

MEXICO'S CHANGING ELECTORAL ORDER, 1977-1996: ITS MEANING FOR STATE-SOCIETY RELATIONS

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By looking at the changes in the electoral legislation, the author analyzes state-society relations in Mexico in the last twenty years. The article is divided in four sections. The first one is a theoretical discussion of the main concepts used in the analysis. In the second the author advances a characterization of Mexico's political regime. The third section deals with the changes made to the electoral legislation from 1977 to 1996. In the concluding remarks, the author elaborates the potential consequences these process may have on Mexico's state-society relations.

The electoral arena is not a settled issue in Mexico. There have been six reforms to the electoral legislation only in the last twenty years. The purpose of each of them, however, has varied. The main objective of the 1977 electoral reform, which is generally acknowledged as the one which opened the way to Mexico's transition to democracy, was the incorporation of minority groups into the mainstream political spectrum. In contrast, the last reform, passed in 1996, aimed at expelling the government from the electoral institutions that organize the elections.

Electoral legislation in Mexico, though, has not only affected the rules of electoral processes, that is, who can participate in them and who is in charge of them, it has also affected the composition of government bodies and the principles regulating the intercourse of the political groups competing for power. In this sense, it has mainly affected the internal arrangement of one party, the one that has been in power for almost 70 years. The key, in this respect, has been to make of this party, the Institutional Revolutionary Party, a "normal" political party. Any serious reform in the electoral arena in Mexico inevitably, involved changes in these two fronts: the electoral rules and the PRI's relation to state and society. But how did these changes come to happen? Furthermore, what do the changes in the electoral arena tell us about state-society relations? In other words, what can we learn about the shifting boundary between state and society by looking at these changes?

In this paper I maintain that the traditional state-society dichotomy is not helpful in making sense of the changes that have taken place in the electoral arena in Mexico. By introducing the Gramscian concept of political society into the analysis, I provide an account of both how these changes took place and what they tell us about the porous boundary between state and society. I argue that what is usually understood as "civil society" has not been a central actor in this process; instead, I argue, "political society" has been the key player vis-à-vis the "state."

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I begin with a theoretical discussion of some of the key terms employed in this paper: state, civil society, and political society. I then present a characterization of the Mexican political regime, emphasizing the role of the governing party in it. With this background, in the third section I discuss the changes in electoral legislation that have taken place during the last twenty years. Finally, in the conclusions I elaborate on the meaning of the shifting internal boundary between state and society as well as on the potential consequences these process may have on state-society relations.

1. THEORETICAL DISCUSSION

“State” and “civil society” are both relational concepts. One cannot be defined without the other. Thus, for instance, Hegel defined the latter by situating it between the family and the state. From a very different perspective, De Tocqueville also defined civil society in relation with the state, in his case as a buffer against it (Bratton, 1989: 417). Weber’s classical definition of the state as the organization with legitimate monopoly of violence over other organizations in a given territory, also points to the relationship between state and civil society (Weber, 1968). But perhaps it was Gramsci who made the relational character of these concepts clearer. He defined civil society as “the ensemble of organisms commonly called private,” and that corresponds “to the function of hegemony that the dominant group exercises throughout society” (Gramsci, 1992: 12). In this sense civil society is a “superstructural level” along with the state, and a means by which the ruling class maintains control.

As relational concepts, neither state nor society stands apart from the other. Gramsci insisted that the distinction between them was methodological, not organic. He pointed out that “in actual reality civil society and State are one and the same” (Gramsci, 1992: 160). Both concepts are then merely heuristic tools, and it is important to keep in mind their discursive origin.

I underline these points because of the tendency to reify concepts such as state and civil society. It is common practice to speak as if they had an empirical referent — and even a will of their own. Stephen Krasner, for instance, identifies the state with two agencies of the United States government, the White House and the State Department because, he claims, they enjoy a “high degree of insulation from specific societal pressures” (Krasner, 1978: 11). Thus, he later writes that “the state has its own needs and goals, which cannot be reduced to specific societal interests” (Krasner, 1978: 333). Similarly, working within the Weberian tradition, Theda Skocpol, emphasized the importance of the state as an autonomous actor that “can pursue goals that are not simply reflective of the demands or interests of social groups, classes, or society” (Skocpol, 1985: 9). More recently, Peter Evans has written about “the different roles that states perform” in bringing about industrial transformation (Evans, 1995: 5). For him, “states as organizations vary in their ability to enforce the rules of the game — weak and strong states” (Evans, 1995: 260).

The problem with reifying a concept such as state is twofold. First, state power is exercised by concrete actors, individuals belonging to real groups with particular interests and ideologies (Katzenstein, 1991: 195). The state is not just an ethereal entity; its power derives from daily practices that involve concrete actors. But this does

not mean that the state can be reduced to them or that it has a will of its own. Reifying the state turns the state into an autonomous actor. We can thus read statements like this one by David Lake: "the state derives its interests from and advocates policies consistent with the international system at all times and under all circumstances" (Lake, 1984: 435). In cases like this, the state has effectively "emancipated" itself from society.

Second, reifying the state contributes to the image that the boundary between state and society is fixed. Bartholomew Sparrow, for instance, insists that "[t]he state has to be pinned down" (Sparrow, 1992: 1011), as if it were possible to establish a precise demarcation line between state and society. When this is done, the boundary becomes static. By reifying concepts such as state and civil society, the flexibility of their relational character vanishes; it then seems that some things have a statist essence, while others a societal one. Concepts become rigid, dead weights that burden the analysis. These two dangers can be avoided by keeping in mind Gramsci's insight — the boundary between state and society is merely methodological.

Does it then make any sense to talk about the state as an actor? I think it does. Even if we accept that it is an "unobservable whole," without an empirical referent, we can still consider it as a social structure (Puchala, 1990). And social structures "are real and objective, not 'just talk'" (Wendt, 1995). They do appear to have an independent existence, confronting us materially.

And appearances matter. As St. Augustine said about an oar that looked bent when submerged in water: "since there is a special reason for the oar's looking that way, I should rather accuse my eyes of playing me false if the oar looked straight when dipped in water; for in that case my eyes would not be seeing what, under the circumstances, ought to be seen" (Kennick, 1967). Although, unlike an oar, the state has no essence to speak of, and consequently it cannot be taken out of society as the oar can be taken out of the water, St. Augustine's point is methodologically important. Appearances do matter. We cannot simply dismiss them as false consciousness. Furthermore, what makes a concept such as the state more interesting is that, unlike the oar dipped in water, we cannot know its contour precisely.

The boundary between state and society is ever changing; it is slippery, porous, and unstable (Mitchell, 1992). The definition of what is considered as belonging to the state realm changes with time; that is why concepts such as state and civil society are difficult to define.

But a narrower definition will not do. Paraphrasing what Jorge Luis Borges said about dogs, the state of 1950 is not the same as the state of 1990. Furthermore, the state is not simply an unobservable whole, in the same sense that a gravitational field might be. We are dealing with social relations, not physical laws. In this case we are talking about social control, about human practices that give rise to different patterns of domination. And a fixed definition of a the concept we use to refer to these everyday practices cannot capture their dynamic character (Mitchell, 1991).

Nevertheless, we still talk about dogs and about states. This is so because both serve a function in practical discourse. The difference is that while we use a descriptive term to refer to the former, we employ a normative one for the latter. As Friedrich Kratochwil has argued in discussing the term "national interest," in normative terms "meaning cannot be reduced to a commonality; rather, it is disclosed by the usage of the term in specific contexts (Kratocwhil, 1982: 3; see also Kratochwil, 1984)." This

means that the role normative terms play in practical discourse implies the impossibility of finding an unchanging essence in them, while making their usage valid. Thus, considering the state as a normative concept enables us both to understand why we cannot produce a precise definition of it, and why it is still legitimate to use it.

The problem with the term “civil society” is complicated further by two common mistakes in its conceptualization. One is to simply equate it with society. But as Joel Migdal and others have made clear, society is not synonymous with civil society (Migdal, Kohli and Shue, 1994). The latter implies not only a higher degree of organization, but also of engagement with the state. Thus, not all social associations are part of civil society: parochial organizations with no interest beyond their immediate concerns would be excluded from civil society (Chazan, 1994). It is not that the population of a specific country could be physically divided into “civil society” and “non-civil society,” but rather that some groups within society follow certain normative guidelines in their corporate identity as well as in their social intercourse (Callaghi, 1994). In this sense, civil society is also a normative concept.

The other mistake is to idealize civil society, to treat it, as Michel Foucault once said, “as a good, living warm whole” (Foucault, 1988: 168). This idealizing is a problem not only because it is naïve, but also because it leads to a Manichean analysis. There are two variants of this mistake (Foley and Edwards, 1997). One is to present civil society as an undifferentiated entity in the pursuit of the common good, avoiding any engagement with the state. This conception was common in the analysis of the former socialist countries of Europe. Civil society was presented as occupying a space outside the state, which it should avoid in order to remain pure.

In the other variant, the myriad of organizations in civil society are also inherently pure, but in this case they serve as a buffer against the state. In this version, organizations in civil society remain immaculate because they avoid involvement in political issues. Thus, Robert Putnam uses the proliferation of groups such as bowling leagues as an indicator of a strong civil society (Putnam, 1995). In either or the two variants, the idealization of civil society leads to portray state and society as an “antagonistic couple” (Foucault, 1988: 374).

That is why the concept of political society is a useful corrective. It both breaks with an idealized image of civil society and ends with the false dichotomy between state and society. It is not my purpose here to make an exegesis of the term, but rather to develop a definition that is useful for my analysis. Gramsci introduced the concept as an intermediate category between the state and civil society. As he put it, “State = political society + civil society” (Gramsci, 1992: 263).

Although for Gramsci civil society included the aggregate of private organisms, that is, the hegemonic aspect of the state, whereas political society was the coercive element of it, the distinction between the two was theoretical, not organic. Furthermore, for Gramsci this distinction was historically contingent. The usefulness of the concept lies in avoiding the danger of what Gramsci called “statolatry” that is, to identify all governmental matters with the state (Gramsci, 1992: 269). The concept of political society allows thus to theoretically disentangle the state.

The distinction between civil society and political society is not clear-cut. Gramsci, for instance, argues that the modern political party “exercises the hegemonic function and hence that of holding the balance between the various interests in ‘civil society’;

the latter, however, is in fact intertwined with political society” (Gramsci, 1992: 253). Political parties, thus, belong both to civil society and political society.

The concept of political society thus opens a space to consider the intersection of the societal and statal arenas, to keep an eye on their intrinsically dynamic internal boundary. Alfred Stepan adapted the concept in his analysis of military politics in Brazil. For Stepan, political contestation properly lies in the arena of political society. It is about the “control over power and the state apparatus” (Stepan, 1988: 4).

Jesús Silva-Herzog has also used the term political society in his analysis of the Mexican political regime. By political society Silva-Herzog understands “the social and institutional spheres in charge of decision-making and political representation. It includes, therefore, all constitutional powers, political parties, electoral legislation and all those whose main occupation is politics” (Silva-Herzog, 1994: 38). The last clause of the previous quote is reminiscent of Weber’s definition of a politician as one who lives for politics (Weber, 1946). But political society does not refer exclusively to a group of people. It is a normative concept, and in this sense it does not have a material referent. It includes normative elements (such as electoral legislation) and practices (such as voting). This is why it is not interchangeable with the terms such as “political class” or “governing class.” I think Silva-Herzog’s definition is useful, except for the fact that he identifies the group that has controlled the state apparatus in Mexico for the last seven decades with political society (I will come back to this later).

I will thus use the concept of political society as a normative one, keeping in mind that it does not have an unchanging material referent and that its boundary with the state and civil society is unstable. Let us then test the usefulness of the concept of political society when looking at the shifting boundary between state and society in Mexico.

2. MEXICO'S POLITICAL REGIME

On July sixth 1988 eight political parties participated in the Mexican presidential elections. The next day the still front-runner, PRI’s candidate Carlos Salinas, went on national TV and said: “The era of virtually one-party system has ended.” Salinas was not talking nonsense. He was referring to a concept in political science: Samuel Huntington’s ‘one-party system,’ in which the existence of several minority parties does not enable any of them to alter political decisions, which are controlled by the ruling party.

But Salinas’ statement was not only academic punditry — it was, rather, a political act. His still unofficial victory was already being severely questioned as fraudulent by the main opposition candidates. Salinas’ intention was to create for himself the image of a reformist politician who would bring about profound changes in the image of the Mexican political regime. But was the party system of 1988 really a “one-party system,” as Salinas claimed?

Defining the Mexican party system is important. It allows us to elucidate the role political society plays not only in it but also in the political regime. Whereas the party system refers only to the electoral arena, that is, the norms under which formal political contestation takes place, political regime is a wider concept. It includes the party

system but also the norms that bind the relationship between the different branches of the state apparatus and between state and society (Suárez, 1991). The concept of political regime thus embraces the myriad of arenas of domination and opposition in which the process of social control takes place.

Categorizing the Mexican political regime has always be a difficult task. As Guillermo O'Donnell once said, it is "a type by itself" (O'Donnell, 1989: 5). According to the zoological simile proposed by Jesús Silva-Herzog, "[f]or comparative political science, the Mexican ornithorhynchus has been what that animal with features of both reptile and mammal has represented for taxonomists" (Silva-Herzog, 1994: 30). But what makes the Mexican political regime so unique? I would point out two interrelated factors. One has been the extent to which the state has permeated various arenas of civil and political societies (Córdova, 1986). The other has been its party system.

Since the PRI has played a central role not only in the latter but also in the former, more fundamental process, I will consider it first. The purpose is to shed some light on the role of the PRI in the party system as well as on the relationship between the PRI and society. Secondly, I will address the relationship between the PRI and political society.

Unlike most political parties, the PRI was not created in order to compete for power. It was established in the late 1920's as the National Revolutionary Party (PNR) by a group of victorious revolutionary leaders to maintain themselves in power by peaceful means. As Plutarco Elías Calles, the party's founder put it in his 1928 state of the union address, the challenge for the "revolutionary family" of the time was to "unite in order to nominate one candidate."

Since it was established, the PRI has been organically linked to the state. Thus, for instance, a few years after its establishment, Mexican President Portes Gil issued an executive order by which all federal employees would have to give one peso to the PNR, since — according to him — they owed their employment to the party (*Proceso* Mar. 15, 1993: 10). Furthermore, in practice the PRI has operated as a governmental agency. Even if it does not appear listed as simply another department in the budget, it has been financed by the government. This is why it has always been difficult to disentangle the PRI from the government (Rodríguez and Ward, 1994).

Similarly, an extended web of relations between the PRI and what is commonly thought of as organizations of civil society make their differentiation difficult. Under the Lázaro Cárdenas administration (from 1934 to 1940), the party not only changed name (from National Revolutionary Party to Party of the Mexican Revolution) but also its structure. It adopted an explicitly corporatist organization by means of which several societal groups were integrated into the party. Thus, for instance, entire industrial unions, peasant organizations, and small businesses associations have been incorporated *en masse* into the different "sectors" of the party. Although a corporatist structure is not inherently anti-democratic, in the PRI it has served as a mechanism to subordinate the legitimate interests of its constituencies, both through repression and concessions (Casar, 1989).

Interestingly, though, the PRI as an organization has lacked real power in the decision making process. As the radical changes in the political programs the party has supported in the different administrations evidence, it has rather been a political machine at the service of each president in turn. That is why it has never evolved into a

real recruitment apparatus in which militants can climb the political ladder. This role has always been played by the state apparatus: the public administration (Lindau, 1992; Suárez Farias, 1991).

This takes us to the relationship between the PRI and political society. There has been a tendency in Mexico to identify the group of revolutionary leaders that emerged victoriously from the 1910 revolution (what former president Calles called the "revolutionary family") with the political society. Even brilliant political analysts like Silva-Herzog often do this. Thus, he says that the "regime tied up its dominion within its own family [i.e., the group in power]." For him the democratic deficit in Mexico lies within political society — identifying it again with the "revolutionary family" (Silva-Herzog, 1994: 38).

This is an extremely narrow definition of political society. It not only ignores the normative and practice-oriented element of the concept of political society, but also an important human component: politicians that do not belong to the PRI. Such a narrow concept thus renders an oversimplified view of the process of political contestation over political power among diverse groups.

I would argue that this is a mistake. This is the error Gramsci called "statolatry:" to focus exclusively on the people who control the state apparatus (Gramsci, 1992: 268-269). But much more has been going on in post-revolutionary Mexico than what takes place in the state apparatus. Furthermore, reducing political society to the people in charge of the state apparatus leads to a voluntaristic, anthropomorphized and ultimately reified conception of the state.

Keeping in mind that the concept of political society includes all those who make politics their main occupation (although not necessarily politicians, as I will argue later), it becomes clear that political society in Mexico is much broader than the "revolutionary family." Not all parties, unions, and other private organizations in Mexico have been permeated by the state. Mexico has not lived, after all, in a totalitarian regime.

Unlike the classic state parties of totalitarian regimes, those in the former socialist countries, the PRI was formed, as I said before, by the group in power. This means that its leaders did not understand their legitimacy to come from the votes, but from the armed struggle. As a former president told leaders of the main opposition party complaining about electoral fraud in the 1960's, "if you don't like it, make your own revolution, because we already made ours" (Castillo, 1993: 298).

More importantly, the PRI has lacked a defined ideology (Sanchez, 1991). Thus, even if it has played a central role in mediating state-society relations as well as in the party system, it has never controlled all political life. Politics in Mexico has never played the role it did in the former socialist countries of Europe.

The Mexican political regime could then be more properly characterized as an authoritarian one. According to Linz:

Authoritarian regimes are political systems with limited, not responsible political pluralism: without elaborate and guiding ideology (but with distinctive mentalities); without extensive nor intensive political mobilization (except at some points in their development); and in which a leader (or occasionally a small group) exercises power within formally ill-defined limits but actually quite predictable ones (Linz, 1964: 291).

Linz points out that the pluralistic element of his definition is the fundamental characteristic of authoritarian regimes, although their pluralism is “limited” (Linz, 1964: 298).

This brings us back to the second element mentioned above, the party system. What kind of party system has Mexico had under an authoritarian regime? A state-party system? I do not think so. Although the same party (under different names) has been in power for almost seventy years in Mexico, multi-party elections have been regularly held. And although these electoral processes have not been competitive, they have served an important function — they have not been merely ritual processes.

As Silvia Gómez Tagle points out, the elections’ role has been to “give place to important moments in the political negotiation that has maintained the cohesiveness of the Mexican political system (Gómez, 1988: 225).” As the party’s founder made clear in the passage quoted above, electoral processes in Mexico have traditionally represented an opportunity for the group in power to settle internal power disputes peacefully. In this sense, elections offer an opportunity for mobility and renewal of the office holders (Levy, 1990). Furthermore, electoral processes, or more accurately, the mechanisms by which candidates are selected, have served as an escape valve for the different factions within the group in power.

Thus, even if the PRI could be defined as a state party, I would not call the party system a state-party one. Rather, I would characterize it as a hegemonic party system. In this case, opposition parties are legal but the electoral institutions prevent them from acceding to power (Diamond, Linz and Lipset, 1990). Significantly, a hegemonic party system is not the same as a dominant party system. Whereas the latter possesses competitive electoral processes, as in Japan and Sweden, the former, as in Mexico, is not competitive (Pempel, 1990).

As a hegemonic party, the PRI has used a myriad of practices, some legal and others illegal, to remain in power. Thus, for instance, the PRI has resorted to fraud, illegal funds, control of electoral institutions, clientelism, and forced massive affiliation; it has fostered an image of itself as the only legitimate representative of the state that emerged after the revolution (Córdova, 1988). The PRI became a highly effective electoral machine, traditionally obtaining 70 percent or more of the vote in presidential elections — until 1988.

Salinas’ reference as president-elect to the existence of a “virtually one-party system” was thus appropriate. Nevertheless, it seems that his diagnosis was more acknowledging his party’s inability to function with the effectiveness that hegemonic parties do (as the questioning of the legality of his presumed victory by the three main opposition candidates and the unprecedentedly low percentage of votes he received evidenced) than making a commitment to turn the party system into a competitive one (Centeno, 1994). Once in power, Salinas tried to portray the system as no longer a single-party one, but rather as a dominant-party one (Crespo, 1992).

As the previous discussion suggests, the road to establishing a competitive party system in Mexico necessarily passes through severing the PRI’s illegal ties to both the state and civil society. In addition, the electoral institutions have to be tailored to a real multi-party system, not merely a hegemonic one. Only in this way can Mexico transform its authoritarian regime into a democracy. In the next section I will elaborate

on what a transition to democracy means, as well as on how it has unfolded in Mexico in the last twenty years.

3. MEXICO'S CHANGING ELECTORAL ORDER

Mexico's political regime has been in a transitional period for at least two decades now. The 1977 electoral reform is generally considered as the starting point of this process. It was a top-down reform, initiated and passed by the government and its party with the aim of restoring the eroding legitimacy of the regime.

In 1968 the student movement achieved national popularity in its demands for greater democracy. The government's use of the army to suffocate the movement had no precedent in post-revolutionary Mexico. Thus, concluding that the way for the peaceful political changes was closed, several guerrilla groups emerged around the country in the early 1970's. To complicate things further, only one candidate, that of the PRI, ran in the 1976 presidential elections: the conservative National Action Party (PAN) refused to nominate a candidate as a protest to the electoral system, whereas the Mexican Communist Party could not legally postulate one. If to these political factors we add the severe economic crisis Mexico was living at the time, it is clear that the regime's legitimacy was being severely questioned on several fronts.

Before going into the specifics of the 1977 and subsequent electoral reforms, I want to address two implicit questions in the discussion so far: 1) Did the 1977 electoral reform inaugurate Mexico's transition to democracy?; 2) What has been political society's role in this process?

First of all, it is important to emphasize that not all transitional periods have democracy as their end-point. A transition is simply an interval between two political regimes. It is thus important to distinguish between a process of liberalization and one of democratization. I understand liberalization to indicate the process of making effective certain rights that protect society from arbitrary acts committed by the state or third parties (O'Donnell and Schmitter, 1991: 7).

Consequently, liberalization and democratization are not the same thing: a liberalization process does not imply free elections. Thus, as O'Donnell and Schmitter point out:

Authoritarian rulers may tolerate or even promote liberalization in the belief that by opening up certain spaces for individual and group action, they can relieve various pressures and obtain needed information and support *without* altering the structure of authority, that is, without becoming accountable to the citizenry for their actions or subjecting their claim to rule to fair and competitive elections.

They refer to these cases as "liberalized authoritarianism' (*dictablandas*)" (O'Donnell and Schmitter, 1991: 9). It is thus clear that a democratic regime is not the only possible end point of a transition process.

The key test of a transitional period is the electoral process. As long as incumbency remains the main factor in determining the winner of electoral processes, it is questionable that a process of democratization is taking place. If democracy means anything, it means that nobody can win once and for all. Alternatively, it means that there are not

perpetual losers. In this sense, the stakes at issue in the process of political contestation are relatively modest in comparison with those in authoritarian societies: they do not involve the physical survival of the political adversaries.

This is not to say, of course, that free elections are a panacea — but they are a *sine qua non* for a democratic regime. This, in turn, does not mean that a democratic regime is a perfect society. Democracy is simply a procedural arrangement. It deals mainly with political competition, political participation, and political liberties. It does not solve fundamental societal problems, such as income distribution. Nevertheless, democracy is, like a competitive market system, the best way we know of to protect the individual from the noxious effects of monopolistic power (Sartori, 1989).

In the final analysis, as Adam Przeworski observes, “[i]t is the very act of alienation of control over outcomes of conflicts that constitutes the decisive step toward democracy” — and this step seems not to have been taken in Mexico until very recently. But “who” took the step? This brings us to the second implicit question: the role of political society in this transitional process.

As I said before, the 1977 political reform was initiated by the government in order to restore its legitimacy. It could then be alternatively argued that it was either a merely statal issue, or that the state was responding to the demands of civil society. Both answers are partially true. On the one hand, it was within the state apparatus that the bill was elaborated, and it was the government’s party’s vote in Congress that passed it. On the other hand, the government was responding to societal pressures, as the fact that the political reform was accompanied by an amnesty law for political prisoners makes clear.

Nevertheless, focusing on either of these two actors misses the point about how the electoral arena has been redefined in this process. Specifically, this is so because it has been political society that has played the central role in this redefinition. This is not to say that state and civil society have been negligible actors in this process; it is simply to recognize that the protagonistic role has corresponded to political society.

This has been so because, among other factors, important groups within civil society were simply not interested in electoral politics. Furthermore, it is even questionable whether some radicalized leftist groups were even part of civil society — according to the definition of it I used before.¹ I would argue that although the state initiated this process, it could not control it, because the process soon acquired a dynamic of its own.

Political society’s role has been important in the process of building the institutions needed for a successful transition to democracy. Alfred Stepan has argued that whereas a liberalization process refers fundamentally to civil society, a democratization process falls within political society’s realm, although it clearly needs civil society (Stepan, 1988: 6).² This should be obvious: by definition, members of political society have a keen interest in matters related to political contestation. They are especially interested

¹This does not mean that they were not a force in this process - only that they did not engage the state directly in this arena.

²It is worth remembering that the distinction between political society and state and civil society is merely methodological.

in developing an institutional infrastructure to settle political disputes.³ In this sense political society acts as a buffer, confronting both the state and civil society in the process of creating institutional mechanisms for political contestation.

But political society is not a *deus ex machina*. It cannot simply resolve the sometimes dramatic interaction of state and civil society. It rather depends on both of them in order to be able to create the electoral institutions. As it will become clear in the discussion that follows, the performance of political society in Mexico has been uneven; there has been no such thing as a linear improvement in the mechanisms to settle political conflict. Political society is thus not the indisputable hero of Mexico's transition to democracy, it has simply been its main actor.

Political society is thus a good point at which to start the discussion about this transitional period in Mexico. It is important to emphasize that political society is not monolithic. As I said before, in Mexico it is not limited to the "revolutionary family." Even within the "revolutionary family," there have been different views on what its role and relation to state and society should be — as its origins as a loose conglomerate of revolutionary leaders would lead us to think. Thus, the 1977 electoral reform was mainly the work of an illustrious politician of the liberal wing of the PRI, Jesús Reyes Heróles.

But political society cannot be circumscribed to even an heterogeneous "revolutionary family." The electoral reforms that followed the 1977 reforms have not come about either by spontaneous generation nor as concessions from the state. They have involved intensive negotiations between members of the government and its party and leaders of the opposition parties. Furthermore, as I will show later, citizens not affiliated with any political party have played an important role in this process. I will argue that it is legitimate to consider them as members of political society, even though they would be traditionally placed among civil society. They do not need to be politicians in the Weberian sense to be members of political society.

Since my purpose is only to illustrate how the boundary between state and society has moved in the electoral arena, I will mention only some of the most salient features of each of these reforms. I will briefly focus on three aspects when talking about each of these reforms: electoral rules, normativity regarding political associations, and integration of government bodies. None of these three areas is intrinsically more important than the others. Their relative weight has varied from reform to reform, depending on the political environment of the time. I will elaborate more on the 1996 reform because it is the most relevant one — if only because it establishes the current legislation. Since I do not have space to chronicle the political events that led to each reform, I will only refer to them briefly.

The 1977 Federal Law on Political Organizations and Electoral Processes (LFOPPE) intended to widen the spectrum of the party system. Before it was passed, the party system was composed simply of the PRI, the conservative National Action Party (PAN), and two small non-independent parties. The 1977 reform changed the electoral order by making it legal for some political organizations such as the Communist Party

³Note that this does not mean that all members of political society want to build democratic institutions; some might prefer undemocratic ones.

to participate in elections; it also eased the requirements to become a political party, thus creating incentive for more forces to join the electoral game.

The electoral rules and composition of government bodies were also altered as a result of this founding reform. As the PRI's hegemony would make it practically impossible for any opposition group to win a relative majority seat in congress, the LFOPPE created 100 seats (in addition to the 300 seats from the electoral districts) to be allocated according to proportional representation. In this way, groups formerly excluded from electoral process and parties that had already been taking part of it would have an opportunity to use Congress as a sounding board.⁴

Although only registered parties (which the new legislation defined as "entities of public interest") could nominate candidates, the new normativity created the juridical category of "political associations." These were not political parties, although they could eventually transform into one; their stated purpose was to contribute to "the development of a better informed and ideologically richer public opinion" (LFOPPE: article 51). These "political associations" are thus evidence of the mobile boundary between state and civil society: they were part of both civil and political societies.

In spite of these novelties, some key elements of the political normativity remained unchanged. The PRI's relationship to state and society, such as the use of public funds and forced affiliations of union members, remained intact. The federal government was still in charge of organizing the elections (as it had been since 1947). The composition of the electoral body meant that the government and its party were still in control of the electoral processes.⁵ But the 1977 electoral reform might be considered a success. Whereas in 1976 there were only four political parties, by 1979 there existed seven, plus four political associations. For the 1982 presidential elections there were seven candidates, supported by nine political parties.

Five years after the electoral reform, the political environment had become much more heated. The opposition parties began to create an anti-PRI bloc in the Federal Electoral Commission (CFE). The severe economic crisis of 1982, which put Mexico at the brink of declaring a moratorium on its foreign debt, caused popular discontent. Thus, in 1987 the electoral legislation was amended again.

This reform introduced the principle of proportionality in the CFE. The PRI was thus assigned 16 representatives, which gave it more votes on the electoral body than all other parties together. This change in the electoral rules was a big step backwards in the transition process. Through it, the state was trying to regain control of the process of reform.

But there were some positive changes also. For the first time, party financing was legislated. The reform created an electoral tribunal, which was important, since before that there had been no specialized body to deal with electoral violations. The composition

⁴The 1963 electoral reform had already prefigured some of these changes by introducing what were called "party representatives." These were elected to the lower house based on the percentage of votes obtained by their party (which needed to be at least 2.5 points).

⁵The Federal Electoral Commission included the Interior Minister as its president, one representative from each house of Congress (controlled by the PRI), one from each registered party, and, interestingly, what could be considered a non-state actor: a notary public. This last member, however, was appointed by the government.

of the lower house of Congress was modified, with its proportional element increased to 200 seats. Nevertheless, a "governability clause" was introduced, by means of which the party with the largest proportion of votes would automatically be granted 51 percent of the seats in the lower house.

The same year this reform was passed the worst political crisis within the "revolutionary family" took place (Fox and Hernández, 1992). A faction headed by Cuauhtémoc Cárdenas, the son of former president Lázaro Cárdenas, split from the PRI. Cárdenas then became the presidential candidate of several opposition parties, including the successor of the Communist Party and the parties that had traditionally supported the PRI's candidate. Amidst widespread protests of electoral fraud, Cárdenas officially received 33.5 percent of the votes. This was an unprecedented situation. Never had the government conceded that an opposition candidate had won such a high percentage of the popular suffrage — and never had a PRI candidate officially obtained such a low percentage of votes: 50.7. Thus, for the first time in post-revolutionary Mexico, the difference between the winner and the second-place candidate was less than fifty percentage points — in fact, even less than twenty percentage points (Molinar, 1993).

It was in this context that Salinas referred to the end of the one-party system. A few months later in his inaugural speech, Salinas proposed a *National Accord for the Enhancement of our Democratic Life* which would "improve the electoral processes, bring up to date the party system, and modernize the practices of the political actors, beginning with the government itself."

Another electoral reform was thus negotiated. Interestingly, the Party of the Democratic Revolution (PRD), the political party formed by Cuauhtémoc Cárdenas, played a marginal role in the 1990 electoral reform. This was due largely to the open animosity between the PRI and the PRD. The PAN thus became the privileged interlocutor with the government and its party. Diego Fernández de Cevallos, the PAN's legislative leader at the time, justified the closed door negotiations leading to the electoral reform his party was holding with the government by declaring that "one issue is the public debate in which the actors position themselves, with the media and in big auditoriums, and another the close and private dialogue between adversaries or between dissidents" (*Voz y Voto*, Apr.1993: 41). The PAN was thus pursuing a pact with the government by negotiating with it the new electoral legislation.⁶ The PRD, in contrast, voted against the 1990 electoral reform.

As a result of the new legislation the Federal Electoral Institute was born, replacing the CFE as an autonomous body (no longer within the Interior Ministry). Six magistrate counselors, proposed by the president and approved by qualified majority in Congress, became members of its governing body, the General Council. In addition to the counselors, the CFE was composed of the Interior Minister, two representatives from each house; and a variable number of representatives per party, depending on the votes obtained in the previous election. This new composition of the electoral body again

⁶O'Donnell and Schmitter define a pact as "an explicit, but not always explicated or justified, agreement among a select set of actors which seek to define (or better, to redefine) rules governing the exercise of power on the basis of mutual guarantees for the vital interests' of those entering into it" (O'Donnell and Schmitter, 1991: 37).

indicated a movement of the state-society boundary. The magistrates were not to be members of any political parties or the government. Nevertheless, if we see them as belonging to political society, it becomes evident that the boundary is porous: electoral conflict was filtered through what we usually call members of civil society.

Another important change took place in the normativity of the electoral processes, definitively a step back. The plurality of the political spectrum was limited by taking the “national political associations” out of the electoral legislation. Furthermore, the electoral rules were changed so that parties could not propose common candidates, as had occurred in 1988. On the other hand, the composition of the lower house was partially improved by establishing a floor of 35 percent before the governability clause could go into effect.

The 1990 reform did not cool the fervid political environment. The political confrontation between the Salinas administration (including the PRI) and the PRD only intensified. One of the leading advisers to Cuauhtémoc Cárdenas maintained that the Mexican regime was “organically incapable of changing by means of a political accord” (Gilly, 1990: 66). In 1991, PRD leaders called for a “National Accord for Democracy,” in which they solicited the “consensus of the federal legislators of the opposition exclusively in order to change the recently approved electoral law” (*Proceso*, Jan. 11, 1991).

The midterm 1991 elections, conducted according to the new electoral law, produced no reliable results. As *Mexicanologist* Roderic Ai Camp put it at the time, “[t]he group that is currently in power has not evolved to the point at which it would be willing to respect the results of the elections, which is the definitional point of a true democracy” (*Este País*, Apr. 25, 1993: 10). Shortly after the elections the PAN itself denounced the “non-fulfillment” of Salinas’ above-mentioned offer of a national accord for the enhancement of the democratic life. It seemed then that what the Salinas administration was carrying out was a process of liberalization, not of democratization.⁷

In his 1992 state of the union address, Salinas suggested that new electoral legislation would be necessary. The result was the 1993 electoral reform, a disappointing one. It reinforced the governability clause by taking the percentage of votes obtained in the districts as the basis upon which to assign the number of representatives under the principle of proportionality, up to 60 percent. Thus, in the 1994 elections, the PRI was given 60 percent of the seats in the lower house having obtained only 50.2 of the votes.

Yet another electoral reform was made necessary before the 1994 elections took place. On 1 January, 1994, a guerrilla uprising broke out in the southern state of Chiapas. As the rebel movement gained popular sympathy throughout the country, the Salinas administration was led not only to initiate peace talks with the guerrillas, but also to offer a new electoral reform. That same month, the main political forces and the government signed the Barcelona Agreements, in which they agreed to change the structure of the electoral bodies at the federal, state, and district level. Since the

⁷At the end of 1990, Salinas declared that his “priority [was] economics,” not politics (*Newsweek* Dec. 3, 1990: 39). Around that time he also said that “if you are introducing drastic political reform at the same time as strong economic reform, you may end up with no reform at all. And we want to have reform, not a disintegrated country” (*New Perspectives Quarterly*, Winter 1991: 8).

political campaigns had already started, this meant that the rules would be changed in the middle of the game — certainly not an orthodox approach.

But the rationale for such an extemporaneous initiative was clear: the government wanted to restore the legitimacy of non-violent means for political contestation. The electoral process needed to be presented as the only viable way of coming to power.

Thus, in only a few months a new electoral law was passed. The main changes it introduced had to do with the credibility of the electoral institutions. Thus, IFE now comprised six “citizens counselors,” approved by consensus among the PRI, PAN, and PRD, two representatives from each house of Congress, and the Interior Minister. By virtue of the 1994 reform, political parties no longer had a vote in the electoral body — only a voice. Furthermore, although the Interior Minister remained the president of the top electoral body, he was no longer allowed to vote to break a tie. The electoral institution was thus becoming a different body, one in which independent citizens played a cardinal role. The boundary between state and society was being redefined.

A myriad of non-partisan groups emerged in order to take part in one way or another in the electoral process. Thus, for instance, a diverse group of intellectuals, politicians, and entrepreneurs came up with a document called “20 Commitments to Democracy,” in which they proposed a series of democratic reforms and asked the presidential candidates to subscribe to them. Another association, the “San Angel Group,” was similarly formed by well-known intellectuals and politicians in order to prevent the possibility of a “train crash” if no candidate won a clear majority in the August 21 elections (Castañeda, 1989).

The 1994 elections were the most closely observed ever. Many national and foreign electoral watchdogs participated, totaling more than twenty thousand observers; “Civic Alliance/Observation 94,” an independent, nation-wide electoral organization, was the most important among them. It concluded that although an important number of irregularities occurred during the August 21 elections, they were not very significant and therefore did not change the result of the presidential election (Dresser, 1996). Thus, the PRI got 48.8 percent of the votes, the PAN came in second with about 26 percent, and the PRD finished third with 16.6 percent.

Nevertheless, there was still a widespread perception that the electoral process had not been fair. Similarly to Salinas six years before, Ernesto Zedillo offered in his inaugural address a “definitive” electoral reform before the mid-term 1997 elections. Less than two months into his administration, and less than a month after the devaluation of the peso had sparked the worse economic crisis Mexico had endured in several decades, a document called “Commitments for a National Political Accord” was signed by the political parties and the government. They agreed to continue the process of electoral reform and to settle post-electoral disputes by legal means.

Nineteen months later, all political parties represented in Congress passed by consensus an initiative amending 18 articles of the Constitution.⁸ Among the most

⁸In this they benefited from a parallel forum, the Chapultepec Seminar, organized by independent intellectuals and politicians from different parties in order to set the agenda for the electoral reform. This is thus another example that shows that the boundary between civil and political society is porous and mobile.

important of these changes were the exclusion of the executive branch of government from the IFE. Thus, its governing body, the General Council, would be formed by eight "citizen counselors," a president (who would be also an independent citizen approved by two-thirds vote of the lower house), and two representatives from the legislative power, one from each house.⁹

The 1996 constitutional amendments also introduced the principle of proportional representation in the Senate and placed the Electoral Tribunal within the Supreme Court. They established as well that no party could have more than 300 of the 500 seats in the lower house, and that the level of over-representation should not exceed eight percent (e.g., if a party gets 41 percent of the votes, it will not have more than 49 percent of the seats in the lower house).¹⁰ Importantly, the amendments established that for the first time in the 1997 elections the mayor of Mexico City would be elected by the people rather than appointed by the president. Although the Distrito Federal (Federal District), where Mexico City is located, was not transformed into a state, as at least the PRD had demanded, the election of its mayor was especially significant not only because Mexico City is the most populated city in the country and the most important culturally and economically, but also because it is the seat of the federal powers.

Especially significant was the amendment establishing that party membership must be a free and private decision of citizens, thus making massive affiliations illegal. This reform was obviously intended to sever the PRI's illegitimate links to society through its corporatist structure.

Another important reform was the re-establishment of the political associations. Defined now as "forms of citizens associations that contribute to the development of democratic life and political culture, as well as to the creation of a better informed public opinion," they are openly recognized as political associations. They can take part in electoral processes in association with political parties, and are entitled to public financing.

Public financing for political parties was also included in the constitutional amendments. These stipulate that public funds should predominate over private ones in party finances. This was one of the most conflictive topics that were to be negotiated in the secondary legislation (i.e., the changes that do not require constitutional amendments).

It took the negotiating parties another four months to come up with the new electoral law. In the end the secondary legislation was passed only by the PRI, since this party had broken 17 previous agreements it had reached with both the PAN and the PRD (*Jornada* Nov. 15, 1996). The most difficult issue was campaign spending limits. This turned out to be an insoluble issue and caused the breakdown of the agreements on the electoral legislation.

Although some positive elements were included, such as a requirement for the parties to present an annual financial report, regulation of private contributions, and

⁹This means that the state continued to be represented in the electoral institution through the representative of Congress; it was only the executive branch which was expelled from it.

¹⁰Unless the party obtains that difference by winning relative majority districts.

campaign spending limits, some serious problems remain in the new legislation. To begin with, exceeding campaign spending limits is not considered a criminal violation.

Furthermore, the issue of how much the parties can spend remains contentious. PRI negotiators wanted abundant public funds for the electoral race. The agreement established that 30 percent of the public funding would be distributed equally among the registered political parties, and the remaining 70 percent according to the percentage of votes obtained by each party in the previous election for the lower house. Most importantly, the PRI extracted a concession that an extremely high amount of money be distributed among the parties: more than 280 million dollars. This meant that the resources the PRI was entitled to receive from the government rose from 179.9 pesos in 1994 to 873.3 million pesos in 1997, an increase of 385 per cent.¹¹ As one of the PRI's chief negotiators acknowledged, "[i]n the financing issue, it was the party's life itself that was at stake" (*Proceso* Nov. 17, 1996: 16).

The most recent electoral legislation was thus passed not by consensus, as the constitutional amendments that set the stage for it had been four months before, but by the PRI alone. Since both the PAN and the PRD voted against the new electoral legislation, it became immediately evident that both parties would push for a second reform in this administration. Nevertheless, President Zedillo declared the next day that this was the "definitive" electoral reform that he had promised, and that there would not be another one during his term (*Jornada* Nov. 16, 1996).

But it is rather difficult that the president will be able to prevent another reform. The mid-term elections that took place on July six completely transformed the political map of Mexico. For the first time, the PRI no longer holds an absolute majority in the lower house: it will have only 239 of the 500 seats. With the principle of proportional representation introduced in the Senate, the opposition will now control 53 of its 128 seats. Furthermore, PRD leader Cuauhtémoc Cárdenas won the election in Mexico City with more than 40 percent of the votes. Within this new political scenario, it seems unlikely that president Zedillo will be able to fix the state-society boundary in the electoral arena for the next three years.

4. CONCLUDING REMARKS

As the preceding discussion shows, Mexico's transition to democracy has been gradual. I think the last electoral reform and, most importantly, the recent mid-term elections allow us to speak of a transition to democracy. To say that it has been gradual is not to pass a value judgment on it; it is not to say that this pace is better or worse. It is simply to observe that it has not been abrupt.

Furthermore, there have been no outstanding, memorable moments in this process. Mexico did not have a Moncloa Pact. We had no founding election or plebiscite, as Brazil and Chile did. What Mexico had instead was a constantly changing agenda in

¹¹It is important to point out that all parties funding increased on the same proportion - not only the PRI's. Nevertheless, both the PAN and the PRD gave back an important proportion of the resources allotted to them.

the electoral arena, one that shifted in emphasis from the need to include minority forces in the process of electoral contestation to the need to remove the government from the organization of the elections. A leitmotif in this process, though, was the transformation in the composition of the government bodies.

This long process of electoral institution-building was carried out mainly by political society. As I said before, in this category I am including not only the group that has been in power in Mexico for almost seventy years (the "revolutionary family"), nor only professional politicians of all parties. I am also including the "citizen counselors" who, despite not being affiliated with any party, have played an important role in this process. I would further include the intellectuals involved in movements such as the above-mentioned "Twenty Commitments to Democracy," and the "Grupo San Angel."

It is thus clear that the boundary between the state, political society, and civil society is movable. While the organization of the electoral processes was considered strictly a state matter twenty years ago, it is now primarily a citizen's issue, as the composition of the top electoral body illustrates. The distinction between the three terms is methodological, since it is empirically impossible to precisely establish when a civil issue becomes a political one.

What is clear, though, is that this process involved only a reduced number of actors. According to polls carried out during the process of negotiating the last electoral law, less than two percent of the population considered democracy and electoral reform as the main problem of the country (Moreno, 1996). As the head of the PRD put it at the time, it was difficult for the PAN and his party to get more at the negotiating table because they did not have an organized citizenry behind them; all they had, according to him, was the strength of their opinion (*Proceso* Nov. 10, 1996: 14).

A process operated by such a small group inherently carries some dangers. The most evident one is that the political parties, as the principal actors of the process, may try to establish some sort of political oligopoly. Thus, for instance, topics such as plebiscite or independent candidates were left off the table. Another danger, although of a different nature, is the autonomy of the IFE. The new electoral legislation gives the IFE budgetary autonomy, thus turning it into a sort of fourth power, although the Constitution does not recognize such an entity.

Regardless of whether these potential dangers materialize or not, it is certain that the change in the party system and the political regime will have widespread effects. The new electoral legislation not only deals with the issue of state-society relations, but also with the relations among different groups within both civil and political society. It is likely that in the near future it will be the voters at large, more than specific actors of political society, who will determine the course of the reform. This is a fundamental change: it means that voters in Mexico will finally have the power to decide who is to rule them. The principle of accountability, so far absent from the Mexican political scene, will become the norm. Political reform in Mexico will continue to be carried out by the voters in the voting booths (Aguilar, 1996).

The boundary between state and society will thus continue in a state of permanent flux. The role played by some members of political society, especially that of intellectuals, will probably become less important, as it did in the former socialist countries of central Europe. It is civil society's turn: its relative weight will become

central — which does not mean that it can do away with a mature political society minding the business of formal political contestation.

The consolidation of a democratic regime in Mexico is thus a common task. The inauguration of a competitive party system may serve as a catalyst for civil society. As De Tocqueville pointed out, political association is the mother of civil association, and not vice-versa (Foley and Edwards, 1997). But a strong civil society will definitively result in a more stable party system. And a stable party system should translate into a better consolidated state. In this sense, the dynamic electoral legislation in Mexico reflects not only a change in the agenda of the electoral arena in Mexico, but also a change in the very nature of the state.

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