

The Myth of No Reelection And Democracy in Mexico

Fernando F. Dworak*



Sandra Perdomo/Cuatoscuro

Today, deputies' terms last three years without the possibility of immediate reelection.

A political myth is a story that refers to the past, subject to historical interpretation, that contributes keys to the present to illuminate and justify certain of Man's vicissitudes or forms of social organization. Far from any ethical value judgement, it is a constituent part of the theory and practice of power and therefore has a mobilizing and legitimizing function for

the regime that created it. However, the social dynamic itself, subject to constant change, reformulates the bases for political power and makes some myths change and even disappear, replaced by others.

ORIGIN AND DEVELOPMENT OF THE MYTH OF NO REELECTION

In Mexico, one of these myths is so deeply embedded in the collective consciousness that it is printed on all offi-

cial documents: "Effective suffrage, no reelection." Thus, it has been thought that the prohibition of reelection for public office is an achievement of the Mexican Revolution that has made it possible to introduce new ideas onto the political scene and has prevented the political class from becoming rigid or handing itself over to foreign interests.

However, Francisco I. Madero, the author of the aforementioned phrase, only rebelled against the reelection of then-President Porfirio Díaz. The original version of the 1917 Constitution

* Professor at the Autonomous Technological Institute of Mexico (ITAM) and director of legislative affairs at the Ministry of the Interior.

The prohibition of reelection to the legislature weakens our burgeoning democracy by taking away the citizen's ability to demand accountability from elected officials.

even included the indefinite reelection of federal and local legislators and municipal officials.

Actually, legislation prohibiting reelection, imposed in 1933, came into being because of the need to centralize political authority around the National Revolutionary Party (PNR), the predecessor of the Institutional Revolutionary Party (PRI), given that its de facto head, known as the "Supreme Leader,"¹ and later the president, would have the prerogative of naming the candidates to public office. This imposed rigid control over the political careers of legislators and over their votes in Congress.

In 1964, an attempt was made to resurrect careers in the legislature when a bill doing so was passed in the Chamber of Deputies, but it was rejected by the Senate in 1965. At that time, this reform would have been counterproductive because no competitive electoral system was in place.

Political alternation in Mexico came about with help from the electoral reforms passed in 1977 and 1996, broadening out partisan participation and creating certainty about vote counts. This reactivated democratic institutions like the Congress and local legislatures, making them effective counterweights to the federal and state executive branches. However, the prohibition of reelection to the legislature weakens our burgeoning democracy by taking something away from the popular vote: the ability to demand accountability from elected officials.

WHY IS LEGISLATIVE REELECTION NECESSARY?

Our democracy is only procedural since it limits itself to guaranteeing a fair electoral campaign and transparent counting of the votes. However, since the citizen does not have the ability to reward or punish his/her representatives by ratifying them or not in their posts through the ballot, the link of responsibility that should exist between the public sphere and the citizenry is broken. That is, the citizen elects his/her representatives on the basis of candidates' expectations and promises instead of taking into account his/her performance. Therefore, the absence of reelection creates a political class that is not responsible to the citizenry because the latter does not have the instruments needed to force accountability, understood as the way in which it has acted in favor of the interests of those it represents.

Another consequence is that since legislators know that the parties will be the only agents that can guarantee them a public post when they finish their terms, they do not remain loyal to the citizenry once elected. For that reason, many of them do not return to their districts to get to know the public's demands and needs, and they lack incentives to become specialized in issues on the legislative agenda. In this way, Congress and state legislatures are not able to maintain continuity in supervising the government or even to bring the knowledge or expertise necessary to the treatment of public matters.

While there have been attempts to overcome this problem by creating permanent professional advisory bodies, they have not prospered because they would require a parliamentarian to get to know them over a longer period of time to create relations of trust.

ARGUMENTS PRO AND CON

This shows that the prohibition of reelection of legislators is something that blocks the consolidation of democracy in Mexico: it is necessary to overcome this political myth. Many arguments both pro and con have already been presented.

Those who propose the reelection of legislators say that it would make citizens' votes effective because they would be able to ratify legislators who defended their interests and withdraw those who did not. This would substantially improve Mexican democracy by renovating the link between the political class and the citizenry.

It is also argued that reelection would make the legislator responsible to the citizenry because he/she would know that his/her career depended on the popular vote. In this way, they would create continual channels of information with their districts by attending to their demands. A culture of accountability would also be fostered since the opposition would take advantage of any negligence or mistake in performance to use it against them. Lastly, paying attention to his/her district's demands would make the legislator specialize in those matters dealt with in legislative commissions which were of greatest interest for his/her constituents.

Those against reelection of legislators argue that this reform would reactivate systems based on local strong-

men or *caciques* because they would be able to intervene more directly in the selection of candidates and in the elections themselves. It is thought that this would mean that deputies and senators would tend to remain in office too long, preventing the entry of people with new ideas.

This argument is unsustainable once a trustworthy, competitive electoral system is in place like the one we have now, with a mature electorate, capable of discerning its political options. In addition, while there may still be some regions where local power groups would impose their will, the culture of accountability that would come with reelection of legislators, together with the opening of the political parties to the citizenry, would surely erode that authority.

The possibility of reelection does not automatically guarantee electoral victories. Those who defend this argument base themselves on the experience of the *Porfiriato* (the 30-year dictatorship of Porfirio Díaz that ended with the 1910 Revolution), in which reelection rates were about 90 percent. However, that electoral system, where the citizen voted for delegates who would then elect deputies, was designed so that local groups could control the process, something that does not happen today. Therefore, this argument solely seeks to perpetuate a myth extrapolating the past into a situation that does not fit with it.

Another argument against permitting reelection of legislators is that a professional legislator would tend to defend local or sectoral interests instead of those of his/her party leadership. Therefore, the political parties would practically stop existing as parliamentary actors given the elimination of discipline at the moment of voting.

Not permitting the reelection of legislators elected by proportional representation would result in the parties losing important margins of political operating room.

Actually, this argument gives too much weight to the possible effects. While discipline would relax slightly (in some cases in which a specific bill affected the interests of a given district), it would not be eliminated to the extent feared because legislation about campaign funding does not allow candidates to receive funds from private sources, but only public funding. Thus, political parties become the agents that can facilitate or block the campaigns of legislators who were either constantly loyal or rebellious.

While it is true that the fierce discipline we are accustomed to would relax, the trade-off is that there would be constant negotiation about bills both inside congressional caucuses and among them. In this way, politics would become a true search for agreements among the different political actors with a collective goal of the common good, as happens in every democratic regimen where popular representation is effective.

REELECTION MODELS

The debate about reelection to the legislature takes in three facets: the number of reelections permitted, the kinds of legislators who could be reelected and when the measure should come into effect. Positions on the number of reelections are divided between those who want to authorize unlimited reelection and those who want to limit the number of terms a legislator can aspire to. Although some think that allowing

reelection but limiting the number of terms would be an improvement for Mexico's Congress, other countries' experiences show that the benefits of implementing a political system that encourages parliamentary careers among its legislators are only fully realized when politicians understand that continuing in Congress will depend solely on their parties' and the citizenry's support, without previously established time limits.

Some proponents defend the reelection both of legislators elected by district majority and those elected by proportional representation, and others are inclined to favor it only for the former. Currently, 19 countries of the world have mixed electoral systems in which the legislators elected by proportional representation are precisely those who are part of the parties' strategies to consolidate their parliamentary influence because they perform technical, political-operational, or ideological functions both inside their caucuses and in congressional committees. Therefore, not permitting the reelection of proportionally elected legislators would result in the political parties losing important margins of political operating room. In addition, two categories of legislators would be spawned: those who accumulate experience and those who do not, which would contradict the principle of the effective, egalitarian collegiate work of any legislative body.

Lastly, some defend the idea that reelection should be put into effect immediately and others think the measure should come into effect in the

following legislative session. These arguments give rise to a vicious circle because the deputies would approve a bill that favors them, but they do not dare because they feel that the public would think they would be trying to take personal advantage of the measure (even though there is actually no guarantee that they will be reelected, but simply that they would be allowed to run again). On the other hand, they would not be willing to pass a bill that benefited others. Faced with this dilemma, some analysts suggest that the reform should be approved, but not go into effect in the successive legislative session, but rather in the following one so that the deputies who passed it would be able to compete for the first Congress that would benefit from the change.

CONCLUSION

All institutional arrangements exist to resolve the problems faced by a specific society at a given moment. For that reason, once they are resolved, the institution disappears or is transformed. This was the case of the prohibition of reelection of legislators. Today, our democratic institutions are going through a process of reorganization given the transition from a hegemonic party system to one in which political pluralism is a reality. Therefore, it is necessary to review their performance, and this process should begin with the question of whether we are already a modern state. Once this question has been answered, a process of transformation in accordance with the needs of the moment can begin.

In that context, I think that the reelection of legislators is the reform that would bring Mexican democracy up to date and put it on the level of other modern democracies. With this perspective, it is important to immediately and effectively begin this process of review and transformation that has been called the Reform of the State, understood as a permanent evaluation of our institutions' performance in order to adapt them to a changing reality. ■■

NOTES

¹ The author is referring to Plutarco Elías Calles, former president of the country and founder of the PNR in 1929 who continued to run the country after leaving office. [Editor's Note.]

UNIVERSIDAD NACIONAL AUTÓNOMA DE MÉXICO

Facultad de Derecho

Colección Lecturas Jurídicas

Serie: Estudios Jurídicos
Incluye 16 títulos.

Serie: Manuales Jurídicos
Incluye 21 títulos.

Serie: El Derecho y sus Maestros
Incluye 10 títulos.

De venta en la Facultad de Derecho y librerías de la UNAM