senate, 1994-2005

Legislature Terms	Legislative Year	Bills Introduced	Bills Approved	Reports Approved	Percent Approved	Term Average
56 th	1994-1995	55	47	46	85.5	82%
	1995-1996	104	89	86	85.6	
	1996-1997	120	90	90	75	
57 th	1997-1998	101	71	69	70.3	72.92%
	1998-1999	130	91	89	70	
	1999-2000	158	124	117	78.5	
58 th	2000-2001	134	67	67	50	47.25%
	2001-2002	282	101	95	35.8	
	2002-2003	311	174	161	55.9	
59 th	2003-2004	313	150	131	47.9	48.62%
	2004-2005	432	213	193	49.3	

Source: Jeffrey A. Weldon, *The Spring 2005 Term of the Mexican Congress* (Washington, DC: CSIS, 2006), 28.

Table 6. Annual Introduction and Approval of Bills in the Chamber of Deputies, 1988-2005

Legislature Terms	Legislative Year	Bills Introduced	Bills Approved	Reports Approved	Percent Approved	Term Average
54 th	1988-1989	83	26	22	31.32	34.58
	1989-1990	112	41	35	36.6	
	1990-1991	120	43	37	35.8	
55 th	1991-1992	96	70	62	72.9	69.16
	1992-1993	98	88	65	89.8	
	1993-1994	125	56	52	44.8	
56 th	1994-1995	73	31	31	42.5	44.67
	1995-1996	88	43	39	48.9	
	1996-1997	103	44	37	42.7	
57 th	1997-1998	161	33	28	20.5	29.16
	1998-1999	285	96	64	33.7	
	1999-2000	261	87	70	33.3	
58 th	2000-2001	207	54	41	26.1	26.17
	2001-2002	495	102	71	20.6	
	2002-2003	625	199	109	31.8	
59 th	2003-2004	624	148	83	23.7	23.62
	2004-2005	1,279	301	172	23.5	

Source: Jeffrey A. Weldon, *The Spring 2005 Term of the Mexican Congress* (Washington, DC: CSIS, 2006), 29.

Number of Legislative Bills Approved under Divided Government

In light of the fate of the three significant legislative proposals introduced by the president (and the executive branch), it is necessary to point out the great number of bills approved during Fox’s term. In the 58th and 59th legislative sessions, both the Senate and the Chamber of Deputies were highly productive (see table 5 and table 6). In the 2004-2005 legislative year in particular, 301 bills were approved in the Chamber of Deputies, more than double the number in 2003-2004, and more than in any other previous legislative year. During the last nine years of unified PRI government, on average forty-nine bills were approved per year, but in the 57th legislature, the mean increased to seventy-two bills per year. In the first five years of Fox’s presidency, 160.8 bills were enacted per year in the Chamber of Deputies. In the previous last three years, the average had been 216.

In view of Mexico’s president-congress structure, with a congress intransigent and easily creating deadlock, the great number of bills approved,

according to some scholars, proved that there was no deadlock.⁴¹ An absence of deadlock on noncontroversial legislation, however, does not prove that deadlock was not a feature of legislation that was controversial and that represented a high-stakes situation for the president. Compare the much-cited failure of the first Clinton administration (in the United States) to enact comprehensive health-care reform as against the enduring personal popularity of Clinton, even through his impeachment period. Yet, the high-profile proposals that caught the attention of Mexico's mass media had the potential to materially affect the everyday experience of most Mexicans. In the case of the VAT, no less an authority than the World Bank weighed in, noting that the burden of taxing foodstuffs would "fall heavier as a share of income in the lower income brackets."⁴² That fact guaranteed that the proposal would be attacked from the left as regressive and would call into question Fox's presentation of himself as the symbol of transformed Mexican politics. Also, it is difficult to see the PAN's own breathless defection from Fox with regard to Chiapas and the Zapatistas as anything except gridlock, whether the origin of the situation were intraparty rivalry, fear of EZLN revolutionary upheaval, cultural disdain for the indigenous peoples, or Fox's failure of effective leadership on the issue. Reportage of his proposals emphasized less the consensus achieved in other aspects of the president's legislative agenda than the inability of the president to point unambiguously to his role in making new law. The unfortunate result for Fox's political reputation was that it suffered from the perception that he lacked the charisma and/or leadership skill to guarantee smooth sailing for his initiatives. In a retrospective of Fox's term of office, the Council on Hemispheric Affairs observed that the PRI had "consistently frustrated Fox by turning down his requests to coordinate on policy matters."⁴³

⁴¹ Ibid., 24; Weldon notes that in the 58th Senate session, 89 percent of the president's bills were approved, and in the Chamber of Deputies, 92 percent (albeit with major amendments to nearly all of the legislation). Further, most of the executive's bills were major reforms, many at least as profound as the proposed labor reform and much more significant than the VAT. The deputies and senators also sponsored important reforms on their own. Though some of the bills approved were undeniably populist and designed principally for electoral purposes, most of the laws and reforms sponsored and approved by the legislators of the 58th legislative session were significant, valuable, and noteworthy, even if they rarely merited notice in the media. David Shirk points out that the notion of deadlock in Congress due to divided government was exaggerated in the media and in public opinion. As a result, the public's general perception of the Fox administration was that he was too challenged to live up to expectations. See Shirk, *Mexico's New Politics: The PAN and Democratic Change*, 198.

⁴² Colombia, Mexico and Venezuela Country Management Unit, Latin America and the Caribbean Region, *Mexico Country Economic Memorandum: Challenges and Prospects for Tax Reform*, Report No. 22527-ME (Washington, DC: World Bank, 2002), 17.

⁴³ Jessica Ellerbach, "President Vicente Fox: More a Caricature of an Effective Presidency than the Real Thing," *Council on Hemispheric Affairs Analysis*, July 8, 2005, <http://www.coha.org/2005/07/08/> (accessed July 17, 2007).

It remains, then, to look at the apparent contradiction between the number of bills that did become law and the assertion that Fox's agenda was repeatedly frustrated. Benito Nacif forcefully argues that legislative deadlock is most likely to be avoided under two conditions: "1) when the status quo moves to an extreme position and 2) when the most preferred policy of the president's party is located at the median point"⁴⁴—that is, when legislators to the right or left of the president's policy initiative cannot form a majority. In Fox's first term, the president's party was not at the median point on his most important (extreme?) policy initiatives, which helps explain their failure. Fox could, of course, veto opposition legislation that was at the median, thus potentially poisoning the political environment. On issues in which a workable majority perceived the status quo to be extreme, however, a good deal of legislation was enacted during Fox's first term. One of the primary reasons for approving such a great number of bills was the multiparty, nonmajoritarian configuration of the Congress and the shifting alliances that enabled legislators to support different initiatives in the Congress.⁴⁵ In the aftermath of transition from decades of PRI rule, the new incumbent party was too impatient not to propose legislation that it had been unable to introduce in the past. Moreover, all concerned parties hoped to see their bills passed, while all legislators hoped to plant their ideas into federal law before leaving the Congress. The three-way competition among the PAN, the PRI, and the PRD meant both that no party could automatically prevail and that no party was easily shut out of the legislative process in either house. In other words, the three major parties each achieved passage of some of their legislative proposals by means of diverse coalition. Therefore, the number of approved legislative bills multiplied; from 2004 to 2005, the Chamber of Deputies introduced 1,279 bills and approved 301, or 23.5 percent (see table 6).

Those figures are consistent with Nacif's review of Mexican legislation since 1997 and his statement that "divided government does not have any significant impact on the volume of legislative change."⁴⁶ However, Nacif is careful to qualify that statement by noting that, absent "incentives to build coalitions in the legislature, change takes place only on unimportant and uncontroversial issues."⁴⁷ Issues that are important and controversial—such as tax reform, utility reform, and indigenous rights—require sophisticated negotiation and coalition management as well as such management of such incentives as patronage and reciprocity. Thus, high quantity of legislative proposals, which could include

⁴⁴ Benito Nacif, "Policy Making under Divided Government in Mexico," *Working Paper #305*, March 2003, 21-22, <http://kellogg.nd.edu/publications/workingpapers/WPS/305.pdf> (accessed July 17, 2007).

⁴⁵ Shirk, *Mexico's New Politics: The PAN and Democratic Change*, 198.

⁴⁶ Nacif, "Policy Making under Divided Government in Mexico," 20.

⁴⁷ *Ibid.*

many of the president's bills of minor importance, belongs to one kind of law-making process, while the quality of key policy initiatives belongs to another. The level of success declined markedly with regard to proposals in which Fox materially invested such political capital as he had. The more important the initiative was to Fox personally and the more controversial the initiative—or, in Nacif's formulation,⁴⁸ the more extreme the new policy was perceived vis-à-vis the position of the status quo—the less likely Fox was to find a working coalition that would make it become law.

Where the stakes are highest, whether for partisan, political, economic, or social reasons, the potential for gridlock seems greatest. That scenario has been played out repeatedly even in the United States, most notably in recent years with regard to the structure of American health-care policy and increasingly with regard to the involvement of the United States in Iraq—and there are only two major parties in the United States. How much more complicated and deadlocked does major policy debate become—especially in the absence of legislatively effective executive leadership—when more than two parties hold significant legislative pluralities? That is the case in the egregiously unstable Iraq, where Sunni, Shia, and Kurdish factions hold apparently irreconcilable positions on the key issue of Iraq's future distribution of oil-production wealth.⁴⁹ Mexico's relatively new-found political stability, of which Fox is plainly a symbol, does not guarantee that the symbol's every wish will be granted, nor does it mean that political praxis in its multiparty context is likely to automatically become noncontroversial or plagued with programmatic agenda frustration for any of the key players. That is because the benefits of political control in Mexico are so great.

Impact of the 2003 Midterm Election

Fox's authority was further reduced in the midterm election of July 2003, when the PAN's representation in the lower House was reduced from 206 to 151 seats of the five hundred. By contrast, the PRI gained 13 seats to solidify its congressional plurality of 224, while the reenergized PRD nearly doubled its congressional count to 97 seats. The Congress remained in the hands of the divided opposition led by the still recovering PRI and the rapidly rising PRD. Most media promptly proclaimed the election a major defeat, as well as distrust, for both Fox and the PAN. Thus Fox became a lame duck at the

⁴⁸ Ibid., 12.

⁴⁹ For a useful overview of Iraq's current version of policy gridlock, as well as implications for policy differences on that issue in U.S. politics, see Edward Wong and Sheryl Gay Stolberg, "The Reach of War: A Draft Oil Bill Stirs Opposition From Iraqi Blocs," *New York Times*, May 3, 2007, <http://select.nytimes.com/gst/abstract.html?res=F30915F93B5A0C708CDDAC0894DF404482>.

midpoint in his *sexenio* [six-year term], a novelty in a country where presidents had historically enjoyed unrivaled power until their final day in office.⁵⁰ As one observer put it, “Although Fox remains a popular political figure—with an approval rating exceeding 60 percent—he will end his term with few concrete accomplishments.”⁵¹

In the analyses of PAN’s defeat in the 2003 midterm election, critics point to the failures, mistakes, and setbacks of the Fox administration across multiple policy areas, as well as to the politically fractured Congress that prevented implementation of Fox’s agenda as major liabilities for Mexico’s political future. More generally, media and academic scrutiny of Fox’s administration was largely negative and critical. For example, William & Mary Latin America scholar George W. Grayson highlighted Fox’s failures of leadership on a variety of issue fronts and characterized Fox’s foreign policy on immigration as hypocritical, given Mexico’s hostility toward immigrants from Central America, even while advocating an open border between the United States and Mexico.⁵² Fox was also criticized for inviting controversy from both foreign and domestic sources by “his tendency to dwell in unscripted, off-the-cuff remarks that have caused problems,” such as referring to Mexicans’ willingness to do work that “not even blacks want to do in the United States” and criticizing PRI governments for fooling the people “as if we were vile Chinese when they were selling their grandiose ideas, populism and demagoguery.”⁵³ For better or worse, Fox’s administration failed to make a strong case for several key proposals it had submitted to the Congress and to convince the public that the proposed policies presented an improvement from the status quo. The Council on Hemispheric Affairs concluded that Fox would be “little more than a ‘lame duck’ throughout his entire presidency... even though he held on as the symbol of Mexico’s turn to democracy.”⁵⁴ Even

⁵⁰ Daniel, Erikson, “Mexico’s Uneasy Choice: The 2006 Presidential Election,” *World Policy Journal* 22 (Winter 2005): 18.

⁵¹ On September 4, 2006, Jeffrey A. Weldon told the author via e-mail that the reason Fox still enjoyed over 60 percent popularity rating was that many of Fox’s programs, especially in health and housing, had directly benefited many low-income voters who did not read columnists and opinion makers in the press. Also, the Mexican economy improved in 2005. Many columnists, it appears, “hate” Fox in ways similar to the way American Republicans hated Clinton and declared themselves to have not the slightest idea why the president was so popular.

⁵² “Conquest of Aztlan,” with Lou Dobbs, CNN, September 29, 2004. Also see Grayson, “Mexico’s Vicente Fox at Midstream,” *Foreign Policy Research Institute: A Catalyst for Ideas, E-Notes*, October 27, 2003, www.fpri.org (accessed July 17, 2007).

⁵³ Mario Canseco, “The Second Campaign of Vicente Fox,” *Angus Reid Global Monitor*, March 18, 2006, <http://www.angus-reid.com/analysis/index.cfm/fuseaction/viewItem/itemID/11260> (accessed July 17, 2007).

⁵⁴ Ellerbach, “President Vicente Fox: More a Caricature of an Effective Presidency than the Real Thing.”

so, the national political structure of Mexico has remained on the whole stable since 2000, and the country's mechanism of governance, which is its (rather complex and sometimes vexatious) Constitution, persists. Thus, if Fox's failure to implement resolutions to Mexico's major policy challenges (e.g., economic growth, energy-sector reform, poverty alleviation, and strengthening the rule of law) is not particularly surprising, it need not necessarily be troubling either.⁵⁵

What is worth noticing is that more than 60 percent of voters did not participate in the midterm, which set a new record of abstention in Mexican federal elections. Also, polls showed that 54 percent of those who voted for Fox in 2000 felt dissatisfied with democratic politics in Mexico and that 75 percent of Mexican people publicly indicated that they had lost confidence in the parties.⁵⁶ The election turnouts also imply that the Mexican people hoped to continue the multiparty political system by electing an opposition Congress to limit presidential powers, anticipating developing a new arrangement with common understanding and consultation between the president and the Congress in Mexico.

Analysis of the Interactive Relationship between the President and Congress

The analysis of the interactive relationship between the president and the Congress in Mexico specifically targets institutional and structural factors of Mexican governance—party affiliations in the Congress and such nonstructural factors as the personal character of President Fox. Institutionally, the establishment of administrative authority under Mexico's centralized presidential system was based on dominant-party rule and control of the Congress. When the president and the Congress are under one party's control and the president and party leader are the same person, the political system and structure tend to be consolidated in a mutually reinforcing tripartite formation, with the party, the president, and the Congress comprised in an integral whole.

⁵⁵ To be sure, multiple accusations of electoral scandal, as well as the assassinations and attempted assassinations of candidates for national office in Mexico in recent years are troubling, but their analysis belongs to an exercise different from investigation of institutional relationships; in any case, election fraud and political assassination are phenomena by no means unique to Mexico.

⁵⁶ James C. McKinley, "In Mexico, Race Tightens for Presidency, New Polls Show," *New York Times*, April 26, 2006; Alejandro Moreno and Patricia Méndez, "Attitudes toward Democracy: Mexico in Comparative Perspective," *International Journal of Comparative Sociology* 43, no. 3-5 (2004): 350-367; Roderic Ai Camp, "Democracy Redux: Mexico's Voters and the 2006 Presidential Race?" November 11, 2006, paper prepared for presentation at the Weatherhead Center for International Affairs, Harvard University, December 1, 2006, 9, http://www.wcfia.harvard.edu/res_activities/conferences/mexico_06/papers/CampExtra.pdf (accessed March 17, 2007).

However, if the formation varies, then the whole presidential structure likewise can change.⁵⁷ After the PRI's one-party regime was set aside, the president, theoretically subject to an opposition-controlled Congress in a multiparty system, found it difficult to achieve his goals. Meanwhile, the single six-year term limit on the presidency put Mexico's president in a worry-free position and potentially enabled him to ignore an uncooperative and institutionally fractious Congress.

Apart from institutional considerations, Fox's worsened relationship with the Congress and inability to push forward key initiatives, along with PAN's loss in the 2003 midterms, owed something to Fox's unskilled political leadership, in particular, his failure to effectively recruit PAN members into the cabinet to form a party government that would support his legislative initiatives in his first half term. In the past, all-powerful PRI presidents personified the fusion of party and government. The limited PAN representation in Fox's government was a function of the highly independent, candidate-centered nature of Fox's 2000 campaign, which was driven more by his personal popularity than by party organization and discipline. Indeed, for the fifty-two cabinet posts, Fox sought to choose a professional team regardless of party affiliation and without favoritism. In that sense, he rejected the idea of his administration as a vehicle of PAN patronage, in the end recruiting only four PAN members at the cabinet level. The relative absence of PAN partisans in the Fox administration reflected Fox's circumvention of the party, which increased the tensions in his relationship with his own party while in office⁵⁸ and deepened PAN's dissatisfaction with his recruitment practices. As PAN deputy Teresa Gomez Mont once put it, "Where is the program of the PAN?"—an expression of frustration that Fox's administration, much like previous ones, seemed replete with "corrupt people and political bosses."⁵⁹

Nor were the PRI and PRD inclined to enable Fox's attempt to widen party representation in his cabinet. The PRI leadership refused to integrate high-profile members into the Fox administration, and the PRD leadership forbade party members to accept any formal position in the Fox government. Accordingly, most of Fox's cabinet members came from his campaign team,

⁵⁷ Daniel C. Levy, and Kathleen Bruhn, *The Struggle for Development* (Berkeley, CA: University of California Press, 2001); George Philip, *Democratization and Social Conflict in Mexico* (London: Research Institute for the Study of Conflict and Terrorism, 1999); Weldon, "Political Sources of *Presidencialismo* in Mexico," 225-258; Scott Mainwaring and Matthew Soberg Shugart, *Presidentialism and Democracy in Latin America*; and Laura Randall, *Changing Structure of Mexico: Political, Social, and Economic Prospects* (Armonk, NY: M. E. Sharpe, 1996), 42.

⁵⁸ Soledad Loaeza, "An Unhealthy Distance between Fox and the National Action Party," *Enfoque* (Fall 2000/Winter 2001): 3, and Shirk, *Mexico's New Politics: The PAN and Democratic Change*, 189.

⁵⁹ Shirk, *Mexico's New Politics: The PAN and Democratic Change*, 194-196.

from his home state of Guanajuato and his residence at Los Pinos, and from the ranks of his gubernatorial administration. He also recruited from the business and private sectors, but his recruits had had relatively little experience in governing.

Ultimately, PAN members were significantly underrepresented among Fox's original fifty-two top-level appointees, accounting for only about 19 percent of the cabinet. Fully 75 percent had no formal party affiliation (see table 7 below). To be sure, PAN was in the minority in both houses, but Fox failed to draw on the party's resources and shore up political capital and an incentive to be loyal to Fox's programs because of strategically deployed patronage. Dislike of Fox's recruitment policies within the party had the effect of weakening his administration in dealing with the Congress.

Table 7. Party Representation among Top Fifty-Two Fox Appointees

Party	Percentage
PAN	19%
Other Party	6%
No Known Party	75%

Source: David A. Shirk, *Mexico's New Politics: The PAN and Democratic Change* (London: Lynne Rienner, 2005), 188.

Critics point out that Fox had all the attributes necessary to being an excellent candidate but lacked the skills required for good public administration (e.g., a long-term strategic vision, careful attention to detail, a conciliatory disposition, and social sensitivity).⁶⁰ Some of his campaign boasts, such as solving the Zapatista problem in 15 minutes and promising an annual GDP of more than 7 percent, were not fulfilled. Overall, Fox exhibited a persistent tendency to emphasize style over substance, which contributed to both exaggerated expectations and poor follow-through on his programs.

Several of Fox's innovations for promoting growth and alleviating poverty at the national level—microcredit assistance to small- and medium-

⁶⁰ Ibid., 201; Russell Crandall, "Mexico's Domestic Economy: Policy Options and Choices," in *Mexico's Democracy at Work: Political and Economic Dynamics* (61-88), ed. Russell Crandall, Guadalupe Paz, and Riordan Roett (Boulder, CO: Lynne Rienner, 2005), 83.

sized businesses, energy-sector reform, infrastructure improvements—suffered from inadequate planning, the absence of private-sector financing, or limited political support. Despite his rhetoric, many of his other initiatives were really continuations of PRI programs and approaches to economic development and poverty mitigation, hence tended to pour old wine into new bottles.⁶¹ All of these factors called President Fox’s governance ability and leadership style into question and thus checked his authority.

The multiparty political system in Mexico has created many obstacles in the policy processes. The fact that the executive branch had faced an uphill battle in obtaining approval of its most significant legislative agenda perhaps reduced President Fox’s capacity to form a reliable and efficient governing coalition and soured the relationship between president and Congress. That supports Mainwaring’s argument that divided government under presidentialism and a multiparty system is a difficult combination,⁶² a political reality that confronts Fox’s successor, Felipe Calderon, as well.

It is thus essential that Mexico’s leadership make continued political reform a priority. Without reform, Mexico “may end up in a peculiar state of institutional limbo and semi-permanent gridlock: a constitutionally mandated presidential system that operates more like a majority-less parliamentary system.”⁶³ As politicians adjust to the new political context in Mexico, many of the old rules may need to be reconsidered and revised. Basically, if Mexico sticks to presidentialism, it may need to take into consideration presidential reelection with reduced term length. As the Mexican president currently serves only a single six-year term, a poor midterm result likely creates a three-year lame-duck period during which the president may not easily get laws passed in the Congress, even though it is unrealistic to routinely remove him from office.⁶⁴ The possibility of presidential reelection may embed in the Mexican political ethos incentives for presidential accountability to constituencies during the president’s term, and reducing the term length may decrease the political risks and lower the stakes of political power for both the winners and the losers. For similar reasons, reelection of legislators, which is currently not permitted, could facilitate the development of legislative expertise, encouraging executive-legislative cooperation and enabling the Congress to take greater

⁶¹ David A. Shirk, *Mexico’s New Politics: The PAN and Democratic Change*, 205.

⁶² Scott Mainwaring, “Presidentialism, Multipartyism, and Democracy: The Difficult Combination,” *Comparative Political Studies* 26 (1993): 198-228.

⁶³ M. Delal Baer, “Mexico at an Impasse,” *Foreign Affairs* 84, no. 1 (January-February 2004): 113.

⁶⁴ Chappell H. Lawson, “Fox’s Mexico at Midterm,” *Journal of Democracy* 15, no.1 (2004): 143.

⁶⁵ *Ibid.*, 144.

initiative on key issues.⁶⁵

There is an institutional mechanism for Mexico to adopt the parliamentary form of government, in which the Congress or the majority party in the congressional coalition controls governance. Even more important, however, is the need for rational and effective deployment of presidential leadership that entails full appreciation of the value not only of creative confrontation but also of coalition, consensus, and compromise. Whatever governance system evolves in Mexico, its politicians need to be more accountable for their actions or inaction in public office as well as for accepting the challenge of political competition and cooperation.

Conclusions

Mexico's political system has transformed from multidecade, unified, one-party presidential rule into a divided government that is characterized by separation of powers and checks and balances—though differing in significant respects from the model of the United States. After 1997, the Mexican Congress was intransigent in a context of new political configurations of executive, party, and legislative control. Vicente Fox failed to effectively recruit PAN members into the cabinet to form a party government that would support his initiatives, a decision aggravated by the opposition parties' resistance to cooperation in the process of forming and implementing public policy. The relationship between President Fox and the Congress, to a significant extent, devolved into political stalemate, especially during the first half of Fox's term. Key presidential initiatives—the increase of the VAT on food and medicine, electrical-energy reform, and a plan for guaranteeing indigenous rights—were all controversial proposals, inspiring little consensus among the parties. If they did not wholly paralyze executive-legislative interaction, they undoubtedly impaired government performance and raised the issue of leadership effectiveness in public discourse, especially presidential leadership.

The consequences of the Fox government's failure to implement its pet programs were not limited to the future electoral fortunes of the PAN and, given the widening of Mexico's democratic system, would deeply damage PAN's appeal as a political model. The fact that 60 percent of voters abstained from the midterm elections argues the PAN's and/or Fox's inability to mobilize the electorate in the service of either the party's or the president's legislative agenda. Indirectly, this is another side of the coin of nondeliberate vote splitting, with the electorate deliberately registering its displeasure with the political process by refusing to participate in it but by implication also asserting its apathy or its perception of its own insignificance vis-à-vis the Mexican political elite. It does not speak enthusiastically to the resilience of Mexican democratization supposedly ushered in by Fox's election.

To that extent, Mexico's recent political history would seem to support Mainwaring's idea that presidentialism and multiparty politics make for

stalemate. The fact that the charismatic Fox was disinclined to court *his own party apparatus* when it came to cabinet appointments begs the question of whether a different approach to party leadership and deployment of patronage could have supplied the motivation in Congress for compromise or for more vigorous support of Fox by the PAN on various issues. Yet, when the politics of noncontroversial legislation were played out, the PAN (and, by extension, Fox) could point to certain legislative successes for the party (so, of course, could the PRI and PRD). Moreover, those achievements could be attributed to the ability of rival political actors to form issue-specific utilitarian (i.e., practical and constructive) coalitions, without damaging the presumptive stability of the country's governance institutions. Despite the criticism that presidentialism under divided government could damage democratization, the record demonstrates that Mexican legislators have the capacity for (even if not a predisposition toward) cooperation in building policy coalitions for their respective parties' benefit. In other words, even in a situation of divided government, political parties in Mexico are, to some extent, disciplined in their party leadership and continually seeking law-making coalitions. Indeed, the PAN's swift and negative response to Fox's initial Chiapas proposal suggests as well that party discipline can trump entrepreneurial behavior by party leaders, especially where hot-button, culture-war issues are concerned. On the other hand, in the case of noncontroversial policy, the presidentialist structure does not rule out legislative compromise.

Even so, the fragility of Mexican presidentialism under multiparty rule is implicated in the permanence of political reform because there will always be high-profile, high-stakes, and controversial presidential initiatives positioned (or perceived to be positioned) at the extreme vis-à-vis the status quo in which the executive deposits its reputation and the reputation of its party. The vagaries and interpenetration of political rivalries, the content and import of the executive initiatives, and the relative power of presidential and legislative leadership to shape public discourse and policy-debate outcomes are likely to be factors of whether and to what extent competitive parties can form constructive coalitions through consultation and consensus and achieve the appearance as well as fact of normality in the operation of government affairs and the development of public policy. This is a vexed issue because the potential for a poisoned political environment seems ever present, not just between parties but within them as well. More study is needed on the extent to which presidential leadership and/or moral suasion can affect legislative discourse and outcomes in multiparty polities.

At the beginning of a political system's structural reform, establishing political consensus between incumbent and opposition factions is rather difficult and may take years of arduous effort. Especially in view of the potential for social dislocation implied by the nature of competition and rivalry played out in Mexico's 2006 presidential election, the utility of a dialogue aimed at reaching consensus between the incumbent and opposition parties as

a priority for Mexican politics seems obvious enough. As well, it is difficult to overstate the value of some version of comity with respect to legislative initiatives of searching importance to Mexico's future economic soundness and its ongoing social and political stability. Whether Mexican politicians can avoid exacerbating political, social, and economic tensions as their country's democratic development proceeds remains to be seen. It is possible, of course, that as the structures of democratization become more institutionalized over time, political actors in Mexico in all branches of government may increasingly embrace the pragmatic benefits of give-and-take as opposed to all-or-none politics, even on major issues. Where divided government exists, however, even in the most stable of polities, that is a custom that, sadly enough, continues to be honored more in the breach than the observance.

