

# THE IMPORTANCE OF POLICY FRAMES IN CONTENTIOUS POLITICS

## Mexico's National Antihomophobia Campaign

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*Abstract: Despite the fact that the election of Vicente Fox to the presidency of Mexico in 2000 saw the arrival of the most socially conservative administration in contemporary Mexican politics, his government launched the country's first nationwide antihomophobia campaign in early 2005. This article attempts to solve this seeming policy puzzle by presenting empirical research evidence that suggests that the formulation and implementation of this policy was largely a result of the ability of several advocates of sexual minority rights to pursue this policy initiative from within government. Because Fox's election also saw a significant opening of the policy process, several "policy entrepreneurs" gained access to the policy-making process. However, given the controversial nature of the policy they pursued, policy entrepreneurs relied on the deployment of two policy frames to implement their policy in the face of fierce opposition: a scientific frame and a legal frame. The research presented here reveals that the successful launch of the campaign was the result of the strategic use of these two frames by an alliance of policy entrepreneurs working from within the state across federal bureaucratic agencies. Given the advantage the two frames afforded their case when confronting arguments based on morality, they ultimately managed to overcome fierce opposition from state and nonstate actors to implement their policy.*

### INTRODUCTION

The election of Vicente Fox to the presidency of Mexico in 2000 provoked a great deal of optimism among millions of Mexicans as the country entered a new era in its political life. However, Fox also incited significant apprehension among socially liberal Mexicans, given his openly declared conservative views on social issues, such as abortion and homosexuality, as well as his overt religiosity. Indeed, breaking with a decades-old tradition of a country in which the separation of church and state has been official since the enactment of legal reforms introduced in 1858–1859

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(Leyes de reforma), Fox was the first presidential candidate in contemporary Mexico who publicly declared a fervent Catholicism and whose election campaign contained strong religious overtones. Such apprehension deepened on his inauguration day, as he appointed individuals who belonged to his party's most socially conservative wing to important cabinet positions.

Nevertheless, as the Fox presidency came to an end in 2006, it became clear that his personal views on social issues did not predominantly dictate his administration's social policy, as several noteworthy liberal policies were introduced at the national level. Chief among these were perhaps the enactment of Mexico's first national antidiscrimination law and a far-ranging domestic-violence law, as well as the certification of the controversial emergency contraception (the morning-after pill). Similarly, and despite homophobic declarations he made before assuming office, Fox's administration made important efforts to address the issue of homophobia. Indeed, Fox is the first president in Mexico's history to have referred to the importance of protecting sexual minorities in his first speech as president-elect and his antidiscrimination law mandates national public institutions to make efforts to eliminate homophobia. Perhaps more surprising, in 2005, his government launched the country's first nationwide campaign on homophobia, making it the first time that a Mexican government took a clear position on homosexuality and stated explicitly that homophobia is wrong.

This last policy decision inevitably presents a puzzle: how does one explain the making of a highly controversial policy on a so-called moral issue from the most socially conservative administration in contemporary Mexican politics? A possible explanation is that it is the result of broader, structural social changes that have taken place in Mexico over the past several decades: as the population becomes more secular, and as religion becomes less important in politics, more liberal policies are likely to be formulated by governments and accepted by the population. In the case of Mexico, such an explanation may appear plausible, given that there exists ample evidence suggesting that, despite the high level of trust and confidence that large sectors of the population have in religious organizations, and the importance religion plays in a majority of people's lives,<sup>1</sup> most Mexicans have a firmly ingrained notion of the separation of church and state, have become more secular in recent decades, and in general op-

1. Regarding confidence in religious institutions, Roberto Blancarte (2001) shows that approximately 75 percent of Mexicans have confidence in them, placing them above most other institutions. Roderic Ai Camp provides similar data (2008). In terms of people's religiosity, Camp (2007, 2008) indicates that, when ranking the role of God in people's lives, 40 percent of Mexicans consider God important (only one in four Canadians do), more than 90 percent consider themselves religious, 85 percent declare having received a religious education at home, and nearly half attend church once a week or more.

pose the idea that religious leaders influence politics.<sup>2</sup> Despite the church's strong position on abortion, for example, polling suggests that a large majority of Mexicans, 75 percent, think that abortion should be a woman's right, and 66 percent think that the 2007 Mexico City abortion law is a step forward for Mexican society (*Reforma*, April 28, 2008).

The secularization of society, and the consequent increase in opposition to the political influence of religious organizations, can certainly allow for society's acceptance of more socially liberal policies, and hence provide a context in which such policies are more likely to be formulated. Indeed, as this article demonstrates, the launch of the 2005 homophobia campaign took place partly because the policy makers responsible for its design believed that public opposition to the campaign would be minimal, despite the fact that homophobia is fairly strong in the country. However, despite the opportunities that these broader societal changes offer in the formulation of potentially controversial moral policies, their formulation depends on both the support and the opposition to them from government decision makers and policy makers. That is, government officials must conceive of and support a policy. It is because the formulation of public policy largely depends on the political dynamics between support and opposition among policy makers that, this article suggests, there is a need to analyze the policy-making process to explain policy changes—given that structural changes do not always account for them. Although Mexicans may have become more secular in recent years, the arrival of Fox to the presidency in 2000 saw the arrival to key positions of the federal administration of very socially conservative individuals. In effect, as this article shows, despite changes in social attitudes in the general population, the launch of the antihomophobia campaign encountered fierce opposition from within government from these very individuals, and the implementation of the policy ultimately depended on the strategy that its proponents pursued.

This article thus attempts to solve this policy puzzle by presenting an analysis of the policy-making process that resulted in the launch of Mexico's first national antihomophobia campaign. It argues that the formulation and implementation of this policy was largely a result of the ability of

2. Blancarte (2004, 2008) argues that the secularization of Mexican society can be traced back to the mid-nineteenth century but has accelerated over the past three decades. Recent polling data seem to support such a view. As Camp (2008) shows, there has been a significant decline in citizens' confidence in a secular leader's religiosity as a measure of his or her competence to hold public office: from 35 percent in 2000 to 25 percent in 2005. Blancarte (2001) has also argued that Mexicans have a deeply held view that the Catholic Church should not interfere in political matters. For example, two-thirds of Mexicans consider the Catholic Church "too powerful an institution," 75 percent believe that its participation on politics has increased, and more than half (52.7 percent) believe it to be a negative phenomenon.

several advocates of sexual minority rights to pursue this policy initiative from within government. Because of the opening in the policy process that took place with Fox, these policy entrepreneurs gained access to the process. However, given the controversial nature of their policy, they relied on the deployment of two policy frames to implement their policy in the face of fierce opposition: a scientific frame and a legal frame. This article reveals that the successful launch of the campaign resulted from the strategic use of these two frames by an alliance of policy entrepreneurs working from within the state across federal bureaucratic agencies. Given the advantage the two frames afforded their case when confronting arguments based on morality, they managed to overcome fierce opposition from state and nonstate actors. Although, in general, public reception to the policy was positive, these policy entrepreneurs encountered strong opposition from socially conservative state actors. It is because they relied on these two policy frames to formulate and defend the policy under study that policy entrepreneurs were able to implement it.

This research draws from data primarily obtained through in-depth personal interviews carried out from July to September 2007 with senior government officials from the Ministry of Health, the National Council against Discrimination (Consejo Nacional para Prevenir la Discriminación, CONAPRED), the National AIDS Council (CENSIDA), and several nongovernmental organizations (NGOs). A total of eighteen individuals were interviewed. In accordance with nationally mandated ethics guidelines, informants were given the option to remain anonymous.<sup>3</sup> Accordingly, the names of participants appear only in those cases in which participants formally agreed to have their names published. Otherwise, descriptive, nonidentifying terms are used.

#### POLICY MAKING IN POSTTRANSITION LATIN AMERICA

A paradoxical aspect of Latin America's return to civilian rule was the concentration of power in policy-making processes within a broader process of democratization. Despite the region's political opening after authoritarian rule, the assumption of important positions of power by foreign-trained technocrats in the late 1980s and early 1990s resulted in highly exclusionary policy-making processes, particularly in economic policy, which did not allow for substantive input from civil society (Centeno and Silva 1997; Grindle 1996; Conaghan and Malloy 1994; Teichman 2001). These exclusionary policy-making styles in turn contributed to widespread political cynicism, as the declining support for democracy

3. This research obtained ethics approval according to guidelines established by the Canadian government for research on humans. For more information, please see <http://www.pre.ethics.gc.ca/>.

among the population in the region toward the late 1990s demonstrates. As a result, in what became known as second-generation reforms, there were calls for more open and participatory policy-making practices that would allow for more public input from society, especially from international financial institutions such as the World Bank (Molyneux 2008). Latin American countries have consequently, and at least discursively, made attempts to open the policy process to societal input.

Questions regarding state–civil society relations and democratic accountability have thus become central to studies of Latin American politics, and scholars are increasingly analyzing the extent to which civil society organizations and social movements have been able to improve government responsiveness to citizens' demands (Smulovtitz and Peruzottli 2003; Arvitzer 2002). As a result, there has been increased scholarly interest in the extent to which civil society actors and organizations have been able to influence public policy within the new democratic context (Díez 2006; Garay 2007; Boesten 2006; Teichman 2009). Some of this work has explored factors that allow for greater public input into public policy, such as activist-forged international alliances, levels of social movement institutionalization, political opportunities, and the strategies and goals that civil society pursues.

The study of policy making in Latin America has become more complex with the region's new democratic context, however, given that the separation of state and society as two separate entities is not always clearly defined. In posttransition Latin America, the impact of civil society actors on public policy can be difficult to discern, as individuals who belong to social movements or NGOs have increasingly been recruited into government while maintaining alliances with civil society organizations.<sup>4</sup> This is especially the case with Latin America's recent shift to the left. Many of the social-democratic parties that have been elected into government emerged from grassroots mobilization and have strong links with civil society actors. Because in many cases they have recruited civil society individuals to government positions, the line between state and nonstate actors has consequently become blurred.

In the case of Mexico, that blurring also took place after the 2000 elections, even if Fox's party did not have strong links with grassroots movements. Within his overall plan to bring about a new era of politics to the country, Fox significantly changed the cabinet appointment process by recruiting a highly heterogeneous group of ministers and by allowing for the incorporation of numerous members of civil society organizations into his new government. As Roderic Ai Camp (2008) argues, the appoint-

4. For an exploration of the incorporation of social movement actors into government positions in the latest phase of social democratic rule in Latin America, see Hochstetler and Keck 2007; Bull 2007; Barth 2006; Waylen 2008; and Choup 2006.

ment of Fox's cabinet represented a remarkable departure from the past, as, under the rule of the Partido Revolucionario Institucional (PRI), the process was largely the result of the president's need to accommodate internal *camarillas* and groups within the party that competed for power.

Before 2000, policy making in Mexico was highly hierarchical and exclusionary given the corporatist nature of the political system. Traditionally, a small group of people—in general, the president, some cabinet ministers, and top political advisers—initiated policy formulation. The highly exclusionary nature of policy formulation meant that societal groups not belonging to the corporatist structure had essentially no say in the process.<sup>5</sup> The appointment of Fox's cabinet therefore allowed for an opening of the policy process and for greater access to it by a broader and more heterogeneous group of people, and possibly society at large.

In this new context of democratic politics in Latin America, studies of policy making there must increasingly rely on a variety of conceptual tools from the subfield of policy science to analyze policy making in industrialized countries. Given the blurring of the line between state and society that democratic politics necessarily brings, the concept of policy entrepreneurs is of great utility in analyzing policy making, as it allows one to focus on the specific actors that initiate policy. Policy entrepreneurs include advocates of policy proposals, or individuals who seek to initiate policy change by attempting to win support for ideas on policy innovation (Mintrom 1997; Kingdon 2003; Baumgartner and Jones 1993). Policy entrepreneurs need not be state actors; they can work in or out of government, in elected or appointed positions, in interest groups or in research organizations (Kingdon 2003). Tracing a policy back to its inception allows one to identify the specific individuals responsible for promoting a specific policy, and whether they are members of civil society or are state actors. As Kingdon (2003, 180) states on the basis of the case studies that he researched, "One can always pinpoint a particular person, or at most a few persons, who were central in moving a subject up on the agenda and into position for enactment." Policy entrepreneurs use several activities to promote their objectives, such as identifying problems, networking in policy circles, shaping the terms of policy debates, and building coalitions (Mintrom 1997). The research presented here applies the concept of policy entrepreneurs to the study of the seemingly puzzling policy-making process that led to the launch of Mexico's antihomophobia campaign in 2005.

5. Although the policy process continued to be highly exclusionary until the end of PRI rule in some areas, such as economic policy (Teichman 2001) and social policy (Williams 2001), in other areas, the process opened up, as in environmental policy (Díez 2006). On policy making during traditional PRI rule (1950–1988), see Grindle 1977; Greenberg 1970; Benveniste 1977; Bailey 1988; Teichman 1988; and Purcell 1975. On policy making during the past two PRI administrations (1988–2000), see Teichman 1995, 2001; Williams 2001; Torres-Espinoza 1999; and Díez 2006.

Policy entrepreneurs have an advantage in pursuing a specific policy when they are part of government because they have direct access to the policy-making process. However, they are not automatically guaranteed policy success, as they must navigate state institutions, negotiate policy options, and win over supporters. The success of these entrepreneurs frequently depends on their ability to develop strategies in presenting their ideas to others and in crafting arguments that can strengthen their policy proposals to gain allies and sell, or broker, their ideas. This is done with the objective of assembling and maintaining coalitions that will allow them to advance their proposals (Smith 1991).

The development and presentation of arguments that policy brokers or entrepreneurs use to pursue policy objectives can be studied within the policy sciences through the framing process. Framing analysis is the study of the debates that emerge around a specific policy problem in an effort to analyze the evolution of the policy-making process. It examines how actors construct their arguments, or story lines, in the pursuit of their policy choices through the use of discursive and rhetorical devices. Thus, frame analysis is concerned with political actors' negotiation and reconstruction of reality through symbolic tools; put simply, it refers to the construction of story lines in public policy debates. Sociologists originally developed framing analyses (Goffman 1974), but social movement theorists have since used them extensively to account for the success of social movements in placing demands on the public agenda and in having an effect on policy beyond resources and political opportunities (Gamson 1992; Snow, Rochford, Worden, and Benford 1986; Snow and Benford 1992; Swidler 1986; Tarrow 1994; Morgan 2004; Joachin 2003).

In public policy studies, frame analysis attempts to explain how policy entrepreneurs frame their policies to make them more politically acceptable and, ultimately, successful (Fischer 2003; Hajer 1995; Schön and Rein 1994). Work on public policy shows that the success of policy is often linked to the ability of actors to frame their policy objectives, or to adopt "policy frames." Studies on policy framing suggest that, for a particular policy program to be adopted, elites tend to craft frames strategically, to develop policy frames, and to use them to legitimize their policy proposals (Anthony, Heckathorn, and Maser 1994; Fligstein and Mara-Drita 1996).

This article employs a frame analysis to study the policy-making process that led to the launch of the antihomophobia campaign in Mexico. For this purpose, it presents an analysis of the discussions and debates that surrounded the formulation of the policy and explores the strategies, arguments, and discourse that the various actors involved with policy making use. One of the main criticisms leveled against policy framing analysis relates to the need to rely on empirical comparisons on various policy frames to determine why a certain frame becomes dominant. However, this can be overcome by comparing different policy positions

and their frames in a single policy debate to determine which different policy frames received the most support and became policy (Campbell 1998; Strang and Bradburn 2001). The research presented here does this; it provides empirical data on the debates that emerged between proponents and opponents during the launch of the antihomophobia campaign.

#### MEXICO'S 2005 ANTIHOMOPHOBIA CAMPAIGN

The decision to launch a nationwide campaign against homophobia during the Fox administration can be traced back to three individuals who worked in two federal agencies. However, it is impossible to understand the process that led to this policy decision without examining the broader context of political change that took place with Fox's election in 2000. Particularly important were the salience of human rights during that election campaign and the process of appointing his cabinet that characterized the formation of Fox's new government.

Despite the fact that Mexico possesses one of Latin America's oldest and most visible gay and lesbian movements, the rights of sexual minorities did not figure in the government's official discourse under PRI rule. The 2000 national elections changed this and saw the elevation of sexual minority rights to public debate. Critical to this process was the party Democracia Social's contribution to the debate. Among the various political parties that presented candidates for the elections, this newly formed party, led by its presidential candidate Gilberto Rincón Gallardo (the first physically disabled candidate in contemporary Mexico), was the only party that built its entire campaign around the need to increase the respect for the rights of vulnerable groups, including women, the disabled, and sexual minorities. Although Rincón Gallardo's party was unable to obtain the 2 percent of the votes needed to maintain its official registry and receive government funding, the party's platform had an important effect on the campaign, as the issue of sexual minorities for the first time made it to the public debate.<sup>6</sup>

The rights of sexual minorities did not stay at the level of discourse during the election campaign, however; they transcended the campaign and made it to the new government's agenda. This was largely the result of their incidence with broader issues of human rights that were central to that election. Under the banner of change, Fox had campaigned with a platform based on the need to break away from the PRI's regime, which included respect for human rights. Fox delivered on his campaign prom-

6. That the issue made it to the campaign is well illustrated by Fox's decision to hold a meeting with NGOs advocating for lesbian, gay, bisexual, and transgender (LGBT) and women's rights less than a month before the election, at which he pledged to listen to their demands (*Reforma*, June 3, 2000).



ise, and once elected, he appointed Rincón Gallardo chair of a citizens' assembly in charge of studying ways to tackle discrimination. Specifically, Fox tasked the new assembly with producing legal and institutional proposals that would help in the fight against deeply entrenched forms of discrimination in Mexico.<sup>7</sup> The assembly, established in March 2001, was composed of 161 academics, activists, and government officials from various political parties. The group held a series of consultations, regional fora, and meetings with experts and members of civil society at large throughout 2001. After these consultations, it produced a final report in which its members presented an antidiscrimination draft bill and recommended the establishment of a national council tasked with two main objectives: ensuring that such a law be implemented and promoting more generally a "culture of tolerance" in the country (Comisión Ciudadana de Estudios contra la Discriminación 2001).

The assembly presented its recommendations to the president in November 2001. Within weeks, Fox sent the bill to Congress with no changes. In April 2003, both chambers of Congress unanimously approved the bill (*El Universal*, April 11, 2003). It was signed into law in June of the same year by the president who also issued a presidential decree to accelerate its implementation (*La Jornada*, June 10, 2003). The new law became Mexico's first national law designed to protect vulnerable groups, and it established the National Anti-Discrimination Council. The enactment of the law and the creation of the council thus meant that the issue of respect for sexual minorities not only had been placed on the national political agenda but also had been followed by government action. The salience of such human rights during the election campaign, which was largely due to the broader context of Mexican democratization, created a context propitious for the advancement of policies framed around rights, as we shall see herein.<sup>8</sup>

Another important element of the political change that Fox's election provoked is the manner in which the new president decided to form

7. Homophobia is strong and widespread in Mexico: in a 2001 national poll, 66 percent of Mexicans stated that they would not share their house with a homosexual (Secretaría de Gobernación 2001); and it is estimated that between 1994 and 2006, 1,200 homosexuals were killed in Mexico because of their sexual orientation (*La Jornada*, May 17, 2008). Homophobia has forced hundreds of Mexicans to seek asylum in both the United States and Canada over the past decade, although there has been a noticeable decrease since 2007 in the number of successful applicants, as a result of legislative and attitudinal changes in both countries (see *Washington Post*, August 12, 2008; *Globe and Mail*, April 25, 2004; February 7, 2007). Citizen prejudice toward homosexuality in Mexico appears to be higher than in some comparable Latin American countries. According to data from the most recent World Value Surveys, the percentage of respondents who answered that they "did not want to have a homosexual as a neighbor" was 44.6 for Mexico, 26.3 for Brazil, 32.8 for Chile, and 22.1 for Argentina (<http://www.worldvaluessurvey.org/>, accessed December 15, 2008).

8. According to framing literature, this would constitute a master frame (Snow and Bedford 1992).

and run his government once elected. Fox began fulfilling his campaign promise of change by appointing a cabinet whose composition was unlike that of any of his predecessors. Breaking away from previous PRI administrations, Fox diversified the recruitment process, arguing that the new era of Mexican politics required the incorporation of leaders representing various sectors of society. He thus selected individuals from different career backgrounds and political persuasions, some of whom were, in fact, selected by professional headhunters. His cabinet—to which he referred as a *gabinetazo*—therefore reflected more professional and ideological heterogeneity than previous ones. More important, once he appointed his cabinet, Fox opened the policy process by substantially delegating policy-making discretion to his ministers. In a country in which presidentialism in decision and policy making had been the cornerstone of the political system, his administration broke with tradition and was notably characterized by a decentralization of power within the cabinet and significant ministerial autonomy in policy formulation.

It is against this backdrop that the policy decision to launch the anti-homophobia campaign can be analyzed. Both the appointment of a highly diverse cabinet and the creation of the National Anti-Discrimination Council allowed for the incorporation of members of a group of individuals intent on fighting discrimination against gays and lesbians into important government positions and the policy-making process. Three particular policy entrepreneurs were responsible for this policy decision. The first was Jorge A. Saavedra, whom Fox's minister of health, Julio Frenk Mora, appointed director general of the National Center for the Prevention and Control of HIV/AIDS (Centro Nacional para la Prevención y Control de SIDA [CENSIDA]). Saavedra's appointment was largely the result of the diversification that took place in the appointment of Fox's cabinet and the important delegation of decision- and policy-making authority he granted his ministers. Frenk, a well-respected academic and public health expert, had been executive director of the World Health Organization's Division of Research and Information of Public Policies in 2000 and did not belong to Fox's political party. His appointment as minister was one of the so-called apolitical appointments Fox made and conformed to his decision to recruit experts in the field. Because of the significant autonomy Fox delegated to his ministers, Frenk was able to operate freely in the staffing of his ministry and recruited several individuals with whom he had close professional and ideological affinity, among whom figured Saavedra. Both Frenk and Saavedra had developed a close professional relationship since they had met at Harvard University in the early 1990s and had, at various points, worked together on health policy related to HIV/AIDS.<sup>9</sup> Saavedra

9. Saavedra was Frenk's student at Harvard University when he was undertaking a master's degree in public health and Frenk was a visiting professor. An excellent study on the

thus became the head of CENSIDA, an agency of the Ministry of Health established in 2003 as part of a series of reforms Frenk undertook.

The other policy entrepreneurs behind the policy decision were Arturo Díaz Betancourt and José Luis Gutiérrez Espíndola. These two individuals took up their positions in the Mexican bureaucracy with the clear intention of fighting for gay and lesbian rights. Arturo Díaz in particular had been an activist in Mexico's gay and lesbian movement since 1982, had belonged to various gay and lesbian NGOs, and is one of the most prominent gay activists in Mexico. Because of their professional trajectory and their commitment to fighting for gay and lesbian rights, the head of the National Anti-Discrimination Council, Rincón Gallardo, recruited them into the council as it began to operate in early 2004. Díaz was appointed adviser and director of the council's Sexual Diversity Program and Gutiérrez, director general of educational and promotion programs. The appointment of these individuals to senior positions in the administration allowed members of Mexico's LGBT movement direct access to the policy process, and as we shall see, they relied on their expertise and close contact with the movement in advancing their policy initiatives.

These three individuals were responsible for the conception of this policy initiative.<sup>10</sup> In early 2004, Saavedra began discussions with Díaz and Gutiérrez on the possibility of designing and implementing a nationwide campaign against homophobia, and he informed them that CENSIDA would be able to secure funding from the Pan-American Health Organization (PHO) to implement the policy.<sup>11</sup> Both Díaz and Gutiérrez supported the initiative and suggested that both CENSIDA and CONAPRED jointly be responsible for the design and launch of the campaign. The idea crystallized through the discussions these policy entrepreneurs maintained in the first part of 2004, and in September of that same year, Saavedra embarked on a process of building support for his initiative within these two federal agencies and the Ministry of Health. He thus approached Frenk to solicit his support for the initiative, arguing that homophobia represented one of the most important obstacles to fighting the AIDS

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politics of HIV/AIDS policy formulation and implementation in Mexico identifies these two individuals as belonging to an HIV/AIDS policy network (see Torres-Ruiz 2006).

10. Data for this section have been obtained from personal interviews in Mexico City by the author with Dr. Jorge A. Saavedra, general director, CENSIDA (July 25, 2007); Arturo Díaz, director, Anti-Discrimination Program ON Sexual Preference, CONAPRED (July 24, 2007); José Luis Gutiérrez Espíndola, liaison adjunct general director, education and promotion programs, CONAPRED (July 20, 2004); Alejandro Brito Lemus, general director, *Letra S* (July 23, 2007); Juan Jacobo Hernández, general coordinator, Colectivo Sol (August 2, 2007); and two senior government officials in the Ministry of Health (August 1, 2007; September 11, 2004).

11. The PHO, the World Health Organization's regional office in the Americas, made available US\$454,000 to CENSIDA in September 2007.

epidemic.<sup>12</sup> Frenk agreed to lend his institutional support to the initiative, given that the fight against the discrimination of men who have sex with men was at the core of his ministry's HIV/AIDS program.<sup>13</sup> Soon after, Saavedra approached Rincón Gallardo, formally proposing that he launch the joint initiative. Because of the importance Rincón Gallardo attributed to the fight against homophobia (according to the interview with Saavedra), he accepted the proposal. Rincón Gallardo argued that, even though all forms of discrimination in Mexico were unacceptable, the fight against homophobia was a priority of his newly established agency, given the potentially severe health repercussions of homophobia. As a result, both agencies signed a formal memorandum of understanding to design, formulate, and implement the campaign.

Once support for the policy by the three institutions had been secured, the three policy entrepreneurs decided to expand the policy-making process and include members of civil society in the design of the campaign. They consequently held a series of meetings with representatives of NGOs that advocated the expansion of gay and lesbian rights and others that worked on issues of sexuality, all of which belonged to the Democracy and Sexuality Network (Red Democracia y Sexualidad). Most notable among these individuals were two of Mexico's most prominent gay activists: Alejandro Bitro, from Letra S, and Juan Jacobo Hernández, from Colectivo Sol. It was through these discussions that decisions on the campaign details were made. With the slogan "For a Mexico that is plural, tolerant, and inclusive," the group produced two posters that would be distributed widely and aired two public service announcements (PSAs) on radio stations in eighteen cities across the nation.

According to individuals directly involved in the decision-making process, the centerpiece of the campaign was the PSA "The Dinner." In the short clip, a mother and her son casually talk about the impending visit of the son's boyfriend to dinner. The clip ends with the voice of an announcer: "Does this seem strange to you? Homophobia is intolerance to homosexuality. Equality starts when we recognize that we all have the right to be different." By the beginning of 2005, then, the three policy entrepreneurs had successfully obtained cross-institutional support for their policy initiative and the funding necessary to implement it. With the details finalized, the first stage of the campaign, which would initially cover eight cities, was set to launch in March 2005.

12. CENSIDA is an autonomous institution under the direction of a collegiate body (Consejo Nacional para la Prevención y Control de SIDA en México) made up of various agencies, among which is the Ministry of Health.

13. In his five-year ministerial plan (National Health Plan), Frenk identified three pillars in the fight against the transmission of the HIV virus: prevention, universal access to treatment, and elimination of the social stigma attached to the disease in the form of discrimination (Secretaría de Salud 2001).

## THE SUCCESSFUL DEPLOYMENT OF TWO POLICY FRAMES AMID OPPOSITION

Information on the campaign's launch had leaked to media sources by the end of 2004, before its official launch, and the campaign soon became engulfed in significant controversy. However, in the face of fierce opposition to the initiative, the individuals responsible for the inception and formulation of the underlying policy strategically framed it along two lines of argumentation: scientific and legal. The deployment of these two frames in the debate ultimately proved successful in neutralizing opposition.

Because several members of civil society had been included in the design of the policy, and because some of them had direct contact with journalists, numerous media outlets began to announce that the federal government was about to launch a campaign to fight homophobia in the country. The controversy that ensued galvanized opinion and the swift organization of the opposition, which soon began to lobby various agencies of government to stop the campaign.

Opposition to the campaign came from likely actors: conservative groups and the Catholic Church. Three particular organizations prominently articulated their opposition: the conservative Pro-Life Committee (Comité Pro-Vida), the National Parents Union (Unión Nacional de Padres de Familia), and the Mexican Human Rights Coalition (Coalición de Derechos Humanos de México). These groups framed their opposition around two main arguments. First was that such a campaign would legitimize homosexuality as normal, not a form of sexual deviance, thereby promoting homosexuality. Second was that it represented an attack on morality and the family. Arguing that family was the basis of Mexico's social fabric, the Pro-Life Committee stated that the campaign was "a threat to social morality, the family and established sexual relations" (*La Crónica*, February 15, 2005). The National Parents Union, for its part, declared that it was opposed to the campaign because it promoted homosexuality, thereby threatening the family. It argued that the Ministry of Health should instead offer homosexual treatment, as homosexuality was a "curable medical condition" (*La Jornada*, January 31, 2005). The three groups joined efforts and established a Web site to promote their opposition. They also relied on international organizations to expand the reach of their opposition to this policy. Human Life International, a U.S.-based conservative, Catholic, pro-life organization, released the statement "Mexico Is Suffering a Very Grave Attack from the Movement Promoting Homosexuality" (Llaguno and Castañeda 2005).

The fiercest opposition came from the Catholic Church, which articulated its stance publicly through the declarations of several bishops at news conferences as well as through statements by the Union of Catholic Lawyers. Bishop Rodrigo Aguilar, president of the national Social Pasto-

ral Episcopal Commission (Comisión Episcopal de Pastoral Social de la Conferencia del Episcopado Mexicano), declared, "The radio clips . . . legitimize homosexuals as having a right to their preference. They also send a second message. Not only do they create respect for those people, it extends to them the right of citizenship which is damaging to the individual, the family and society. If this is allowed, it will result in the degradation of the human being and Mexican society" (*Reforma*, March 3, 2005).<sup>14</sup>

Opposition from these actors went beyond public declarations and soon turned to important lobbying efforts with government officials and institutions to stop the campaign. During February and March 2005, the organizations and officials from the Catholic Church sent a series of letters—putting forward the same arguments they had articulated in the media—to the President's Office, the Ministry of the Interior, and the Ministry of Health demanding that the campaign be stopped. Declaring that the policy amounted to "political imprudence," the National Union of Parents argued that the president had campaigned with a platform in favor of the family and that the antihomophobia campaign was an affront to the mandate he had received from the Mexican electorate (*La Crónica*, February 15, 2005).

The media heavily covered the debate, primarily concentrating on "The Dinner." Indeed, because that PSA had been leaked in full, some television stations began to run it, even though it had been produced for the radio. As a result, because of the debate the campaign incited even before its release, it reached a wide audience, contributing further to the controversy.

It was during this time that the policy entrepreneurs who had originally conceived of the policy initiative began discussing plans to counter such opposition. In discussions in early 2005, they decided to pursue two strategies. The first was to expand the alliance they had formed in favor of the campaign. Key to this was the integration of international actors. Therefore, they solicited the support of the PHO, which had provided the funds to run the campaign, and of UNAIDS, the United Nations' AIDS program. Specifically, they asked the two organizations to sign on to the initiative to allow them to present the campaign as a collective initiative that had received international support. The two organizations willingly agreed to the request, stating that Mexico had to abide by international recommendations to fight homophobia, elaborated by those same institutions.<sup>15</sup>

14. Bishop Aguilar made public a document titled "Homosexuality and the Campaign against Homophobia," in which he detailed the main components of his institution's arguments.

15. The recommendations include that in 2000 by Asma Jahanguir, special envoy from the United Nations to Argentina, Mexico, and Ecuador, to fight homophobia, and that in 2003 by the Mexican representative of the UN High Commission on Human Rights, Anders Kompass, in which he asked the Mexican government to "question the perception that the

The second strategy was to develop arguments to counter the opposition and convince government actors and the public at large of the need for the campaign. As such, Saavedra, Díaz, and Gutiérrez began to work on ways to frame their arguments on two main grounds to counter such opposition and to be able to implement their policy decision amid opposition. First, CENSIDA, as the organization responsible for fighting the AIDS epidemic in Mexico, had the responsibility to fight discrimination against gays and lesbians because homophobia was one of the most important obstacles to fighting AIDS. The main basis of this argument was that discrimination is a disincentive for people to undergo testing, reduces options for medical attention, and limits prevention programs. To develop their argument, the policy entrepreneurs relied on scientific information that demonstrated the link between homophobia and the spread of the HIV virus. On the basis of scientific studies and polling data, they framed their argument with the idea that the stigma attached to sexual relations between men creates low self-esteem among such men, who consequently do not engage in safe-sex practices. Moreover, they argued, the same stigma and discrimination, which is created by society and the family, is the main reason people infected with HIV/AIDS do not seek treatment or abandon it once they do, which leads to terminal illness and propagation of the virus. In Mexico, 84 percent of reported HIV/AIDS cases are among men, and 59 percent of those are among men who have sex with men; thus, the most effective way to fight the epidemic is by specifically targeting that particular social group. Finally, they pointed to scientific data that homosexuality is not a disease, as some individuals believe.<sup>16</sup> Their arguments based the issue in science and presented it as pertinent to public health.

The policy entrepreneurs built a second line of argumentation based on legality, relying primarily on two legal provisions. The first was the 2001 reform to article 1 of the Mexican Constitution, which prohibits discrimination against individuals based on their preferences. The second was, expectedly, the Anti-Discrimination Law, according to which prohibits the discrimination of people based on their sexual preferences and whose Article 2 mandates that federal public institutions adopt measures to prevent discrimination of the groups identified in that legislation. The law includes homosexuals among those protected groups.

This process constitutes the strategic framing of a policy initiative to ensure the implementation of a policy—here, around two main lines of argumentation as the basis for presenting a specific policy—and the de-

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government and in society more generally ridicule or treats as abnormal sexual preferences other than heterosexual ones" (Organización de Naciones Unidas 2003, 182–184).

16. Interviews by the author with Jorge A. Saavedra (July 25, 2007), Arturo Díaz, (July 24, 2007), José Luis Espíndola Gutiérrez (July 20, 2004), Mexico City.

velopment of two distinct policy frames: scientific and legal. Policy advocates tend to frame their policy choices around a set of arguments and propositions, and here they did so strategically to counteract opposition before implementation of the policy.

The strategic use of the two frames is perhaps best reflected in an official document drafted and distributed at the end of the framing process: the memorandum "Justification for a National Campaign against Homophobia," which outlines, point by point, the various components of the two lines of arguments used to defend the policy (Secretaría de Salud and CONAPRED 2005). The document's authors clearly and in detail develop their justification for launching the campaign. When asked whether they had strategically developed arguments, an interviewee responded: "But of course. Once the controversy started, we knew that we would have to defend our decision. That is why we looked for ways to defend it and decided that the best way to do this was to make our case based on the law (*apoyándonos en la ley*) and on scientific grounds. What forced us to articulate all these arguments was the controversy that had been unleashed."<sup>17</sup>

Equipped with the two policy frames, they decided to organize a series of press conferences to counteract the opposition that the controversy had generated and asked the Minister of Health and the director of the Anti-Discrimination Council to defend the decision to launch the campaign to avoid it being thwarted. At the core of the idea was the defense of the policy decision on the basis of the scientific and legal arguments. What ensued was the public deployment of the two frames in a series of declarations made by the heads of the Ministry of Health, CENSIDA, and the Anti-Discrimination Council. Frenk, the health minister, who, as already mentioned, had been recruited on the basis of his expertise, began to counter the arguments from conservative groups on scientific bases in public declarations. With respect to the claim that the campaign would encourage homosexuality, Frenk declared, "We are not promoting anything. We are fighting discrimination. . . . [T]here is no scientific foundation that someone will change his sexual preference from listening to a radio clip. . . . [I]f someone shows me a scientific study that shows it, I will be very interested in reading it" (*El Universal*, March 5, 2005).

The legal frame was deployed in tandem with the scientific frame. Saavedra, from CENSIDA, referred to specific articles of both the constitution and the Anti-Discrimination Law and argued that stopping the campaign would amount to an affront to the legal system (*Reforma*, April 26, 2005). Díaz focused on arguments advanced by the Catholic Church, declaring, "All we are doing is abiding by the law." He stated that the Catholic Church was free to state its position, but that, in a secular country, "even the church has to abide by the law," and he urged it to do so

17. Personal interview, July 20, 2007, Mexico City.



(*Reforma*, March 4, 2005). Gutiérrez and Rincón Gallardo, representing the Anti-Discrimination Council, argued that their institution, as a state agency, had been legally mandated to fight discrimination and that running the campaign was in line with such a mandate (*Reforma*, February 19, 2005), and they cited studies showing that hate crimes against homosexuals were widespread in Mexico. Importantly, the strategic deployment of the two frames was not limited to state actors. Díaz, Gutiérrez, and Saavedra organized a series of training sessions for NGO leaders on how to counter oppositional arguments by relying on the legal and scientific arguments. These sessions, organized by the Anti-Discrimination Council, used the document they had prepared to justify the campaign as the basis for training.

The deployment of the two frames in the public debate appears to have been effective, as opponents to the campaign became a minority. However, given the strong pressure that organizations opposing the campaign exerted on government institutions, and given the coincidence of their views with those of numerous socially conservative officials in government, opposition to the campaign also emanated from within government. This was especially the case of members belonging to the powerful Ministry of the Interior (Secretaría de Gobernación). The ministry, which has a higher administrative rank among federal ministries and agencies because it coordinates and oversees all federal public policy, was staffed by numerous social conservative civil servants during Fox's administration, including the minister himself. Officials from the Ministry of the Interior made efforts to stop the campaign by applying pressure on both the Ministry of Health and the Anti-Discrimination Council.

Such pressure eventually reached higher administrative levels: the President's Office. Internal opposition in the cabinet was also countered with the use of the legal and scientific policy frames. Officials from the Ministry of Health and the Anti-Discrimination Council applied the same lines of argumentation to counter such opposition and successfully neutralized it. Indeed, a senior official from the Ministry of Health stated in an interview that the president himself waded into the discussion and solicited information on the campaign from the ministry. Officials from the ministry made their case, and the president subsequently approved of the policy. In the words of that official, "Our arguments were sound and had logic. The president trusted my expertise, agreed with my points, and only asked us to talk to people in government and civil society to explain our reasons."<sup>18</sup>

Despite a delay of approximately a month because of the controversy, the double framing of the campaign and the deployment of those frames to counteract opposition ultimately proved successful. Under the slogan

18. Interview with senior official, Ministry of Health, August 1, 2007, Mexico City.

"Homosexuality is not a disease, homophobia is," the campaign launched on April 25, 2005. Demonstrating the success in establishing an alliance among national and international state and nonstate actors, Rincón Galardo and Saavedra announced the official launch of the campaign at the office of the UN representative in Mexico with the support of various NGOs, including several agencies, international organizations, and numerous civil society actors and institutions (including some prominent Mexican intellectuals and artists such as Carlos Monsiváis). With its launch, three policy entrepreneurs successfully pursued a controversial policy under a conservative administration and implemented it by relying on two policy frames to counter opposition and carry out its implementation.<sup>19</sup>

## CONCLUSION

This study has attempted to solve an interesting policy puzzle: how does one explain the making of a socially progressive and highly controversial policy decision on a moral issue by one of the most socially conservative administrations of contemporary Mexico? The results of the empirical research presented here suggest that the decision to design and launch a nationwide antihomophobia campaign in 2005 can be traced back to three advocates of LGBT rights who managed to gain direct access to the policy-making process at the beginning of Fox's administration. Because of the significant opening up of the policy-making process at the ministerial level that took place when Fox took office, these policy entrepreneurs assumed important positions in two federal agencies. As the research presented here suggests, it was from their positions within government that they formed alliances across federal agencies and with nonstate actors to pursue their policy goals. This research also shows that, given the nature of their policy, these policy entrepreneurs encountered fierce opposition from actors and institutions inside and outside government. As a result, they strategically pursued their policy through two frames: by making the issue a scientific one (i.e., the presentation of homophobia as a problem of public health) and by presenting it as an issue of law and order (i.e., as part of the federal government's legal mandate to fight homophobia). The deployment of these two policy frames against opposition gave them an argumentative advantage and neutralized the debate, thereby ensuring the implementation of the policy.

19. Because the campaign did not require a legislative change, Congress was not directly involved in this particular policy process. However, on February 12, 2005, a motion, supported by all parties except for the Partido Acción Nacional, was passed in the lower chamber to commend the executive for designing the campaign and asking it not to "cede to pressure groups" and to launch it (*La Jornada*, February 11, 2005).

This study focuses on one policy decision in one policy area, and thus the extent to which its findings allow one to generalize is of course limited. However, several lessons on Mexican politics and policy can be drawn. While there is an important literature on policy making in Mexico before 2000, little has been published on the post-2000 period. This study allows us to gain insights into this understudied process and to explore aspects of continuity and change in Mexico's policy process. First, it appears that the onset of democratic politics in Mexico in 2000 has allowed for the opening of the policy process to civil society actors in some policy areas. With some clear exceptions (i.e., environmental policy in the 1990s), this seems to be a fairly recent phenomenon. Indeed, the literature on policy making in Mexico before 2000 focused largely on the state, demonstrating the almost complete exclusion of the public, and at times even organized groups, from the policy process. Whereas policy makers under PRI rule were mostly recruited from the federal bureaucracy and the ruling party, in this case, the policy makers under study had belonged to civil society and social movements before entering government. However, more research needs to be carried out to determine the extent to which such policy openness applies to more policy areas, as recent work on social policy, for example, has shown that the policy process has remained exclusionary (Teichman 2009). Moreover, while this case study demonstrates a certain weakening of presidentialism in Mexico, the president appears to continue to be central to the decision-making process. Both the heterogeneity of Fox's cabinet and the autonomy he seems to have delegated to its members allowed for the making of policy outside the President's Office. However, the president himself made the final decision to implement the policy.

The research presented here also points to the importance of alliance formation and personal relationships in the pursuit of policy initiatives. Before the framing of their policy along the scientific and legal frames, the policy entrepreneurs strategically knitted an alliance across federal agencies, nonstate actors, and international organizations to advance their policy interests. Crucial to this process were the personal relationships that existed among many of these individuals. The importance of intrastate alliances has traditionally been an important part of the policy process in Mexico (Maxfield 1990; Purcell 1970; Bailey 1988), but what appears to be new is the reliance of these alliances on nonstate actors. Finally, this study attests to the importance of the strategic framing of policy. The success of the policy entrepreneurs to navigate and advance a liberal social agenda amid fierce opposition from state and nonstate actors largely depended on their ability to rely on scientific and legal arguments strategically to counter opposing ones. It is often said that the fight for rights in Latin America may be in vain so long as their exercise continues to be elusive. However, in this case, policy entrepreneurs relied on a previously conquered right—

the right not to be discriminated because of one's sexual orientation—to advance a policy initiative. A previous policy legacy, and the fact that the issue was made scientific, proved pivotal in countering strong opposition and in advancing those rights further.

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