INTRODUCTION

MEXICAN PERSPECTIVES ON ECONOMIC, POLITICAL AND CULTURAL IMPLICATIONS OF FREE TRADE

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" . . . [L]a verdadera integridad no es de mercados sino de identidad. Y más que nada . . . de identidad cultural."
Gabriel García Márquez[1]

In the fall of 1990, the UCLA School of Law offered a seminar entitled Law and Development in Latin America co-taught by the author with Professor Manuel Becerra-Ramirez of the National Autonomous University of Mexico (UNAM). Though the seminar considered traditional problems of developing nations, special attention was devoted to trade and investment with Mexico, and the promise of a free trade zone which would include Canada, the United States and Mexico. The two papers which follow this Foreword were among the best submitted in the seminar and treat a variety of themes of consequence.

The first paper, written before the onset of negotiations for a free trade treaty between Mexico and the United States, deals with the then new regulations of the Mexican Secretary of the Treasurer (*Secretaria de la Hacienda*) designed to sweep away a labyrinth of rules and procedures which had traditionally vexed foreign investors who dealt with the Mexican bureaucracy.[2] The regulations were additional evidence of a trend towards privatization of the economy, and a dramatic retreat from state-dominated economic policies of the past. The paper also predicts that the liberalization

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1. Gabriel García Márquez, *Independencía Nacional e Integración,* Pensamiento Iberoamericano, Volumen Extraordinario, 1991, at 157. See M. del Pilar O'Cadiz, "Educational Perspectives on Latin American Integration," at 1, presented at UCLA Center for International Business Education and Research/UCLA Latin American Center, Ventura, California, Oct. 26, 1991.

2. Tomás A. Clayton, Jose H. Díaz-Guerrero, and Jose T. García-Cervantes, Comment, *Foreign Investment in Mexico: Mexico Welcomes Foreign Investors,* 12 CHICANO-LATINO L. REV. 13 (1992).

of the economy could lead to monolithic control of the economy and politics by the ruling party.

The second paper concerns the irony which inheres in Mexico's treatment of Central American immigration, a problem relatively undiscussed in the United States, but with significance for labor markets in both nations.[3]

Although neither paper treats the question of free trade explicitly, both were written in the light of seminar discussions which prefigured the debate over free trade that erupted in 1991, and both before and after Congress gave the President so-called "fast track" authority to negotiate a complete treaty without consulting with the Senate on details of the accord. "Fast tracking" put the Congress in a "take it or leave it" position after the treaty was signed, "warts and all."[4]

Whatever the details of the distribution of political power in both nations, it has become increasingly clear that the concerns in Mexico and the United States are asymmetrical and disparate, stemming from the vast differences in the historical and economic contexts of both societies.[5] In turn, these differing concerns have fueled misconceptions that sometimes bear less than an accurate resemblance to reality.[6]

The concerns and the hopes of the United States are well known. All concede some initial job losses, but expect long-term job growth with some sectors of the economy, agriculture and textiles, suffering more than others.[7] Indeed, one irony of the agree-

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3. Ruben A. Castellon and Robert Roche, *An Inquiry Into Mexican Legal Standards Relating to Asylum and Non-Refoulment*,12 CHICANO-LATINO L. REV. 36 (1992).

4. The "fast track" process "virtually prohibit[s] the lawmakers from amending the trade accord when the pact comes up for approval. Proponents fear that, without such a safeguard to protect it, virtually any major trade agreement would be nibbled to death." Ronald Brownstein and Karen Tumulty, *Mexico Free-Trade Pact Faces Hard Sell in Congress*, L.A. TIMES, Apr.6, 1991, at A1. See also David Lauter, *Bush Vows to Fight for Free Trade Agreement*, L.A. TIMES, Apr. 8, 1991, at A4.

5. The dynamic of asymmetry is articulated with greatest clarity in Mario Ojeda, *México y Los Estados Unidos: Interdependencía o Dependencía de México?*, *in* LA FRONTERA DEL NORTE: INTEGRACIÓN Y DESARROLLO (Roque G. Salazar ed., 1981). The thesis is applied convincingly to bi-national management of the environment by Roberto A. Sánchez R., *Las Relaciones Binacionales Como Un Marco Conceptual En El Análisis De Los Problemas Ambientales Transfronterizos Entre México Y Estados Unidos*, *in* ONE BORDER, TWO NATIONS: POLICY IMPLICATIONS AND PROBLEM RESOLUTIONS 201, (O.J. Martinez et. al. eds., 1986).

6. ROBERT A. PASTOR and JORGE G. CASTAÑEDA, LIMITS TO FRIENDSHIP: THE UNITED STATES AND MEXICO (1988). *Cf.* ALAN RIDING, DISTANT NEIGHBORS: A PORTRAIT OF THE MEXICANS (1984).

7. "Some jobs initially will be lost, and that's a tough sell if you're the guy losing the jobs (sic)," says Tom Frost, chief executive officer of Cullen/Frost Bankers, Inc. But supporters, point to a report by the Federal Reserve Bank of Dallas. They argue that plants moving to Mexico would have otherwise gone across the Pacific. Larry Reibstein *et al.*, *A Mexican Miracle?*, NEWSWEEK, May 20, 1991, at 44.

Cf. Kirk Victor, *Trading Away Jobs*, NATIONAL JOURNAL, April 27, 1991, at 984,

ment might be that in the zero-sum world of trade, Mexicans will gain while Mexican-Americans may lose. "Take, for instance, agriculture. There is no doubt that [free trade] will pit Mexicans against Mexicans. There cannot be a win-win situation when you have Mexicans working on the same crops in Mexico as undocumented workers work on in Southern California and Mexican-Americans work on in Central and Northern California."[8] The debate has also been complex as to the balance of advantage in import/export, with the Administration arguing that the United States will sell Mexico the wherewithal to modernize, including heavy equipment as well as computer-based industry. But one author has countered that, "The Bush Administration is more responsive to manufacturers seeking Mexico's low wages than to their own U.S. workers facing layoff. It is more open to financing ventures that seek Third World manufacturing profits than to competing claims of a stared infrastructure and technological advance at home. The Administration also is responsive to retailers who expect low-cost imports to generate higher profits. While that's true in the short run, declines in U.S. purchasing power resulting from the loss of high-wage manufacturing could spell doom for mass retailers."[9]

America's traditional fears over a surge of immigration have also generated different perspectives on the impact of free trade on migration. Some argue that the logic of free trade and its concomitant relaxed restrictions will lead inexorably to more immigration, and increased demands for further relaxation of existing barriers to immigration. "The only certainty is that the immigration flow from Mexico will continue as long as the factors that cause it remain. Some have even suggested that massive relocation of low-skill jobs to Mexico could create new waves of internal immigration by Mexican-American workers [relocating] from the border to locations farther north in the United States."[10] The Salinas free trade strategy is based on the anticipation of increased foreign investment, attracted by low wages which in turn would generate employment. "[T]his may happen in the long term, but for now the wage differen-

985 where he writes that labor leaders are "incensed, and perhaps frightened, by the flight of U.S. companies to take advantage of the break in duties, cheaper labor costs and less stringent environmental, health and safety standards. Since 1980, they note, $2 billion has been spent on Mexican assembly plants. The number of these facilities has exploded from 120 in 1970 to about 2,000 today, employing close to 500,000 workers." Another labor leader, Thomas Donahue, Secretary-Treasurer of the 14-million member AFL-CIO, has declared that a free trade agreement "between two such disparate economies is unsound in theory and disastrous in practice. . . . It would pave the way for hundreds of thousands of jobs to be exported to Mexico." Chris Kraul, *Some Southland Businesses See Benefits From Free Trade*, L.A. TIMES, May 24, 1991, at A1, A34.

8. Muñoz, *supra* note 8.

9. Richard Rothstein, *A Hand for Mexico, a Slap for Us*, L.A. TIMES, Nov. 23, 1990, at B5.

10. Muñoz, *supra* note 8.

tial between Mexico and the United States is wider than ever."[11].

Finally, environmentalists have sounded the alarm bell of environmental degradation, arguing that Mexico lacks the means, if not the will, to prevent *maquiladoras*, American firms which have relocated in Mexico, from continuing their grim record of pollution. "Critics say the *maquiladoras* have a dismal history of environmental protection and worker safety. They say evidence of toxic chemical discharges from the plants has surfaced from San Diego on the Pacific to Matamoros near the Gulf of Mexico, threatening drinking water supplies. Several studies have documented health threats to workers, particularly pregnant women, exposed to the glues, solvents, caustics, heavy metals and other substances widely used in the plants."[12]

Secure in its hegemony over the "New World Order," political and cultural concerns have been muted in the United States, particularly if one discounts the not too veiled racism which underlies much of the fear of Mexican immigration.[13] Though some have argued that the United States should press for democratic reforms as a price of the agreement, many observers do not take seriously American concerns for democracy in Latin America, especially in

11. Jorge G. Casteñeda and Rafael Alarcon, *Workers Are a Commodity, Too*, L.A. TIMES, Apr. 22, 1991, at B5.

12. Patrick McDonnell, *Mexico Faces Free Trade With High Hopes and Skepticism*, L.A. TIMES, May 25, 1991, at A1, A24.

Every effort to counter the image by the Administration or by the Mexican government has met with ever more heightened resistance by environmental groups. *See*, for example, Amy Wallace, *U.S.-Mexico Trade Pact Foes Assail Environmental Study*, L.A. TIMES, Oct. 19, 1991, at A23, in which the Sierra Club, among others, questioned the capacity of the Mexican government to curb environmental polluters and questioned the thesis that more development would mean more resources to counter augmented pollution. *See also* Patrick McDonnell, *Doubts Voiced About U.S.-Mexico Plan*, L.A. TIMES, Sept. 24, 1991, at A3, in which the author reports that, "Conservationists, labor groups, government officials and a wide array of other speakers voiced serious misgivings . . . about a joint U.S.-Mexico plan to improve and protect the environment near the border during an anticipated period of unfettered trade."

13. As the Latino population surges in the United States, each proposal to reduce their numbers seems more extreme than that which preceded it. For example, a Southern California Congress person has introduced legislation which would deny U.S. citizenship to children born here to illegal immigrants. "The new bill prompted harsh criticism from Latino rights activists, who said [that Rep. Elton Gallegly was] pandering to voters in his largely white, middle-class district by proposing a constitutional amendment that has no chance of passing. . . . Gallegly said he proposed the bill because the nation desperately needs to cut its budget and that billions of dollars can be saved by eliminating social services for children of illegal immigrants." Daryl Kelley, *Gallegly Urges Stricter Rules for Citizenship*, L.A. TIMES, Oct. 24, 1991, at A3. *See also* MICHAEL C. LEMAY, FROM OPEN DOOR TO DUTCH DOOR, 132 (1987) describing the brutal and disrespectful treatment inflicted on undocumented Mexicans by some U.S Immigration and Naturalization Service agents. To the same effect is JULIAN SAMORA, LOS MOJADOS: THE WETBACK STORY (1971). TRACY A. GOODIS AND THOMAS J. ESPENSHADE, IMMIGRATION TO SOUTHERN CALIFORNIA; FACT AND FICTION (1986) documents the very negative attitudes of the overwhelming majority of Americans when it comes to Mexican immigration.

light of U.S. involvement in Guatemala, El Salvador, Panama and Nicaragua.[14]

But cultural and political preoccupations are paramount in Mexico where the ruling elites, and much of the public, take for granted that Mexico will be better off economically after the free trade agreement is signed. Indeed, the widely held, and probably true, assumption in Mexico is that in economic terms, Mexico has more to gain from consummation of the accord than the United States. Luis Rubio, director of the *Centro de Investigación para el Desarrollo, A.C. México*, summed up the prevailing wisdom in his country when he wrote, "[T]he negotiations have a unique importance for the future development of Mexico that more than justifies whatever presidential effort [put forth to increase] the possibility of success."[15]

The question for Mexicans, however, is whether the impact on the social and political orders will qualitatively outweigh economic advantage. For example, an interesting mix of cultural and economic concerns is bound up in government subsidization of corn, and of the collectives known as *ejidos* in which much of the production occurs. A sacrosanct symbol of the 1910 revolution, the *ejidos* are a vital part of the both the daily life of Mexico, and of its mythology, in which the *ejido* constitutes the triumph of Zapata's demands for redistribution of land and wealth.[16]

In fact, with notable exceptions, much of the *ejidal* land is either unproductive, or inefficient in competitive terms. Indeed, large tracts of land in the periphery of large cities are being illegally

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14. "What the findings from the data presented [in one study] clearly demonstrate . . . is that during the mid-1970s United States aid was clearly distributed disproportionately to countries with repressive governments, that this distribution represented a pattern and not merely one or a few isolated cases, and that human need was not responsible for the positive correlations between aid and human rights violations." Lars Schoultz, *U.S. Foreign Policy and Human Rights Violations in Latin America: A Comparative Analysis of Foreign Aid Distributions, in* REVOLUTION IN CENTRAL AMERICA, 271, 279 (Stanford Central American Action Network ed., 1983).

See also NOAM CHOMSKY, DETERRING DEMOCRACY, 215-235 (1991) and AMERICA'S WATCH, EL SALVADOR'S DECADE OF TERROR, 117-141 (1991).

15. Luis Rubio, *Salinas en Estados Unidos*, LA OPINION (Los Angeles), Apr. 17, 1991, at 5. " . . . [F]or Mexico and its reform-minded President Carlos Salinas de Gortari, this thing called free trade carries enormous implications. If an agreement is worked out with the United States, Mexicans hope U.S. companies will infuse $25 billion in new capital into their depressed country by 1994, producing new jobs, higher wages and generally elevating the country's standard of living." Reibstein, *supra* note 7, at 42.

16. Zapata's *Plan de Ayala* of November, 1911 demanded that, "[T]he lands, woods, and water that landlords, científicos, or bosses have usurped . . . will be immediately restored to the villages or citizens who hold corresponding title to them . . . ." 1 JESÚS SILVA HERZOG, BREVE HISTORIA DE LA REVOLUCIÓN MEXICANA, 243 (1960).

See also GILDARDO MAGAÑA, EMILIANO ZAPATA Y EL AGRARISMO EN MÉXICO (5 vols. 1934-54), and the classic JOHN WOMACK, JR., ZAPATA AND THE MEXICAN REVOLUTION (1968).

sold to immigrants moving to metropolitan areas in search of viable economic alternatives to the squalid poverty of rural life. Often, leaders of the collectives sell *ejidal* land, [title to which cannot be transferred without resorting to an exceptionally complicated legal process] which must culminate in not less than a decree by the President of Mexico.[17] Though in many cases ecologically undesirable, the use of farm land for housing at least makes economic sense.

Despite the widespread cultivation of corn in Mesoamerica before the arrival of Cortez,[18] Mexico actually imported some 1.8 billion metric tons of corn in fiscal year 1990 to supplement what constitutes a historic staple of the Mexican diet[19] tortillas of maize as well as other derivatives of the crop.[20] Though this irony owes itself in part to the shift in production to commodities with higher export value, any dependency of Mexico on foreigners for this fundamental diet component is cause for concern.[21] The prospect of mounds of mid-West corn inundating Mexico has led many to suggest that corn not be put on the negotiating table.[22]

Presently, the production of corn in the United States is six times that of Mexico. Some three million people cultivate between 250 million and 350 million acres of land with the benefit of up-to-date technology and, despite the collapse of some smaller farms, American financial resources are limitless by Mexican standards. In Mexico, however, 45 million acres of land are farmed, with some 20 million *campesinos* working the land, commonly with tools at 19th century specification. These Mexican workers often harvest just enough to feed their families.[23] With respect to corn, much of it is consumed by those who grow it. It is estimated that some two-thirds of the 2.25 million Mexicans who harvest the crop are subsis-

17. ANTONIO AZUELA DE LA CUEVA, LA CIUDAD, LA PROPRIEDAD PRIVADA Y EL DERECHO, 106-130 (1989) and EL SUELO, RECURSO ESTRATÉGICO PARA EL DESARROLLO URBANO, 251-272 (1984).

18. Mary Talbot, *Corn: Builder of Cities*, NEWSWEEK, Columbus Special Issue, Fall/Winter, 1991 at 61.

19. "The most ancient evidence of human corn consumption was found in caves in Puebla, a state in central Mexico. Archaeologists estimate the corn discovered there is 7,000 years old.

"Today, corn remains a fundamental element of Mexican culture. . . . Mexican cuisine includes more than 600 corn dishes. Every neighborhood has its *tortillería*, where housewives line up to buy steaming *tortillas* by the kilogram as quickly as automated operations can press the dough and move it through specially designed ovens.

"Everything from *tamales*, a sort of corn mush with a filling steamed inside a cornhusk, to *atole*, a thick, hot drink, is made from corn." Juanita Darling, *For Mexicans, Growing Corn is a National Heritage*, L.A. TIMES, Feb. 18, 1992, at H5.

20. Dianna Solis, *Corn May Be Snag In Trade Talks By Mexico, U.S.*, WALL ST. J., Dec. 27, 1991, at 1.

21. M. R. REDCLIFT, DEVELOPMENT POLICYMAKING IN MEXICO: EL SISTEMA ALIMENTARIO MEXICANO, 4 (1981).

22. Solis, *supra* note 20.

23. Sergio Muñoz, *'Free' Farm Trade: a Trilateral Hot Potato*, L.A. TIMES, May 30, 1991, at B7.

tence farmers. Thus, much of the government subsidy of the crop misses the impoverished sector at which it is ostensibly directed. Persistence in cultivation of corn by these *campesinos*, in place of crops which are more marketable, leaves many *campesinos* not much better off than if the government subsidies did not exist.

Nonetheless, elimination of the subsidy and inundation of North American corn into Mexico would further reduce the value of agricultural land and trigger a further reduction in demand for workers to harvest the crop. Eventually, some fear that the proletarization of the farm workers along with the mechanization/ mercantilization of the *ejidos* would lead to their diminishment, if not elimination as a social, cultural and political resource.[24] Already, modern farms in Mexico are highly productive, employing some 1.5 million workers and producing more than half of the nation's agricultural exports. Though some exceptional *ejidos* in the states of Sinaloa and Sonora have mechanized, many other *ejidos* own idle or unproductive land entirely uncompetitive with foreign farms.[25] Most of the efficiently-run farms constitute agri-business, and many of these are owned by transnational food companies. Meanwhile, as noted, the *ejidos* on the periphery of Mexico's sprawling cities, rather than producing food, are selling agricultural land for unlawful housing development.[26]

Some argue that the production of corn and the institutions upon which it depends must be protected from competition until alternative social and economic institutions are effectuated. Cost benefit analysis[27] cannot answer fundamental questions such as: How the standard of living for a least a third of the nation will be elevated? And, what impact would the loss of resources have on both environmental and political eco-systems?[28] One author has ar-

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24. ". . . [I]n Mexico, corn is not just a commodity. It's a cultural issue. So, the specter of low-priced northern corn inundating the Mexican market is seen not just as a trade issue but as a threat to the national heritage.

"Mexicans call themselves the "children of corn," descendants of people whose religious pantheon included three corn gods. Cornstalks were common patterns in ancient Mexican art. Statutes of the Aztecs' hairless dogs had corncobs carved in their mouths, the way the English place apples in the mouths of roasted pigs." Darling, *supra* note 19.

25. Muñoz, *supra* note 23.

26. Azuela, *supra* note 17. Cases in point are described in Luis F. Puebla Gutiérrez, *Reforma Agraria y Desarrollo Urbano: El Caso de los Ejidos de los Valles del Yaquí y Mayo*, 1 VIVIENDA, Nos. 1 & 2 (1990), at 57.

27. *See* RICHARD LAYARD, COST BENEFIT ANALYSIS, 9 (1972): "If we have to decide whether to do 'A' or not, the rule is : Do 'A' if the benefits exceed those of the next best alternative course of action, and not otherwise. If we apply this rule to all possible choices, we shall generate the largest possible benefits, given the constraints within which we live."

28. *See generally* JORGE CALDERÓN AND IFIGENIA MARTÍNEZ, REFORMA AGRARIA, ALIMENTACIÓN Y DESARROLO AGROINDUSTRIAL *cited in Destacan la Desventaja del Agro Mexicano Ante EU*, LA JORNADA, Aug. 4, 1991, at 22.

gued, for example, that "if full modernity were to take hold throughout Mexico immediately, it would create ten-times-more dramatic flights of *campesinos* to both Mexican and U.S. urban centers. . . ."[29]

Yet, despite the historic and symbolic centrality of Mexico's 28,000 ejidos, President Salinas de Gortari proposed constitutional reforms on November 7, 1991 which would "dismantle" the institution and "allow agribusiness to buy up thousands of poor communal farms."[30] In the face of widespread criticism that the open and free sale of lands would signal the return of a privileged class of *latifundistas* who would dominate agriculture, the government's response has been that the same restructuring of the economy, which has made free trade vital, also warrants the abolition of achronistic institutions which doom the Mexican economy to unproductivity and failure to compete in international markets. The Salinas plan would eliminate the present obligation to distribute land to peasants. Arguing that "[i]t is essential to overcome the backwardness of [Mexican] agriculture," the proposed amendments would permit the presently prohibited purchase of more than 250 acres and "encourage more investment in the countryside [by creating] conditions for economies of scale."[31] Should the reforms be enacted, which is likely, given the government control of the Congress, then American companies could directly employ Mexican workers in large scale enterprises rather than purchase from scores of scattered *ejidos*.[32]

While the production of corn and the existing agricultural institutions are perhaps a singular instance of the convergence of culture and economics, the question of the impact of free trade on Mexican culture has been pronounced by the President of the National Council for Culture and Art as "fundamental" in the negotiation of the treaty. According to Victor Flores Olea, responding to questions propounded to him and to members of the Mexican intelligentsia by the Mexico City newspaper *La Jornada* in the summer of 1991, the problem is not one of change, but what aspects of American culture will flow from the trade accord. He argues that

29. Muñoz, *supra* note 23. *See* generally *La Cultura del Maíz en el Tratado de Libre Comercio*, UNO MAS UNO, Mexico City, Jul. 29, 1991, at 3.

30. Marjorie Miller and Juanita Darling, *Mexico Seeks Land Reform, Bigger Farms*, L.A. TIMES, Nov. 8, 1991, at A1.

31. *Id.*

32. The "reforms" would not abolish ejidos as such, but would eliminate preferential treatment such as low-interest loans and also permit current land claims to be handled by rural courts rather than through the executive branch in Mexico City.

Needless to say, the proposed changes struck consternation among the ejidatarios. *See* Marjorie Miller, *Confusion, Fear on Mexican Land*, L.A. TIMES, Dec. 10, 1991, at H6, quoting one farmer as follows: "We are always cheated, . . . The rich will end up with the land and we will become slaves."

much of American culture including that propagated by its intellectuals and universities would be far preferable to "the violence, the invasion of privacy, the depreciation of the individual and the principle of winning at any cost."[33] Whatever the outcome, he points out that the United States has highly effective means to impact and influence other cultures.

The sense among Mexican intellectuals is that the treaty and the inevitable increase in commerce between the two nations will bring about cultural cahnges. For example, political scientist and historian Lorenzo Meyer has affirmed that it is clear that the economic opening will "introduce modifications" in both life styles and in education. Whether the changes will be positive or not will depend, in his view, on whether Mexicans are secure and satisfied with their national institutions and direction. If not, he argues that Mexicans may absorb American culture in negative ways.

This general perception that the treaty will have an impact on Mexican culture is not viewed as necessarily negative. Carlos Fuentes has declared that Mexicans must not fear cultural contact, and that "isolated cultures perish. Only those cultures which know other cultures survive."[34] Yet another Mexican intellectual, Guillermo Tovar de Teresa, director of Mexico City's world renowned Palace of Fine Arts, believes that Mexico will be the better for the cultural challenge and exchange, arguing that it will help rid Mexico of its traditional xenophobia.[35]

The question of xenophobia touches on related concerns, such as the impact of the treaty on Mexican sovereignty and national identity. The prospect of the treaty has reignited an historic question in Mexico: Whether adherence to an agreement and the acceptance of the norms of international law constitutes a limitation on national autonomy? Political scientist and historian Lorenzo Meyer has argued that the traditional concept of sovereignty is still used in political discourse by Mexican elites without its complete definition.[36] Indeed, an entire section of the Mexican Constitution is expressly devoted to sovereignty. It delineates how Mexican society is rooted in the will of the people and then describes the geographical extent of the Republic.[37] This traditional concept of sovereignty was given added impetus in the post Second World War epoch. During this period the social costs of an industrialization policy,

33. René Delgado, *Las Culturas Aisladas Perecen; Sólo las Comunicadas Sobreviven: Fuentes*, LA JORNADA, July 20, 1991, at 15.

34. *Id.*

35. *Id.*

36. René Delgado, *Debaten 7 Intelectuales Sobre la Soberanía*, LA JORNADA, July 17, 1991, at 10.

37. MEX. CONST. Title II, art. 39-48 (1917). The constitutional provisions are discussed in FELIPE T. RAMIREZ, DERECHO CONSTITUCIONAL MEXICANO, 1-10 (1961).

dependent on trade barriers, was justified as the only way to modernize and retain political independence.

According to Professor Lorenzo Meyer, the failure of the old industrial policy has led to a countervailing new policy based on welcoming foreign investment into Mexico. The dramatic reduction in trade barriers has generated a need to rationalize political interdependence and its maintenance as Mexico integrates its economy with a country "twenty-five times superior" to that of Mexico.[38] Meyer's accommodationist view is consistent with the fact that Mexican political elites traditionally have had no recourse but to accept a less than unalloyed concept of sovereignty. In the words of Mario Ojeda, President of Mexico's prestigious *El Colégio de México*, " . . . the analysis of the Mexican [external] policies suggests that . . . Mexico must pragmatically harmonize its national interests with the reality of international politics and the fact that it is a neighbor of the United States."[39] Another distinguished Mexican historian, Hector Aguilar Camín argues, that sovereignty should not be confused with autarky. Rather, he argues that the concept of sovereignty is defensive, lacking in flexibility, and is incompatible with the process of economic integration, a process which has marked the direction of the world order at the end of the twentieth century.[40] Believing that the emergence of supra-national sovereignties like that of the European Economic Community has become a global phenomenon, Camín suggests that national autonomy concerns the ability of citizens of a nation to determine their political life and to structure their internal political rules. The problem of sovereignty, he argues, resides in the force and quality of a nation's domestic law, the vigor of its national consensus, and the credibility and representativeness of its rulers.

Philosopher Carlos Castillo Peraza frankly concedes that older concepts of autonomy and self-sufficiency are less possible, and that in the contemporary world, sovereignty is autonomy within interdependence. In this interdependence, sovereignty exists when a nation can determine its own laws and is free to participate in the shaping of international laws, or a common legal regime, such as would inhere in the free trade agreement.[41] Writer Carlos Fuentes, decrying the nationalism of the United States which he says has reached "dangerous levels," argues that the political partner of economic development is democracy, its social partner is justice, and its spiritual partner is culture. "With the support of internal de-

38. Delgado, *supra* note 36. *See* also, Lorenzo Meyer, *El Estado Mexicano Contemporaneo*, in 23 HISTORIA MEXICANA No. 4, at 722-752 (1974).

39. MARIO OJEDA, ALCANCES Y LÍMITES DE LA POLÍTICA EXTERIOR DE MEXICO 79 (1976).

40. Delgado, *supra* note 36.

41. *Id.*

mocracy and justice, Mexico will be able to move more securely in the wide world of economic integration." [42]

This range of views suggests not only concern with a traditional problem in Mexico's relationship with the international community, particularly that with the United States, but also an attempt to square the concept of autonomy with the circle of economic integration. The pronounced ambiguity which inheres in these perspectives suggests that Meyer is correct in his view that the older view of sovereignty is incomplete, and more importantly, it is also in transition.[43]

If the concerns about autonomy are ambiguous and textured, optimism persists with respect to national identity. For example, Carlos Fuentes suggests that Mexico is the most nationalistic nation on earth. He has declared that it possesses a culture which is very strong, with a national identity much more fixed than that of the United States. Fuentes believes that Mexico's language, culture, and plurality of traditions will accent, what he calls, the "policulture" of the United States.[44] On this score, Meyer points out that Mexicans living in the United States have been successful in maintaining their culture and are easily distinguishable as Mexican. He argues that if the Mexican culture can be maintained north of the *Rio Bravo/Rio Grande*, why not to its south.[45]

Perhaps Camín suggests a consensus among the optimists when he argues that Mexico's present national identity is a result of many heterogenous forces.[46] For Camín, national identity is never fixed, but is history in movement. For example, much of which is regarded today as quintessentially Mexican — such as the architectural style known as "colonial" — was imposed on the people of Mexico centuries ago.[47]

However, there are abiding concerns. Dr. Victor Flores Olea remains concerned about two trends in modern Mexican culture, either of which could be exacerbated by free trade, though both are more consequences of technology and political evolution. One trend is towards cultural homogeneity, generated by mass media, that eventually obscures what Flores Olea sees as a "vast grid of dangerous authoritarianism, some deliberate and open, some covert."[48] The other trend is found in the emergence of numerous and scattered centers of creativity which are local and ultranationalistic,

42. Carlos Fuentes, *Can Mexico Be Mexico?*, L.A. TIMES, Oct. 6, 1991, at M1.
43. Delgado, *supra* note 36.
44. René Delgado, *El TLC No Afectará Nuestra Identitad Nacional*, LA JORNADA, July 18, 1991, at 10.
45. *Id.*
46. *Id.* For a discussion of the heterogenous views of national identity in Mexico, see LESLEY B. SIMPSON, MANY MEXICOS (1968).
47. Delgado, *supra* note 44.
48. *Id.*

but equally authoritarian. The risk of the former, in Flores Olea's view, is the obliteration of the individuality of distinct national cultural identity. The risk of the latter is the fragmentation of culture and the triumph of an aesthetic of exoticism which denies the relevance and worth of other values.[49]

This complex and often ambiguous debate among Mexican intellectuals about the cultural, social and even political impact of free trade markedly differs from the certitude which characterizes the assumption that the economic benefits to Mexico border on the undebatable. Indeed, it can be argued that the concerns about the collateral effects of free trade have been tempered by the enthusiasm for, if not duty to support, the new relationship with the United States.

For example, a Los Angeles Times poll in October, 1991 indicated that forty-one percent of Mexicans surveyed found the economy and employment as the nation's most serious problem, just ahead of inflation. This problem was cited as "most serious" by thirty-two percent of the 1,546 persons queried. At the same time, the poll showed amazing support for the Salinas de Gortari regime, with eighty-three percent believing that he was doing a good job.[50] This widespread support for Salinas and his policies, including the push for free trade with the United States — a cornerstone of his economic policy — is further evidence that there is little dissent about free trade on economic grounds. Mexico appears eager to embrace the U.S. as a "free" trading partner, and the Mexican people are likely to link — no matter the cultural and social outcomes — their economic fortunes to those of the behemoth to the north.

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49. *Id.*

50. Marjorie Miller, *Mexicans Like Leader Despite the Economy*, L.A. TIMES, Oct. 22, 1991, at A1.