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# *The double-edged sword of judicial corporatism: Mexico's chief justice in periods of constitutional stress*

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*Research on chief justices (CJs) has underscored the individual features of justices and the institutional characteristics of the office. We focus on an additional organizational dimension, the relationship between the CJ and the judiciary, arguing that it can become critical in periods of constitutional stress. We argue that insider CJs, those who reach the Supreme Court after a long career within the judiciary, have resources that outsiders lack: the backing of the corporation and judiciary's esprit de corps as an important organizational source of strength and will to defend judicial autonomy as well as to serve as a check in contexts of constitutional tension. We illustrate the argument in the case of Mexico's CJs during the administration of President López Obrador (2018–24), contrasting the tenures of outsider CJ Zaldívar and insider CJ Piña. We show that judicial corporatism in Mexico's hyper-pyramidal judiciary has two edges, one that makes the judiciary inertial and sluggish and a brighter side that favors resistance to political takeover.*

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## 1. Introduction

Research on chief justices (CJs) and the judiciary has underscored two important dimensions: the individual features of justices (e.g., their intellectual leadership), and the institutional features of the office (e.g., its administrative or jurisdictional powers). Building on previous literature, we highlight a third organizational dimension in which the institutional and the personal characteristics interact. We argue that this dimension is particularly useful for understanding the CJ's role in contexts of constitutional stress. To illustrate our claim, we analyze the role of Mexico's CJ during the administration of President Andrés Manuel López Obrador (AMLO) (2018–24).

As of June 2025, Mexico's federal judiciary (FJ) remains a hierarchical career judiciary, where judges join the system at a young age, usually in the lower ranks, and expect to progress by building a life career. This is the system prevalent in most, though not all, civil law jurisdictions.<sup>1</sup> Building on organizational literature and a common-knowledge distinction in Mexico, we identify two justice archetypes: *insiders*, who reach the Supreme Court (SC) after a long career in Mexico's corporatist judiciary, and *outsiders*, who arrive at the SC from academia, private practice, the administrative sector, or politics. We posit that these archetypes are valuable variables for explaining crucial differences between individual CJs in contexts of constitutional stress.

We argue that the insider/outsider archetypes can explain differences in organizational resources, individual allegiance to or disaffection from the judiciary, and perceptions by other authorities, particularly the executive. Specifically, outsider CJs are more likely to promote reforms against corporatist practices, more likely to face resistance from judges and judicial officials, and more likely to be perceived by the executive as allies in its confrontation with the judiciary. In turn, insider CJs carry a corporatist legacy, but they also have a closer connection with the judiciary's rank and file, which serves as an important organizational resource in times of constitutional crisis. In hierarchical career judiciaries, the backing of the judicial corps and the *esprit de corps* provide insiders with an organizational source of strength and a greater willingness to defend judicial autonomy and serve as a check in contexts of constitutional stress. Hence, our claim is that, *ceteris paribus*, insiders possess organizational resources and motives that outsiders lack. We illustrate our argument by comparing the terms of outsider CJ Arturo Zaldívar and insider CJ Norma Piña, both under the administration of President López Obrador, which was marked by ongoing confrontation with the FJ.

The election of AMLO in 2018 was a turning point in Mexico's recent history. After eighteen years of democratic rule under divided government the charismatic leader AMLO and his party, the MoReNa (Movimiento de Regeneración Nacional, or Movement of National Regeneration), won by a landslide. Legitimate demands for

<sup>1</sup> In June 2025, half of the Mexican FJ will be popularly elected, and the federal judiciary (FJ) will no longer be a career-based system. See, e.g., Nuno Garoupa & Tom Ginsburg, *Hybrid Judicial Career Structures: Reputation v. Legal Tradition* (Olin Program in L. & Econ. Working Paper No. 567, 2011), [https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1245&context=law\\_and\\_economics](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1245&context=law_and_economics). This article analyzes the Mexican FJ before the constitutional reform approved in September 2024, which will reshape the FJ in important ways. As of November 2024, this reform was still being regulated and implemented.

economic and social inclusion, and widespread discontent with political corruption, were key to AMLO's victory. The distribution of votes in favor of MoReNa cut across traditional cleavages of economic class, geography, and ideology. AMLO successfully captured the social demand for more effective government and ran an efficient campaign that attracted many new supporters beyond his traditional base of left-leaning, less affluent voters in the southern states.<sup>2</sup>

However, soon after the election, AMLO launched an ambiguous project of “transformation,” adopting a polarizing rhetoric that distinguished “the People,” who support his project, from the “corrupt elites,” who oppose it. Under the official narrative, AMLO's election inaugurated “the Fourth Transformation” (4T) in Mexico's history, following the Independence, the nineteenth-century victory of liberals over conservatives, and the Mexican Revolution. The 4T's identity was constructed in opposition to the four decades of “neoliberal rule,” which according to its proponents, was characterized by “rampant corruption,” “moral decay,” and the exploitation of the people by the “mafia in power.” According to AMLO, part of this “mafia”—composed of the political, economic, and cultural elites—still controls public institutions. In his view, to build a new government that truly represents the people, the existing institutional framework must be discarded or reduced to a minimum.<sup>3</sup>

With the 2018 electoral landslide and this rhetoric, Mexico entered a period of constitutional stress marked by constant confrontation between the president and the FJ as well as individual judges and justices. The president launched a series of unilateral actions and regular laws passed by MoReNa's majority, that, in his words, “aimed to change the political regime.”<sup>4</sup> These included empowering the Armed Forces and threatening the autonomy and viability of the National Electoral Institute as well as other constitutionally autonomous organs (OCAs) and bureaucratic structures.<sup>5</sup> Opposition parties, local authorities, and heads of the OCAs challenged the constitutionality of these governmental actions before the Mexican SC. This created a strong pressure on the Court to adjudicate politically charged conflicts in an increasingly polarized political arena. To give a sense of such pressure, since AMLO's election in 2018, the SC received a record number of constitutional suits in 2019, 2020, 2021, and 2022—the highest in the past two decades.<sup>6</sup> The Court ruled on these cases while navigating impeachment threats, budget cuts, forced resignations, and hostile rhetoric.<sup>7</sup>

<sup>2</sup> Mariano Sánchez-Talanquer & Kenneth F. Greene, *Latin America's Shifting Politics: Mexico's Party System Under Stress*, 29 J. DEMOCRACY 31 (2018).

<sup>3</sup> Juan Fernando Ibarra del Cueto, *Plebiscitarianism and State Capacity Erosion in Mexico*, 43 REVISTA CIENCIA POLÍTICA 301 (2023).

<sup>4</sup> See Pedro Domínguez, *La 4T es un cambio de régimen, no de gobierno: AMLO*, MILENIO (Dec. 8, 2021), <https://www.milenio.com/politica/amlo-la-4t-es-un-cambio-de-regimen-no-de-gobierno>.

<sup>5</sup> See, e.g., id.; Mauricio Dussauge-Laguna, *The Promises and Perils of Populism for Democratic Policymaking: The Case of Mexico*, 55 POL'Y SCI. 777 (2022).

<sup>6</sup> Camilo Saavedra, *Perder Ganando y Ganar Perdiendo*, in ANÁLISIS DE JURISPRUDENCIA CONSTITUCIONAL MEXICANA. LA SUPREMA CORTE EN 2022, at 271 (Andrea Pozas, Francisca Pou, & Alfonso Herrera eds., 2024).

<sup>7</sup> Eleanor Fitzgibbons, *Nothing to Fear? Disrobing Veiled Threats to Judicial Independence* (March 2023) (BA honors thesis, Harvard College) (on file with authors); Julio Ríos Figueroa, *El Poder Judicial ante el Populismo y la Erosión Democrática: El caso de México, 2018–2021*, 198 REVISTA DE ESTUDIOS POLÍTICOS 187 (2022); Josafat Cortéz & Camilo Saavedra, *Palomas mensajeras y halcones amenazantes: La Justicia Federal en los Primeros Dos Años de Gobierno de López Obrador*, 225 EL COTIDIANO 42 (2021).

The remainder of the article is divided into three parts. In Section 2, we analyze the formal structure of Mexico's FJ and the role of the CJ. We also account for one of the judiciary's main informal characteristics, its corporatist nature, and explain the distinction between insiders and outsiders. In Section 3, we focus on the role of the SC under the period of constitutional stress (2018–24). We illustrate the double-edged nature of judicial corporatism, highlighting the role of the two CJs that have served during AMLO's administration.

## 2. The chief justice in Mexico's federal judiciary

### 2.1. The institutional and organizational architecture of the Supreme Court and the formal role of the chief justice

From an organizational perspective, until the 2024 judicial reform, Mexico's judiciary was a vertical career judiciary, in which judges join the judiciary at a young age and build a lifelong career within it. In these systems, how new judges are selected and who determines whether they are promoted, transferred, or sanctioned is key to their independence. Vertical career judiciaries contrast with horizontal or recognition judiciaries (common in most common law jurisdictions), in which judges are appointed later in life in recognition of other career achievements and are not expected to ascend through the judicial hierarchy. In these jurisdictions, judges' tenure is often for life, and their behavior is mostly monitored through review of their decisions on appeal.<sup>8</sup>

In Mexico the SC sits at the top, exerting jurisdictional authority, but it also enjoys considerable institutional and administrative influence over other key institutions of the FJ. Given the prominence of the SC and the CJ, we posit that the institutional architecture of the Mexican judiciary can be described as hyper-pyramidal. Jurisdictionally, the SC functions as a constitutional tribunal, with original jurisdiction over constitutional actions and constitutional controversies,<sup>9</sup> and it also serves as a court of last resort for some individual constitutional complaints (*amparo* suits) heard in lower courts.<sup>10</sup> Administratively, the SC commands considerable influence over the Judicial Council. The SC appoints three out of seven members of the Council and, crucially, the CJ also presides over the Council, thus forming a majority in this body (two more councilors are appointed by the Senate, and the last one by the executive).<sup>11</sup> The SC also exerts administrative influence over the Electoral Tribunal through its appointment powers, since it submits to the Senate the list of magistrates for the electoral tribunal, who are then appointed after ratification by a two-thirds vote.<sup>12</sup>

<sup>8</sup> Cf. Garoupa & Ginsburg, *supra* note 1. See also MIRJAN DAMASKA, *THE FACES OF JUSTICE AND STATE AUTHORITY* (1986).

<sup>9</sup> Constitución Política de los Estados Unidos Mexicanos, CP, art. 105, Diario Oficial de la Federación [DOF] 05-02-1917.

<sup>10</sup> *Id.* art. 107.

<sup>11</sup> *Id.* art. 100.

<sup>12</sup> *Id.* art. 99. We refer directly to the relevant articles in the Mexican Constitution and in Ley Orgánica del Poder Judicial de la Federación [LOPJF], Diario Oficial de la Federación [DOF] 02-11-1917. For additional analysis, see César Astudillo & José Ramón Cossío, *ORGANIZACIÓN Y FUNCIONAMIENTO DE LA SUPREMA CORTE DE JUSTICIA DE LA NACIÓN* (2021); JOSÉ MARÍA DE LA SERNA, *THE CONSTITUTION OF MEXICO: A CONTEXTUAL ANALYSIS* (2013).

The Judicial Council manages the human and material resources of the FJ, except those of the SC, which administers and regulates itself.<sup>13</sup> The Judicial Council prepares and manages the judiciary's budget, decides on the creation of new courts and their jurisdiction, and oversees the judicial career of federal judges. However, its decisions regarding the appointment, transfer, and removal of federal judges can be reviewed by the SC,<sup>14</sup> and the Court can also ask the Judicial Council to review the conduct of any federal judge.<sup>15</sup> Key auxiliary organs of the judiciary operate under the control of the Judicial Council, including the Judicial School, the Public Defender's Office, and offices responsible for monitoring and overseeing federal judicial officials.<sup>16</sup> The directors of these auxiliary organs are appointed by the Judicial Council, usually following a proposal by the incoming CJ, who also presides over the Council.

The SC is composed of eleven justices, who are appointed by the president and ratified by the Senate with a two-thirds vote, for a fifteen-year tenure.<sup>17</sup> The CJ, elected by their peers for a nonrenewable four-year term,<sup>18</sup> presides over the SC. The SC deliberates *en banc* and in two chambers of five justices each; the CJ does not participate in chambers. A supermajority of eight votes out of eleven in the Court, and four votes out of five in each chamber, is needed for rulings on unconstitutionality. Building on comparative law literature,<sup>19</sup> we distinguish three central functions of the CJ: jurisdictional, administrative, and political.

Politically, the CJ plays an important role as they are the official representative of the judiciary.<sup>20</sup> In this capacity, the CJ not only attends official ceremonies but also serves as the spokesperson for the entire branch. Jurisdictionally, the CJ exerts an indirect influence over the Court's outcomes, as they do not serve as justice-rapporteur (responsible for drafting opinions for discussion by the Court) and do not have the power to assign cases to specific justices for opinion drafts. However, the CJ does have some critical control over the Court's agenda.<sup>21</sup> Once a justice has a draft opinion ready, the CJ manages the schedule for public deliberation by the full Court. As we will discuss in the case of Zaldívar, this important timing control adds to the CJ's capacity to influence the flow of deliberations and how votes are aggregated, since they preside over the Court's sessions.<sup>22</sup>

<sup>13</sup> CP, art. 94.

<sup>14</sup> *Id.* art. 100.

<sup>15</sup> *Id.* art. 97.

<sup>16</sup> LOPJE, art. 93.

<sup>17</sup> CP, art. 96.

<sup>18</sup> *Id.* art. 97.

<sup>19</sup> J. Clifford Wallace, *Comparative Perspectives on the Office of Chief Justice*, 38 CORNELL INT'L L.J. 219 (2005); THE CHIEF JUSTICE: APPOINTMENT AND INFLUENCE (David J. Danelski & Artemus Ward eds., 2016); Adam Blisa & David Kosař, *Court Presidents: The Missing Piece in the Puzzle of Judicial Governance*, 19 GER. L.J. 2031 (2018); Joseph Daniel Ura & Carla M. Flink, *Managing the Supreme Court: The Chief Justice, Management, and Consensus*, J. PUB. ADMIN. RSCH. & THEORY 185 (2015); Richard Vining, Jr. & Teena Wilhelm, *The Chief Justice as Administrative Leader*, in THE CHIEF JUSTICE: APPOINTMENT AND INFLUENCE 357 (Artemus Ward ed., 2016).

<sup>20</sup> LOPJE, art. 14.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* See also H. FIX-FIERRO, EL PODER DEL PODER JUDICIAL Y LA MODERNIZACIÓN JURÍDICA EN EL MÉXICO CONTEMPORÁNEO (2020).

The CJ's greatest influence is administrative. Within the SC, the CJ promotes their agenda through the direct appointment of directors who manage everything from the Court's library and archives to its international relations and the publication of all binding jurisprudence.<sup>23</sup> The CJ also manages the integration of three-justice committees that oversee those issue areas.<sup>24</sup> The CJ's office prepares and manages the budget of the SC and its human resources, which include 35 departments and administrative units, and 3725 workers. The administrative influence of the CJ extends beyond the SC to the rest of the judiciary. The CJ is simultaneously the president of the Judicial Council, which oversees 47,605 employees.<sup>25</sup> The CJ influences the formation of the judiciary's budget, as well as every other managerial decision made by the Council. The CJ also has influence over the appointments of electoral magistrates and judicial councilors, which are carried out by the SC.

In sum, the political, jurisdictional, and especially the administrative functions and capacities of the CJ make it a highly important position within a powerful and commanding SC.<sup>26</sup> Individual features such as personality, leadership style, and ideological inclination matter in the exercise of these institutional functions. In what follows, we will argue that organizational identity (i.e., insider or outsider) is also key to understanding the CJ's likely resources, motivations, and behavior.

## 2.2. Insiders and outsiders in the Mexican Supreme Court

Until the 2024 judicial reform, a salient characteristic of Mexico's judiciary was its corporatist organizational culture, which has deep historical roots. The Constitution of 1917 granted the SC the power to appoint, oversee, and promote all federal judges. As this capacity was never regulated, justices experimented with different methods of selection but eventually settled on a taking-turns mechanism informally known as the Gentlemen's Pact.<sup>27</sup> For almost eight decades, under a hegemonic-party regime, this patronage system of selection prevailed, in which justices hand-picked federal judges from among their clerks. The SC obtained internal autonomy to manage the judiciary in exchange for supporting the regime in politically relevant cases and for maintaining top-down discipline through the justices' ability to regulate the judicial career. The pact was sustained by respect and loyalty to the "patron" and to the organization, that is, to the justice who made the appointment and to the judiciary as a common home.<sup>28</sup>

Enjoying bureaucratic autonomy, the judiciary progressively built a strong corporatist organizational culture that has persisted despite institutional reforms passed on the verge of the transition to democracy. Specifically, in 1994, a critical reform

<sup>23</sup> LOPJE, art. 9.

<sup>24</sup> *Id.* art. 14.

<sup>25</sup> *Censo Nacional de Impartición de Justicia Federal 2022*, INSTITUTO NACIONAL DE ESTADÍSTICA Y GEOGRAFÍA (INEGI) (July 1, 2022), [www.inegi.org.mx/contenidos/programas/cnijf/2022/doc/cnijf\\_2022\\_resultados.pdf](http://www.inegi.org.mx/contenidos/programas/cnijf/2022/doc/cnijf_2022_resultados.pdf).

<sup>26</sup> The chief justice (CJ) of the Indian Supreme Court derived authority more from the institutional structure and prerogatives than from personal characteristics. Cf. Rehan Abeyrante & Surbhi Karwa, *The Institutional Failings of India's Chief Justice in the Age of Modi*, 22 INT'L J. CONST. L. 160 (2025).

<sup>27</sup> Andrea Pozas-Loyo & Julio Ríos-Figueroa, *Anatomy of an Informal Institution: The "Gentlemen's Pact" and Judicial Selection in Mexico*, 39 INT'L POL. SCI. REV. 647 (2018).

<sup>28</sup> *Id.* at 647–61.

created the Federal Judicial Council, introduced merit examinations for becoming a judge, and regulated the judicial career. The patronage system of judicial selection was terminated. However, the separation of administrative and jurisdictional tasks was not entirely successful, since the SC still exerts considerable influence over the judicial career and the administration of the judiciary.<sup>29</sup>

The distinction between insiders and outsiders captures part of the FJ's corporatist culture. This classification is common knowledge among members of the judiciary and the legal community, including academia, but it is theoretically underdeveloped. Here, we take this concept and build upon it two archetypes that we claim are useful for understanding the CJ's role in Mexico and probably in other hierarchical career judiciaries.

An insider is a justice who has made the most of their professional career within the FJ, starting from a young age as a lower-ranking official in a trial court or as a clerk at the SC, then becoming a trial court judge, an appellate court judge, and finally reaching the SC. A long career within the judiciary is usually associated with a more formalist approach to constitutional interpretation.<sup>30</sup> In contrast, a justice is an outsider if they made most of their professional career outside the judiciary—in private legal practice, academia, or legal departments within the public administration. Since 1994, outsiders have been associated with a more open approach to constitutional interpretation but also with a weaker knowledge of the internal workings of the judiciary.

### 3. Mexico's chief justices under constitutional stress, 2018–24

In this section, we focus on the organizational dimension to explain the role of the CJ in Mexico during the period of constitutional stress. Specifically, we aim to show that this dimension illuminates the critical relationship between the individual CJ and the FJ, which marked the radically different tenures of CJs Zaldívar and Piña. The institutional framework of the office was the same; however, the relationship between the CJ and the judiciary as an organization was radically different. We argue that a key variable in accounting for this difference was whether the CJ was an insider or an outsider.

We aim to show that these archetypes are useful for understanding the clear differences between CJs Zaldívar and Piña in terms of organizational resources, individual allegiance to or disaffection from the judiciary, and their relationship with the president. To be clear, we do not claim that these are the *only* relevant variables or that they are sufficient to fully account for all the differences between these two CJs. Our

<sup>29</sup> Julio Ríos-Figueroa & Mariano Sánchez-Talanquer, *Perverse Autonomy: Bureaucratic Insiders and Strategic Adaptation to Meritocratic Reforms* (2025) (unpublished manuscript) (on file with authors).

<sup>30</sup> Karina Ansolabehere et al., *Conceptualizar y Medir la Cultura Legal*, 29 *POLÍTICA Y GOBIERNO* 1 (2022); Azul Aguiar, *Beyond Justices: The Legal Culture of Judges in Mexico* (Ger. Inst. of Global & Area Stud. Working Paper No. 332, 2020), [www.giga-hamburg.de/en/publications/giga-working-papers/beyond-justices-the-legal-culture-of-judges-in-mexico](http://www.giga-hamburg.de/en/publications/giga-working-papers/beyond-justices-the-legal-culture-of-judges-in-mexico).

claim is that these organizational variables illuminate the differences, are useful for such an analysis, and complement the individual and institutional perspectives.

Given their organizational identity, we posit the following empirical expectations for the archetypes. An outsider CJ would be more likely to promote reforms challenging corporatist practices, more likely to face resistance from judges and judicial officials, and more likely to be perceived by the executive as an ally in its confrontation with the judiciary. An insider CJ, in turn, would carry a corporatist legacy and have a closer connection to the judiciary's rank and file. The judiciary's *esprit de corps* can be crucial for defending judicial autonomy in the face of encroachments and for enabling the Court to function as an effective check. Hence, we argue that in hierarchical career judiciaries, such as that of Mexico, the backing of the judicial body and the *esprit de corps* may give insider CJs an important source of strength and motivation to defend judicial independence in contexts of democratic stress.

In what follows, we first discuss what, in some accounts, can be considered the more positive aspects of Justice Zaldívar's term as the first outsider CJ, and then his more controversial actions. Next, we do the same with insider CJ Piña's term, although in this case the reader must note that at the time of this writing our assessment is based on incomplete evidence, since we cover events only up to November 2024. Her term was scheduled to end in December 2025, but a judicial reform proposed by President López Obrador that restructured the judiciary's organizational framework was approved in September 2024. Among other things, the reform calls for the popular election of all judges in Mexico, including SC justices. The first elections are scheduled for June 1, 2025.

### 3.1. The first outsider chief justice: Arturo Zaldívar (2019–22)

The election of AMLO to the presidency in 2018 took place in a context of both challenges and progress regarding the FJ. The judiciary's institutional framework had been redesigned by a constitutional reform in 1994, aimed at enhancing the SC's role in resolving political conflicts and ensuring constitutional rights. This reform also created a professional judicial career and shifted administrative control to a Judicial Council.<sup>31</sup> While the post-1994 judge selection process was undoubtedly much better than the pre-1994 informal selection, issues such as nepotism complaints and the SC's involvement in administrative matters persisted.<sup>32</sup> The promise to strengthen the SC's role in checks and balances and the protection of rights had yielded mixed results, with its neutral arbitration role better established than its rights-protection role, but with a historically positive, albeit slow, trend in both.<sup>33</sup> A major challenge was to build social support, given that, by design, access to constitutional justice was highly

<sup>31</sup> Fix-Fierro, *supra* note 22.

<sup>32</sup> Julio Ríos-Figueroa, *Family Ties and Nepotism in the Mexican FJ*, in *THE LIMITS OF JUDICIALIZATION: FROM PROGRESS TO BACKLASH IN LATIN AMERICA* 195 (Sandra Botero, Daniel M. Brinks, & Ezequiel González-Ocantos eds., 2022).

<sup>33</sup> Karina Ansolabehere, *More Power, More Rights? The Supreme Court and Society in Mexico*, in *CULTURES OF LEGALITY: JUDICIALIZATION AND POLITICAL ACTIVISM IN LATIN AMERICA* 78 (J. Couso, A. Hunneus, & R. Sieder eds., 2010).

restricted for ordinary citizens. Shortsightedly, the FJ invested little in publicizing its achievements and building social legitimacy. By 2018, the FJ faced several challenges, but it was far from the politically marginal, semi-professionalized, and corrupt institution of the late hegemonic PRI era (1977–94).

Against this backdrop of weak social legitimacy,<sup>34</sup> AMLO's anti-elite rhetoric found fertile ground. Moreover, the July 2018 elections resulted in a unified government, in which MoReNa and its allies obtained a supermajority of seats in the House of Deputies and a comfortable majority in the Senate, as well as the executive branch. This scenario of unified government had not occurred since 1997, when the Institutional Revolutionary Party (PRI) lost its majority in the Chamber of Deputies and then the presidency in 2000. Facing a supportive legislature and a judiciary with weak popular support, the executive was tempted to remake the institutions of the justice system.<sup>35</sup>

The first SC vacancy under AMLO opened on December 1, 2018, and he swiftly filled it by December 18, with little Senate scrutiny. This was significant because the Court would soon vote on the new CJ for the next four years. Justice Zaldívar, an outsider, had hinted at his ideological alignment with the president.<sup>36</sup> Zaldívar, appointed by former President Calderón in 2009, had built a reputation for supporting human rights during his nine-year tenure on the Court before becoming CJ on January 2, 2019. All previous CJs had been insiders, and tensions with outsiders were evident as early as the election of the outgoing CJ in January 2015 (Aguilar), which required 32 voting rounds and an insider's vote change to defeat Zaldívar.<sup>37</sup>

Zaldívar's tenure aligned in several ways with the expected characteristics of an outsider CJ. First, he pushed for reforms targeting corporatist practices. A key element of his efforts was a constitutional reform passed in December 2020. This reform strengthened the Judicial Council, enhanced the judicial career through a Judicial School in charge of merit-based examinations for judges and clerks, and addressed the problem of nepotism. The reform mandated disclosing all relatives working in the judiciary and empowered the Council to enforce a policy limiting the number of relatives working in the same circuit. The reform also strengthened the Public Defender's Office and promoted gender equality across all areas and levels of the FJ. Complying with a 2019 gender-parity constitutional reform, during Zaldívar's tenure the percentage of

<sup>34</sup> Between 1994 and 2018, only an average of 26% of the population declared having "much" or "some" confidence in the judiciary (and in no year did this percentage exceed 40%). *Informe Latinobarómetro 2024: La Democracia Resiliente*, LATINOBARÓMETRO, [www.latinobarometro.org/lat.jsp](http://www.latinobarometro.org/lat.jsp) (last visited Apr. 8, 2025).

<sup>35</sup> Fitzgibbons, *supra* note 6, at 4.

<sup>36</sup> See, e.g., Arturo Zaldívar, *The Supreme Court Should Listen the Message of the Ballots*, MILENIO (Sept. 18, 2018), <https://www.milenio.com/opinion/arturo-zaldivar/los-derechos-hoy/la-suprema-corte-ante-el-mensaje-de-las-urnas>.

<sup>37</sup> See Jesús Aranda, *Luis María Aguilar Morales, Nuevo Presidente de la Suprema Corte*, LA JORNADA (Jan. 3, 2015), [www.jornada.com.mx/2015/01/03/politica/003n1pol](http://www.jornada.com.mx/2015/01/03/politica/003n1pol). On Zaldívar's term, see Mauro Rivera, *Undermining Judicial Independence: Chief Justices and Political Alignment in Mexico's Judicial Politics*, in *JUDICIAL INDEPENDENCE IN TRANSITIONAL DEMOCRACIES* (Rhona Smith et al. eds., 2024). Future research should consider expanding the analysis of insiders/outsidees beyond the CJ and to the entire Supreme Court (SC) and extending the period to cover 1994 to 2024.

women among all new judges recruited through merit-based examinations jumped to 64%, compared to the historical 20% that had been prevalent under all previous CJs.<sup>38</sup>

The 2021 reform, however, generated controversy because it further concentrated power in the SC and the Judicial Council while keeping intact the Court's influence over the Council and weakening internal judicial independence.<sup>39</sup> Moreover, the way the reform was conceived and prepared exposed and accentuated Zaldívar's disconnect from and lack of allegiance to the judiciary. CJ Zaldívar himself, along with a small group of collaborators, designed the reform, and the president submitted it to Congress. Prominent members of the judiciary, as well as commentators in academia and the news media, criticized the non-collegial nature of the creation and approval of the reform, attributing it to Zaldívar's outsider status.<sup>40</sup> In fact, the ideological and political proximity that CJ Zaldívar displayed toward AMLO and his agenda, even before being elected as head of the judiciary, was perhaps the hallmark of his tenure.

The 2021 reform was multifaceted. Zaldívar's own characterization of it was ambivalent: at times he presented it as the most important judicial reform of the last twenty-five years, and at other times he presented it as self-reform (*auto-reforma*) that saved the judiciary from greater intervention.<sup>41</sup> It is noteworthy that during the first two years of AMLO's administration, there were 105 constitutional reform proposals involving the judiciary, most of them presented by MoReNa, several of which were very radical.<sup>42</sup>

The reform clearly showed Zaldívar's closeness to the president. As expected, he was perceived by AMLO as an ally in his confrontation with the judiciary. This relationship was most evident in the last-minute inclusion of a transitory article in the secondary legislation that accompanied the reform, which extended Zaldívar's term as CJ by two more years, until the end of AMLO's term in 2024. There was broad agreement that this extension was grossly unconstitutional, since Article 97 of the Mexican Constitution explicitly limits the CJ's term to four years with no immediate reelection.<sup>43</sup>

Nevertheless, President López Obrador strongly defended the extension, saying: "there is no ambiguity about my position, I am in favor of reforming the Judiciary. . . I

<sup>38</sup> Josafat Cortez & Julio Ríos-Figueroa, *La Presidencia de la SCJN y el Reclutamiento Judicial, 1995–2022*, WILSON CTR. BLOG (Dec. 13, 2022), [www.wilsoncenter.org/article/la-presidencia-de-la-scn-y-el-reclutamiento-judicial-1995-2022-persisten-los-concursos](http://www.wilsoncenter.org/article/la-presidencia-de-la-scn-y-el-reclutamiento-judicial-1995-2022-persisten-los-concursos).

<sup>39</sup> MICHAEL ROYA NEGRETE, EL PRECEDENTE JUDICIAL EN LA JURISPRUDENCIA DE LA SUPREMA CORTE DE JUSTICIA DE LA NACIÓN (2022).

<sup>40</sup> See, e.g., Juan Jesús Garza Onofre et al., *¿Qué Propone la Iniciativa de Reforma Judicial de AMLO y Zaldívar?*, NEXOS: EL JUEGO DE LA SUPREMA CORTE (Feb. 13, 2020), <https://eljuegodelacorte.nexos.com.mx/que-propone-la-iniciativa-de-reforma-judicial-de-amlo-y-zaldivar/>.

<sup>41</sup> See Arturo Zaldívar, *Conferencia: La Gran Reforma Judicial de 2021* (Jan. 10, 2022), <https://arturozaldivar.com/video/conferencia-gran-reforma-judicial-ano-20/>; Andrea Pozas-Loyo, *La Suprema Corte y el Presidente Frente a la "Cuarta Transformación" de México*, 2021 ANUARIO DE DERECHO PÚBLICO 645.

<sup>42</sup> Cortéz & Saavedra, *supra* note 6, at 4.

<sup>43</sup> See Fabiola Martínez & Laura Poy, *López Obrador a Favor de Ampliar Periodo de Zaldívar al Frente de la SCJN*, LA JORNADA (Sept. 17, 2023), [www.jornada.com.mx/notas/2021/04/16/politica/lopez-obrador-a-favor-de-ampliacion-en-periodo-de-zaldivar-en-scnj/](http://www.jornada.com.mx/notas/2021/04/16/politica/lopez-obrador-a-favor-de-ampliacion-en-periodo-de-zaldivar-en-scnj/); Roberto Garduño & Nestor Jiménez, *Extender la Presidencia de la SCJN no es Inmoral: López Obrador*, LA JORNADA (Apr. 19, 2021), [www.jornada.com.mx/noticia/2021/04/19/politica/extender-presidencia-de-ministro-zaldivar-no-es-inmoral-lopez-obrador-5978](http://www.jornada.com.mx/noticia/2021/04/19/politica/extender-presidencia-de-ministro-zaldivar-no-es-inmoral-lopez-obrador-5978).

have trust in the Chief Justice, I consider him an honest person, and if his term is expanded with the purpose that he implements the reform I agree. . . .”<sup>44</sup> Moreover, when questioned about the evident unconstitutionality of the term extension, President López Obrador turned to its “morality”: “[T]he term extension is not immoral, on the contrary, I claim that [Chief Justice Zaldívar] helps to moralize the Judicial Power, the majority of Justices comes from the old regime, there is no other profile to assume as Chief Justice. [The extension] is due to the circumstances.”<sup>45</sup> After strong national and international pressure to repeal the extension, and an ambiguous position by CJ Zaldívar, the SC unanimously declared it unconstitutional. This episode made clear the lengths the president and his majority in Congress were willing to go to preserve Zaldívar as CJ.<sup>46</sup>

During Zaldívar’s term, there were several controversial episodes in which the capacities and prerogatives of the CJ’s office were arguably used in ways consistent with the president’s explicit desires and interests. The use of agenda-setting powers to control the timing of politically charged cases and to influence vote alignment in high-profile cases generated much discussion.<sup>47</sup> A notable case in which the Court’s timing was controversial—and ultimately favorable to the executive’s preferences—was the executive’s unilateral action known as the Militarization Agreement, published in May 2020. This agreement legally authorized the armed forces to conduct arrests, including those of migrants, seize assets, execute arrest warrants, preserve and secure crime scenes, investigate, and process evidence (among other functions). It also delegated to the armed forces the tasks of preventing crime and maintaining order and public security in all places under federal jurisdiction (e.g., airports, customs, and federal roads).

This agreement created deep concern in the legal community; many experts argued that it was unconstitutional.<sup>48</sup> Unsurprisingly, the agreement was immediately challenged as a matter of urgency.<sup>49</sup> However, twenty-nine months elapsed between the publication of the unilateral action and the Court’s decision (CC 90/2020). Yet this slow pace was sharply accelerated after the president’s coalition fast-tracked a law transferring the National Guard to the Ministry of National Defense (after failing to pass it as a constitutional reform),<sup>50</sup> and only eleven days after a constitutional reform

<sup>44</sup> Fabiola Martínez & Laura Poy, *López Obrador a Favor de Ampliar Periodo de Zaldívar Frente a la SCJN*, LA JORNADA (Apr. 16, 2021), [www.jornada.com.mx/notas/2021/04/16/politica/lopez-obrador-a-favor-de-ampliacion-en-periodo-de-zaldivar-en-scnj/](http://www.jornada.com.mx/notas/2021/04/16/politica/lopez-obrador-a-favor-de-ampliacion-en-periodo-de-zaldivar-en-scnj/).

<sup>45</sup> Zaldívar Moraliza al Poder Judicial, *Ampliar su Mandato es Inconstitucional Dice AMLO*, ANIMAL POLÍTICO (Apr. 19, 2021), [www.animalpolitico.com/2021/04/zaldivar-ampliar-mandato-no-inconstitucional-amlo](http://www.animalpolitico.com/2021/04/zaldivar-ampliar-mandato-no-inconstitucional-amlo).

<sup>46</sup> See Pozas-Loyo, *supra* note 42.

<sup>47</sup> *Observatorio de la Suprema Corte. Diagnóstico de la transparencia procesal*, México Evalúa (July 5, 2022), <https://www.mexicoevalua.org/wp-content/uploads/2022/07/observatorioscnj-vf-5jul.pdf>. See also Mauro Rivera, *Voting Protocols as Informal Judicial Institutions: Between Diminished Enforceability and Strategic Breaching*, 73 INT’L & COMP. L. Q. 747 (2024).

<sup>48</sup> See Nuria González (ed.), *UN ACUERDO DESCONCERTANTE: ¿EMERGENCIA POR MOTIVOS DE SALUD O SEGURIDAD?* (2020).

<sup>49</sup> Pozas-Loyo, *supra* note 42.

<sup>50</sup> Alfredo Maza, *Pese a Protestas, el Senado Aprueba sin Cambios la Reforma para que la Guardia Nacional pese al Ejército*, ANIMAL POLÍTICO (Sept. 8, 2022), <https://animalpolitico.com/seguridad/guardia-nacional-senado-debate-sobre-reforma-amlo>.

that extended until 2028 the period in which the armed forces would be engaged in public security operations. The timing of this decision was highly consequential, as was the agenda-setting power used to discuss this controversy in isolation, focusing on a narrow technical question despite having other directly related pending cases.<sup>51</sup>

The CJ's handling of the Electricity Law case was also controversial (AI 64/2021). The president aimed to reverse the 2013 constitutional amendment, which allowed private investment in the energy sector. In 2021, the executive introduced legislation that embodied his vision for the electricity sector, and MoReNa's majority passed it in Congress. The law was challenged and eventually reached the SC. While eight justices found the reform unconstitutional, one disagreed on the legal grounds of this judgment. Zaldívar disaggregated the votes, and as a result, only seven votes were counted against the constitutionality of the law. The CJ's vote-counting method drew significant debate, with several analysts seeing it as a strategic move favoring the president's desired outcome, while others disagreed.<sup>52</sup> These behaviors are consistent with our expectations: in contexts of constitutional stress, outsiders are more likely to be perceived by strong executives as allies in their confrontation with hierarchical career judiciaries.

After Judge Juan Pablo Gómez granted the first injunction against the Electricity Law, before the case reached the SC, AMLO sent a public letter asking Zaldívar to investigate the judge for possible corruption charges. Zaldívar responded that he would send the complaint to the Judicial Council (which he presided over) and open an investigation. This instance illustrates the influence of the CJ's administrative power over lower court judges. It is also one of several instances in which Zaldívar's behavior was perceived as demonstrating a lack of individual allegiance and disregard toward individual members of the FJ. His behavior was viewed by many judicial officials as showing a lack of support for lower court judges who faced direct attacks from the president, creating significant grievances within the organization.

### 3.2. The return of an insider, and first female, chief justice: Norma Piña (2023–25)

During December 2022, the last month of Zaldívar's term as CJ, there was an intense political debate regarding the selection of the next CJ. In that process, a scandal broke out in the news that derailed AMLO's second-best option (the first was to extend

<sup>51</sup> Santiago Aguirre-Espinosa, *El Acuerdo Presidencial Sobre el Uso de la Fuerza Armada en Tareas de Seguridad Pública*, in *LA SUPREMA CORTE EN 2022*, at 355 (Andrea Pozas-Loyo et al. eds., 2024). In September 2024, a constitutional reform was successfully approved that incorporated all features of military empowerment described above.

<sup>52</sup> See Jesús Carrillo Castillo, *La SCJN y la Ley de la Industria Eléctrica: la Votación de los Ministros*, GATOPARDO (Apr. 8, 2022), <https://gatopardo.com/opinion/scjn-ley-industria-electrica-votacion-ministros/>. Compare Mariana Velasco Rivera, *When Judges Threaten Constitutional Governance: Evidence from Mexico*, I•CONNECT BLOG (June 16, 2022), [www.iconnectblog.com/when-judges-threaten-constitutional-governance-evidence-from-mexico/](http://www.iconnectblog.com/when-judges-threaten-constitutional-governance-evidence-from-mexico/) with Roberto Niembro, *Seeing the Whole Picture of Debate in the Mexican Supreme Court*, I•CONNECT BLOG (June 29, 2022), [www.iconnectblog.com/seeing-the-whole-picture-of-the-debate-in-the-mexican-supreme-court-a-response-to-when-judges-threaten-constitutional-governance-evidence-from-mexico/](http://www.iconnectblog.com/seeing-the-whole-picture-of-the-debate-in-the-mexican-supreme-court-a-response-to-when-judges-threaten-constitutional-governance-evidence-from-mexico/).

Justice Zaldívar's term): a professor at the National University showed that Justice Esquivel, appointed by AMLO in March 2019, had plagiarized her bachelor's thesis.<sup>53</sup> The scandal forced the justices to consider previously unforeseen alternatives, and six of them voted for Norma Piña in the first session of January 2023, making her the first female CJ in the country's history. This election changed the relationship between the SC and the executive, as well as the relationship between the Court and the rest of the judiciary.

CJ Piña is an insider. A graduate of the National University, her professional career progressed from clerking in lower courts and the SC to serving as a judge at the district and circuit levels, and eventually to the SC. As expected of an insider, CJ Piña highlighted her election as a collective project—the project of the entire judiciary and the result of collegial collaboration inside the SC. Justice Piña thus clearly differentiated herself from her predecessor, emphasizing collegiality over individuality.<sup>54</sup>

From the very beginning of her tenure, CJ Piña emerged as a figure who would stand for the entire judiciary, defending the integrity of federal judges against what they perceived were unsubstantiated attacks launched by the president. In her political role as representative of the judiciary, a controversial symbolic manifestation of this new relationship with the executive took place on Constitution Day (February 5, 2023): CJ Piña did not stand up when the president arrived at the theater where the official ceremony was about to take place (she then stood once the official ceremony began).<sup>55</sup> In that ceremony, CJ Piña gave a speech defending the independence of judges and of the judiciary, “not as a privilege of the judges but as a right of the citizens who come before the courts seeking justice,” and she added that “to face the injustices that generate dissatisfaction and discontent the only solution is institutional strengthening.”<sup>56</sup>

CJ Piña obtained support from federal judges and judicial officials. This important organizational support derived at least partly from the fact that, from the beginning, she was perceived as—and has behaved as—a member of the organization. The Constitution Day ceremony sparked strong reactions from government supporters. The Association of Judges and Magistrates issued a message supporting the position of CJ Piña.<sup>57</sup> The synergy between the CJ's office and the associations of federal judges and magistrates has improved compared to Zaldívar's tenure. The strong corporatist tradition of the Mexican FJ has had some negative effects, but in a context of constitutional stress, CJ Piña linked her role as representative of the

<sup>53</sup> AristeguiNoticias, *Yasmín Esquivel plagió su tesis*; Sheridan, ARISTEGUI (Dec. 21, 2022), <https://aristeguinoticias.com/2112/mexico/yasmin-esquivel-plagio-tesis-acusa-articulo-totalmente-falso-responde-ministra/>.

<sup>54</sup> Mariana Velasco Rivera, Chief Justice Norma Piña (2024) (unpublished manuscript) (on file with authors).

<sup>55</sup> Darinka Rodríguez, *López Obrador Responde al Polémico Gesto de la Presidenta de la Corte: Me Llega de Orgullo*, EL PAÍS (Feb. 6, 2023), <https://elpais.com/mexico/2023-02-06/lopez-obrador-responde-al-polemico-gesto-de-la-presidenta-de-la-corte-me-llega-de-orgullo.html>.

<sup>56</sup> Pablo Ferri, *Norma Piña Defiende la Independencia Judicial Ante López Obrador*, EL PAÍS (Feb. 6, 2023), <https://elpais.com/mexico/2023-02-05/norma-pina-defiende-la-independencia-judicial-ante-lopez-obrador.html>.

<sup>57</sup> See JUFED, <https://jufed.org/> (last visited Apr. 8, 2025) (see, in particular, the various communiqués).

judiciary to her administrative role as president of the Judicial Council, assuming a defense of the organization, its autonomy, and its role in the system of checks and balances.

During her tenure as CJ, Piña has overseen significant SC decisions. Perhaps the most notable came in the case of the electoral reform pushed by AMLO's government, which favored incumbents and severely weakened the Electoral Institute.<sup>58</sup> The breadth and depth of the reform required the amendment of several constitutional articles. MoReNa and its allies did not get enough votes for this, but nonetheless their legislative majority passed two sets of secondary laws with very similar content. The laws were, therefore, in many aspects openly unconstitutional. Moreover, the laws were passed on the last day of the legislative period, bypassing procedural rules. This electoral reform triggered many reactions, both in Mexico and abroad. There were a few mass demonstrations in defense of the Electoral Institute. Of course, the laws were challenged before the SC, which, on May 8 and June 22, nullified the electoral reform on procedural grounds.<sup>59</sup> In sum, CJ Piña's tenure was consistent with the expectation that in hierarchical career judiciaries, the backing of the judiciary's institutional structure and *esprit de corps* gives insiders an important organizational resource and resolve to defend judicial autonomy and serve as a check in contexts of constitutional stress.

When asked to evaluate laws containing openly unconstitutional provisions, the SC is forced to choose between self-nullification—if these laws are upheld—and the potentially aggressive reactions by AMLO and his political allies if the statutes are rejected.<sup>60</sup> In this endeavor, since the election of CJ Piña, the judiciary's *esprit de corps* has been crucial. President López Obrador has remained highly popular, and the FJ lacks strong social support. Doubling down, on February 5, 2024 (again on Constitution Day), AMLO presented a new constitutional reform proposing the popular election not only of justices but of all judges in the country.<sup>61</sup>

The judicial reform was one among many—a package of eighteen reforms that AMLO presented to influence the electoral campaigns of the general election on June 2, 2024. In the election, MoReNa's candidate, Claudia Sheinbaum, was elected president with 59% of the votes, and MoReNa's legislative coalition obtained 54% and

<sup>58</sup> All previous electoral reforms since 1977—crucial for the transition to democracy—had either improved representation or strengthened the Electoral Institute. For an analysis of the reform, see *Informe sobre las implicaciones del Plan B de la reforma electoral*, INSTITUTO NACIONAL ELECTORAL (Jan. 30, 2023), [www.ine.mx/informe-sobre-las-implicaciones-del-planb-de-la-reforma-electoral/](http://www.ine.mx/informe-sobre-las-implicaciones-del-planb-de-la-reforma-electoral/).

<sup>59</sup> AMLO and MoReNa enacted other statutes with openly unconstitutional provisions, sometimes grossly violating the legislative procedure. One example is the reform transferring the National Guard to the Secretary of Defense. The SC nullified that law on April 18, 2023, *Acción de Inconstitucionalidad 137/2022*. See also Paula Sofía Vazquez, *El Fin del Plan B Electoral?*, NEXOS: EL JUEGO DE LA SUPREMA CORTE (June 22, 2023), <https://eljuegodelacorte.nexos.com.mx/el-fin-del-plan-b-la-forma-si-es-fondo-y-el-desaseo-legislativo/>.

<sup>60</sup> See, e.g., Erin F. Delaney, *Analyzing Avoidance: Judicial Strategy in Comparative Perspective*, 66 DUKE L.J. 1 (2016).

<sup>61</sup> Zedryk Raziél, *López Obrador Pide para 2024 una “Revocación Tajante” de la Suprema Corte*, EL PAÍS (Aug. 30, 2023), <https://elpais.com/mexico/2023-08-30/lopez-obrador-senala-que-en-2024-debe-haber-una-renovacion-tajante-de-la-suprema-corte.html>.

52% of the votes for the Chamber of Deputies and Senate, respectively. However, due to the overrepresentation formula that was applied, MoReNa managed to obtain legislative supermajorities in both chambers, allowing them to amend the Constitution. President Claudia Sheinbaum has supported AMLO's reforms, including the judicial reform that would remove all judges in the country (starting with the FJ) and open their positions to electoral competition.

Judicial officials and judges, along with their organizations and associations, went on strike for two months to oppose the reform, demanding that their voices be heard. CJ Piña supported the efforts. At the time of this writing, lawsuits challenging the reform are pending before the SC. There are also hundreds of complaints by individual judges before the Inter-American Commission on Human Rights. The government, however, is proceeding with the reform. The popular election of the SC, the Electoral Tribunal, a new Tribunal of Judicial Discipline, and half of the federal district and circuit court judges is scheduled for June 1, 2025.

In a context of constitutional stress and such overwhelming political hegemony, a CJ can hardly stop the executive's actions, even if backed by the judiciary's organizational structure. However, from this fact, it does not follow that the FJ's institutional response will have no impact on the implementation and effectiveness of such a reform. Moreover, we believe that the very fact that the judicial reform explicitly targeted the organizational structure of the FJ and the conditions enabling its *esprit de corps* is testament to its significance.

#### 4. Conclusion

To conclude, we want to emphasize two elements of the account we have presented that we believe can enrich our collective understanding of both the CJ's role and that of the judiciary more broadly.

First, we argued for the fruitfulness of studying the judiciary from an organizational perspective. We built on previous literature that underscores the differences between horizontal recognition judiciaries and vertical career judiciaries, and we argue that the insider/outsider archetypes are useful in explaining judicial behavior in vertical career judiciaries in contexts of constitutional stress. We showed that these archetypes account for differences in organizational resources, individual allegiance to or disaffection from the judiciary as an organization, as well as their perception by other authorities, particularly the executive. We argue that these organizational dimensions make outsiders more likely to promote reforms against corporatist practices, more likely to face resistance from and disconnection with judges and judicial officials, and more likely to be perceived by the executive as an ally in their confrontation with the judiciary. On the other hand, whereas insider CJs tend to carry a corporatist legacy, they also have a closer connection to the judiciary, which is an important organizational resource in times of constitutional crisis. We argue that in vertical career judiciaries, the backing of the institution and the *esprit de corps* gives insiders an important organizational source of strength and resolve to defend judicial autonomy and serve as a check on government.

Second, we consider that our account joins the many voices from different disciplines that have pushed for the critical examination of both the “meritocratic ideal”<sup>62</sup> and the vilification of other organizational forms, such as corporatism. In this connection, we found it particularly interesting that, under the context of constitutional stress in Mexico, a “bright side” of judicial corporatism was revealed and that it coexisted with the persistence of other “darker” sides. This calls for caution regarding a priori overgeneralizations that lack empirical and systematic analysis on the benefits and costs of different organizational structures in distinct contexts.

<sup>62</sup> See, e.g., DANIEL MARKOVITS, *THE MERITOCRACY TRAP* (2019).