

INTRODUCTION

Crises expose the intimacies of power. The pandemic was no exception; we all witnessed the mistakes made.

The pandemic was a laboratory that made it possible to observe the responses of power on a global scale. The different ways of reacting to the same phenomenon became perceptible; it was possible to notice the effectiveness or ineffectiveness of the institutions and the mood of the leaders. In the case of Mexico, many aspects of institutional life, analyzed in the media, in the academic world and among people aware of and interested in the processes of power, became topics of daily life in the entire country. The way political power is exercised became perceptible to everyone.

For years the Mexican institutional system has been wandering through a field of paradoxes. The institutions suffer a process of entropy that tends to accelerate, while the presidents concentrate an inordinate amount of power, without internal controls in the government or from Congress. As a result, violence is not being tamed, corruption is not being quelled, inequality is not being mitigated, and injustice is not being reduced.

Starting in 2018, the federal government adopted a social program, whose objectives I share, but failed to notice the democratic and governance deficit that the country suffers from. By overlooking the institutional shortcomings, which have harmful consequences for the daily life of every inhabitant, social policy becomes vulnerable because it is associated with the dominant institutional disarray. Moreover, a fiery rhetoric spreads the fire to all spaces of political deliberation, splitting opinion and inflam-

ing the passion of Mexicans. Animosity has obscured constructive options.

Not even the bitterness caused by the health crisis inspired a turn towards serenity. The schismatic discourse stoked the social pain produced by the aggregation of the new ailment and the previous ills. When an arbitral mood was required, the divisive attitude was accentuated without calculating that bringing the nation to paroxysm does not favor a distributive social policy nor does it solve the other problems accumulated over decades. On the contrary, such a stance may initiate a cycle of successive ruptures, facilitated by the deinstitutionalization of the country. Changes based on personal decisions last as much as the power of the individual, so in a personalist system what one does, another will undo.

Personalism corresponds to an elementary phase of the exercise of power. It was installed in Mexican constitutionalism in 1824. In 1857, an unsuccessful attempt was made to diminish it, and today it is living its decadence, weighing down the institutional set. Personalism is accentuated when national and state rulers have charismatic magnetism and use it to the limit of their possibilities. Because of the inveterate personalism the axes of the constitutional system are defeated. Hypertrophy affects the presidency of the Republic and local governments, while political representation and the administrative structure at all levels of government suffer progressive atrophy; federalism swings according to the greater or lesser strength of the protagonists, and the justice and security apparatuses revolve in different orbits, producing impunity and feeding an expansive cycle of corruption and violence.

The precariousness of institutional health goes unnoticed thanks to demoscopic mirages. The acceptance of the current situation, associated with momentary images and emotions, has deferred the building of institutions that give effective, systematic, and lasting results.

All the above became evident due to the pandemic and inspired me to write this book. Intense interaction with different actors in the academic, scientific, cultural, and business life of the country showed me that the institutional configuration of the country is the subject of growing concern.

I was able to closely follow the ravages of the pandemic because I was in continuous communication with the directors and staff of the National Institutes of Cardiology, Medical Sciences and Nutrition, and Respiratory Diseases. This also allowed me to appreciate the interaction between Mexican medical science and a business circle involved in philanthropy in a genuine and effective way.

Another perspective on the crisis was possible thanks to the uninterrupted work of the Mexican Academy of Language and the National and Sinaloa Colleges, where many cultural protagonists shared their concerns about the crisis. I also maintained contact with the country's academics through round tables, seminars, and colloquiums.

During the acute phase of the health crisis, I participated in the work of the Committee of the Chamber of Deputies to select four new members of the National Electoral Institute. Living with the exceptional personalities that made up that Committee and interviewing sixty electoral experts from all over the country offered me unforgettable lessons.

The period was rich in experiences. I witnessed, powerless like the rest of Mexican society, the pain that befell a country overwhelmed by corruption, hopelessness, incompetence, injustice, poverty, and violence. I regretted more than ever the indoctrination of the Mexican state, which missed so many opportunities to get in tune with an industrious, modern, versatile society that yearns for justice and prosperity. Due to its decrepitude, the State lacked empathy for sick children, for harassed women, for mothers and fathers whose unemployment put their families in despair, and failed to provide guidance and example in health care, resulting in one of the highest rates of disease spread in the world.

Everything impelled me to write this book, in which I present a synthesis of my ideas about the constitutional reconstruction of Mexico. In the forced confinement, these reflections became frequent in the dialogue with close friends and became daily in the company of Patricia Galeana, my wife, and my children, José Diego, Jimena and Sofía. The telematic links allowed us, family and friends, a permanent interlocution that, in addition to emotional issues, led us to examine our surroundings.

When I received the first invitation to formulate a legal opinion about what was happening, I had already drafted the script for this book. Of the ten chapters that compose it, five were sent to other collective works, although I reworked them for this publication. I also made a general presentation on the statutory reading that I was asked to give at the Mexican Academy of Language, as part of those offered at each of its ordinary sessions. At that time, I only had the general outline of the work, but thanks to the generous commentary of my dear and admired friend Jaime Labastida, I hastened the writing of the brief volume to which Siglo XXI Editores now offers its generous hospitality.

The pandemic has left its mark on all the families of the planet. Personally, I have lived it in assiduous communication with very dear Mexican and foreign colleagues since the forums and colloquiums multiplied. We were able to exchange information and opinions about the legal experiences in Germany, Spain, France, Italy, the United States, and most of the countries of Latin America. The hosts were Armin von Bogdandy and Mariela Morales in Germany; Daniel Sabsay in Argentina; Julio César Ortiz and Néstor Osuna in Colombia. In Panama, there was the enthusiastic convocation of the unforgettable Sebastián Rodríguez Robles, who passed away unexpectedly, producing a deep shock among colleagues; his work has been continued by Jorge Giannareas. About a hundred experienced jurists maintained an intense, fruitful, and illustrative dialogue, creating an unprecedented experience.

Publications also proliferated. A collection started at the UNAM's Legal Research Institute under the auspices of Pedro Salazar, coordinated by Nuria González Martín and with the technical support of Raúl Márquez, produced numerous high-level monographs in record time. The Ibero-American Institute of Parliamentary Law, with the impetus of Sergio Díaz Ricci in Argentina, Javier García Roca in Spain, and Daniel Barceló in Mexico, also enriched the doctrinal panorama with valuable contributions.

In the following pages I attempt to offer a brief constitutional analysis of Mexico, accompanied by proposals to revive institutional life from a democratic perspective. I start from the conviction that Mexico needs, deserves, and can have better institutions and a better destiny.

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