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Texas and the Borderlands
History 5939
23 April 2001

The Basis of Mexican Liberalism 1824

Independence from Spain was achieved in an era dominated by constitutional determinism. The fall of Iturbide intensified this optimism among Mexican liberals, who backed their arguments by citing the spectacular success of the United States. It was under the aegis of this epoch that the Mexican Constitution of 1824 was written by a liberal Congress.

This Constitution, framed in optimism, failed to be the harbinger of prosperity. The reasons for this failure are many and generally undisputed; a wrecked, seigneurial economy; uneven distribution of wealth; a lack of national identity with unified goals. The purpose of this paper is not to examine the reasons for failure, but the nature of the failure. Were the framers of this Constitution aware of these obstacles? Was the Constitution written to fit the situation or was it an alien document--a total rejection of the Spanish system? Was failure due to gross naivete --a misapplication of liberal principles? Was the United States the model for this Constitution? Did Mexican liberal thought draw its inspiration from the American experience or from the continental experience? The answers to these questions revolve around the nature of Mexican liberalism.

Classic liberalism as developed in the western world and the 19th century and supported by the American and the French Revolutions can be traced to the Enlightenment. The rational and scientific approach to religious, social, political and economic issues engulfed all of Europe, but find best expression with the French Philosophers. There are two sources of liberal methodology: the English tradition with its well established liberal institutions and the basis of the American experience; and the French tradition with its wrecked institutions and the basis of the continental experience. These two traditions are not always distinct and often merge in theory, but become quite distinct in practice.

The American Revolution, which caused a great stir in France, was virtually unnoticed in Spain.^{1[1]} The French Revolution, on the contrary, split Spanish unity, raising the fear that the now vibrant spirit of inquiry would extend to the sacrosanct realms of politics and religion. The result was wholesale reaction by Floridablanca, chief royal minister, against all reformist thoughts judged to be "French."^{2[2]}

With the forced abdication of Charles IV and Ferdinand VII by Napoleon, a spirit of liberalism rose in Spain and was embodied in the Spanish Constitution of 1812. This document was rescinded in 1814 and re-instated in 1820. It was the reinstatement of this document that allowed the two opposing forces, with cross purposes, to effect the independence of Mexico in a swift and bloodless coup. The duality of purposes can be

^{1[1]} Charles A. Hale, Mexican Liberalism in the Age of Mora, 1821-1853 (New Haven and London: Yale University Press, 1968), 62.

^{2[2]} *Ibid.*, 63.

best illustrated by the Plan of Iguala, which Lorenzo de Zavala called a "political masterpiece."^{3[3]} One of the provisions of the plan declared:

All the inhabitants of New Spain, without any distinction whatsoever between Europeans, Africans or Indians, are citizens of this monarchy, with the option of choosing any employment which accords with their merits and virtues.^{4[4]}

To the conservative, this meant the status of Europeans would be guaranteed; to the liberal it meant the abolition of slavery. However, the Mexican oligarchy did not split neatly into the two opposing camps that led to independence. There were republicans, monarchist and Bourbon factions with liberal and conservative elements within in each of these factions. The oligarchy was further split with groups friendly and hostile to Agustín Iturbide.^{5[5]} The fall of Iturbide introduced another split, the centralist and the federalist factions. This group was composed of the rich landowners, both Spanish and Creole; the top clergy; and the bureaucrats. In general, this group distrusted the United States and was strongly Catholic.^{6[6]} The minority faction, known as the reform party consisted of the petty bourgeoisie, young lawyers and others of the professional class, and the lower clergy. This group was, in general, liberal, distrustful of Europe and very much against slavery in any form. The goals of this group were social and economic reforms; to root out all colonial vestiges and to eliminate privileges of both army and Church.^{7[7]}

^{3[3]}Ibid., 26.

^{4[4]} Victor Alba, The Mexicans (New York, Washington and London: Frederick A. Praeger, Publisher, 1967), 42.

^{5[5]} Justo Sierra, The Political Evolution of the Mexican People, Charles Ramsdell, trans. (Austin and London: University of Texas Press, 1969), 66.

^{6[6]}Ibid., 99-100

^{7[7]} Alba, The Mexicans, 30.

It was under these circumstances that elections were held and a new congress was convened to establish a form of government. It seems that the reform party members made the most eager politicians and as a result this congress was dominated by liberal forces.^{8[8]} Congress adopted the federal form of government, but it would be a mistake to equate liberalism with federalism. Jose María Luis Mora, who is the leading liberal spokesman of that era and who was instrumental in forming the Mexican Constitution, did not consider the form of government vital -- it was the limits of power.^{9[9]} Fray Servando Teresa de Mier, national deputy from Monterrey wrote in April, 1823:

We all want a republic. We only differ in that some want it confederated, and I, with the majority want it central, at least for ten or twelve years, because there do not exist in the provinces the necessary elements for each state to be sovereign and all would become disputes and divisions.^{10[10]}

Yet, the government adopted by Congress was federal in form. Can this be interpreted as rejection of the continental experience or is there a Mexican basis for federalism? The Spanish Constitution of 1812 did not provide for a viceroy. The provincial deputations were responsible directly to the King of Spain. The central form of the Spanish government became decentralized with independence. The state

^{8[8]} Sierra, The Political Evolution of the Mexican People, 203.

^{9[9]} Hale, Mexican Liberalism in the Age of Mora, 92.

^{10[10]} Mier to Ayuntamiento of Monterrey (April 2, 1823) In Diez Cartas Hasta Hoy Ineditos (Monterrey: Impresos Modernos, 1940) as quoted in Hale, Mexican Liberalism in the Age of Mora, 84.

governments of the Mexican federal system grew naturally out of the institution of the provincial deputation provided for by the Spanish Constitutions of 1812.^{11[11]}

Mora favored a federal form of government, but not the loose confederation of Switzerland or the United States. Mora was inspired by Benjamin Constant's "new type of federalism" one that entailed decentralization within a system where the presence of a central power was assumed. His remedy for the degeneracy of the *ayuntamientos* was more administrative responsibility, but he did not oppose the prefect system. He felt it was necessary, especially at the start "to make them take up their duties."^{12[12]}

An even greater indication that the Mexican liberal did not reject the continental experience is in the Constitution of 1824. This document shows strong traces of the Spanish Constitution of 1812. There is similarity of phrases, including introductory clauses. The plan for dividing topic the consecutive numbering of articles and the order of topics are identical.^{13[13]} There were major departures; federalism vs. centralism; a republic vs. a monarchy, but even these departures have their basis on the continental experience. The Mexican government was federal in form, but central in concept. Even in arguments for a republic, the rationale was continental. Mariano Otero -- "despotism, being foreign by tradition, is impossible. Without a political nobility, there

^{11[11]}Hale, Mexican Liberalism in the Age of Mora, 79.

^{12[12]} Hale, *Ibid*, 90.

^{13[13]} Hale, *Ibid*, 82.

can be no constitutional monarchy.”^{14[14]} This is a mere twisting of the observation by Constant that the French nobility had no function.^{15[15]}

If the Mexican liberal had a high regard for the Spanish Constitution of 1812 as is attested by the similarity of the documents, why did they favor independence? There was probably a strong desire on the part of the liberal to destroy all vestiges of colonialism, a strong desire for self determination. Mora, always moderate in his views, justified independence on the grounds that the Spanish cortes did not treat Mexico in accordance with the liberal provisions of the constitution.^{16[16]}

Was the United States the model for forming of the Mexican government? In one aspect, the United States was definitely the model. There was open admiration of the liberal institutions of the United States by most Mexican liberals. The success of the United States was the basis of their optimism. This open admiration has often lead even serious historians to dismiss the Constitution of 1824 as simply a naïve document put together by optimistic fools.^{17[17]} Delving deeper into its nature, it becomes clear that in a substantive way, the United States was not the model. When asked this question, Mora pointed out, "If America was from the beginning a kind of idyllic state of nature, how could it suddenly become a brilliant example of social emancipation?"^{18[18]} He reinforced this observation in another way, “ ... there was no Bentham, no Helvetias among the superlatively middle-class thinkers. ... Benjamin

^{14[14]} Hale, Ibid, 46.

^{15[15]} Hale, Ibid, 58.

^{16[16]} Hale, Ibid, 73-74.

^{17[17]} Lesley Byrd Simpson, *Many Mexicos*, (Berkeley, Los Angeles, and London, 1974), 234.

^{18[18]} Hale, Ibid, 206.

Franklins in fact, the Americans did not have to become Jeremy Bentham's in theory. Unchallenged men of business, they did not have to equate morality with it”^{19[19]} There is a touch of bitterness in these statements, they were made after the Mexican-American war, but they should not be interpreted as "sour grapes." Mora was consistent, his political essays in the early 1820's could have been written by Constant. He frequently quoted Montesquieu in his writings.^{20[20]}

There was great diversity in thinking among Mexican liberals, from Lorenzo de Zavala, who indeed wanted the United States to be the model, to José María Gutiérrez de Estrada who called for a constitutional monarchy because “ ... Everything in Mexico is monarchical.”^{21[21]} This is a case where labels used to define groups can be befogging of the real issues and lead to easy assumptions and false conclusions. In general, the Mexican liberals were very much aware of the obstacles to establishing a viable government after a long, destructive class war. The Spirit of the Laws by Montesquieu became the best known French book in Mexico.^{22[22]} The greatest mistake made by the liberals of this era was not that they were not aware of the problems, but that they underestimated the difficulty in overcoming these obstacles. And the greatest disservice we can render is to dismiss them because they failed.

^{19[19]} Louis Hartz, The Liberal Tradition in America,(New York, 1955), 54-55 as quoted in Hale, Mexican Liberalism in the Age of Mora, 207.

^{20[20]} Hale, *Ibid*, 77.

^{21[21]} Hale, *Ibid*, 27-28.

^{22[22]} Hale, *Ibid*, 49.

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