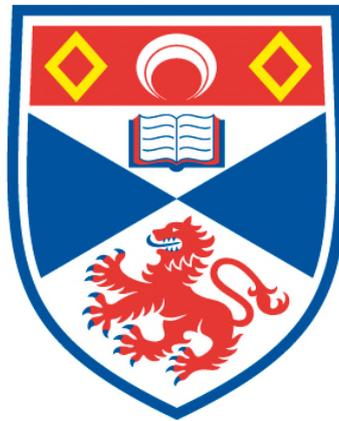


**THE POLITICAL CAREER AND IDEOLOGY OF MARIANO OTERO,
MEXICAN POLITICIAN (1817-1850)**

Melissa Boyd

**A Thesis Submitted for the Degree of PhD
at the
University of St Andrews**



2012

**Full metadata for this item is available in
St Andrews Research Repository
at:**

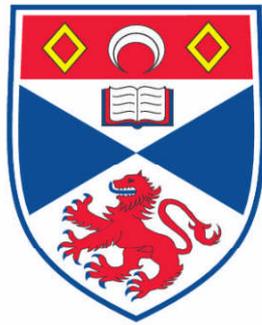
<http://research-repository.st-andrews.ac.uk/>

Please use this identifier to cite or link to this item:

<http://hdl.handle.net/10023/3637>

This item is protected by original copyright

The political career and ideology of Mariano Otero,
Mexican politician (1817-1850).



Melissa Boyd

Thesis submitted for the Degree of PhD.
University of St. Andrews

May 2012

Declarations

1. Candidate's declarations:

I, Melissa Boyd, hereby certify that this thesis, which is approximately 80.000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

I was admitted as a research student in September 2007, and as a candidate for the degree of PhD in September 2012; the higher study for which this is a record was carried out in the University of St Andrews between 2007 and 2012.

Date Signature of candidate

2. Supervisor's declaration:

I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of PhD in the University of St Andrews and that the candidate is qualified to submit this thesis in application for that degree.

Date Signature of supervisor

3. Permission for electronic publication: *(to be signed by both candidate and supervisor)*

In submitting this thesis to the University of St Andrews I understand that I am giving permission for it to be made available for use in accordance with the regulations of the University Library for the time being in force, subject to any copyright vested in the work not being affected thereby. I also understand that the title and the abstract will be published, and that a copy of the work may be made and supplied to any bona fide library or research worker, that my thesis will be electronically accessible for personal or research use unless exempt by award of an embargo as requested below, and that the library has the right to migrate my thesis into new electronic forms as required to ensure continued access to the thesis. I have obtained any third-party copyright permissions that may be required in order to allow such access and migration, or have requested the appropriate embargo below.

The following is an agreed request by candidate and supervisor regarding the electronic publication of this thesis:

(ii) Access to all of printed copy but embargo of all of electronic publication of thesis for a period of five years on the following ground(s):

- that electronic publication would preclude future publication;

Date Signature of candidate Signature of supervisor

Contents

| | |
|---|-----|
| Acknowledgments | i |
| Abstract | iii |
| Introduction | 1 |
| Part I. Mariano Otero; the myth, the man. | |
| Chapter 1: The myth | 13 |
| Chapter 2: The man | 38 |
| Part II. The moderate liberalism of Mariano Otero. | |
| Chapter 3: Ideology | 102 |
| Chapter 4: The Army | 123 |
| Chapter 5: The Church | 162 |
| Chapter 6: Federalism | 204 |
| Conclusion | 227 |
| Bibliography | 235 |

Acknowledgements

First and foremost I would like to thank my PhD supervisor, Prof. Will Fowler (c. p. b.), for his constant support, advice and direction, without which this thesis would not have been possible. Thanks are also due to Caroline, Tom, Ed, and Flo for sharing Will with us and patiently accepting visits and interruptions, even when on holiday in Spain!

I am grateful to my examiners, Dr. Henriette Partzsch and Dr. Keith Brewster, who made the examination process such an inspirational experience. I am indebted to them for their comments and insight on the finished product; all errors and omissions that remain are entirely my own.

I also wish to thank Bernard Bentley for his support over the last decade, first as a teacher, later as my secondary supervisor, and for always being on hand to resolve my “*dudas, preguntas, problemas*”.

To my fellow *mexicanistas* – Shara, Ana, Leticia, Kerry and Rosie – for ensuring that what could have been a very lonely process was filled with *compañerismo*, constant references to *pronunciamientos* and large servings of *tres leches*.

I will always be grateful to the staff and students at the Instituto de Investigaciones José María Luis Mora for allowing me to study and research with them for two years. Special thanks are due to Dr. Verónica Zárate Toscano for her help with navigating the archives and libraries of Mexico City, and to Dr. Eduardo Flores Clair, Dr. Fausta Gantus Inurreta and Dr. Laura Suarez de la Torre for agreeing to read and comment on the early stages of this thesis. To Dr. Flores Clair I am doubly indebted for the months of painstaking palaeography he saved me in allowing me access to his unpublished manuscript of Otero’s correspondence. To the staff of the Coordinación del Doctorado, at the Instituto, especially Dr. Ana Maria Serna and Maria José Celis. Finally, the entire class of 2009–2011 of the Maestría en Historia at the Instituto, who welcomed me not only into their classes but also into their lives, homes and families. ¡Mil gracias!

To Victoria Farrell, for whom I have only three words: as you wish.

To my family. To my father; without his unconditional support, this would never have been possible. For my mother, who would probably have preferred grandchildren but instead got Otero. For the long, long hours spent reading over my work and for the constant encouragement and support. To Vaughan and Noelia, for always being there to pick me up and cheer me on. More recently, to Laura – please hurry up and learn to read, there is so much Otero for you to catch up on!

Finally I am grateful to all the people who have made my years at St Andrews such a fantastic experience and who ensured that I was able to make it this far with my sanity, for the most part, intact. Elizabeth Hutchin, *por los cafes y las charlas*, and for everything else. Claire Murran, for being with me from the very first day of my PhD to the very last, and for every up and down in between. Ian Gaunt, for his support and encouragement, especially in the final stretch. Kit Kirkland, for providing me with a constant supply of coffee and reassurance. Barbara Fleming, Prof. Dina Iordanova, Lorna Sillar, Tom Watson, Sandra Cuthbertson, Ross, Ruth and Neil, and so many more.

Abstract

The traditionalist historiography of nineteenth-century Mexico produced a simplistic binary view of the period in which politics were characterised by a clear-cut liberal/conservative divide. According to this interpretation, the liberals were repeatedly depicted as the patriotic forefathers of the great reformist liberals of the mid-century Reforma period, whilst the conservatives were presented as the treacherous defenders of the dark forces of reaction. A revaluation of the fragmented politics of Mexican liberalism during the critical decade of the 1840s, focussing in particular on the actions and ideas of moderate political thinker and actor, Mariano Otero, provides a much needed nuanced understanding of the political issues, factions, and tendencies of the time. It highlights for one, the nature of the divisions that prevented Mexican liberals from presenting a united front, even during the traumatic Mexican-American War (1846-48). It also forces us to revise the view that there were only two political factions or worldviews during this period.

This thesis examines, therefore, Mexican moderate liberalism in the 1840s through the figure of Mariano Otero (Mexico, 1817-1850), never quite fully researched in the historiography. A moderate liberal ideologue, politician, lawyer and essayist, he was politically active during the turbulent decade from 1841 until his death in 1850. He served as congressional deputy in 1842 and 1846, senator from 1847-1849, and government minister in 1848. Author of the seminal *Ensayo sobre el verdadero estado de la cuestión social y política que se agita en la República Mexicana* (1842), and architect of the 1846 *Acta de Reformas* that reformed the 1824 constitution, he is lauded as the father of the *Juicio de Amparo* a legal recourse which provided the individual with a means of protection from the abuses of the state.

This thesis thus approaches the subject by offering an in-depth biographical study of Otero and an analysis of the political ideology that informed his writings and actions. By contrasting Otero's political ideas with those others that were in vogue and showing how these were, in turn, put into effect, bearing in mind a backcloth of political and military alliances that was constantly changing, the aim of this study is to allow the reader to understand the nature of Otero's political standpoint as well as that of Mexico's mid-century *moderados* in context. The Otero that emerges from this revision is a man of firm convictions, a committed constitutionalist, unwavering in his belief in federalism as the answer to Mexico's ills but forced to compromise to achieve his

aims. This was a man who in attempting to shape the time was himself shaped by it. Certainly no such cut and dried portrait as that previously portrayed emerges.

Introduction

The early national period in Mexico has been described as “one of the great unexplored territories of Mexican history,” a view backed by Timothy Anna who referred to that very same period as “the black hole of Mexican historiography.”¹ It is unsurprising therefore that these decades have come to be known as the forgotten years.² Furthermore, for a long time the view prevailed that the newly independent nation had been “a dreary landscape taken to be populated by self-serving dictators and military nabobs; a whirlpool of political disintegration, economic decay, general backwardness.”³ Slowly this view has been rejected as historians began to realise “que si México surgió como país con la promulgación de la Independencia, esto no significó el surgimiento inmediato de un Estado nacional; fue necesario un periodo formativo de las bases para la unificación nacional, la cual ha sido ubicada por diversos especialistas hasta finales del siglo XIX.”⁴ As this view spread, political historians shifted their focus from attempting to understand the causes of the alleged disintegration, to “actual political ideas, movements, groups, individuals and governments which emerged and developed from independence to the revolution.”⁵

As recently as 1999 Vazquez lamented that “hasta ahora, el primer periodo independiente se ha pintado solamente como de cacicazgos, caudillos, dictaduras,

¹ Eric Van Young, “Recent Anglophone Scholarship on Mexico and Central America in the Age of Revolution (1750-1850),” *The Hispanic American Historical Review*, Vol.65, No.4 (Nov., 1985), p.731, and Timothy E. Anna, “Demystifying Early Nineteenth-Century Mexico,” *Mexican Studies/Estudios Mexicanos*, Vol.9, No.1 (Winter, 1993), p. 119.

² Josefina Z. Vázquez, “Los años olvidados,” *Mexican Studies/Estudios Mexicanos*, Vol. 5, No. 2 (Summer, 1989), p. 314.

³ Anna, “Demystifying”, p. 120.

⁴ Hira de Gortari Rabiela, “La política en la formación del Estado Nacional,” *Revista Mexicana de Sociología*, Vol. 44, No. 1 (Jan. - Mar., 1982), p. 263.

⁵ Will Fowler, “Introduction: The ‘Forgotten Century’: Mexico, 1810-1910,” *Bulletin of Latin American Research* (Vol. 15, No. 1, 1996), p. 1.

revoluciones y luchas entre federalistas y centralistas y liberales y conservadores.”⁶ This was largely due to the liberal tradition which insisted on superposing “las metas de los liberales y conservadores de la época de la Reforma” on “las luchas aún indefinidas de monarquistas y republicanos, centralistas y federalistas, yorkinos y escoceses, imparciales, hombres de bien y progresistas, etc.”⁷ Much has been done, especially in the last 20 years, to move away from this monochromatic liberal/conservative interpretation of the politics of the early national period. When political factions and ideologies had been studied Erica Pani laments that “los esfuerzos por ubicar a dinámicos actores históricos en categorías estáticas han sesgado, no pocas veces, nuestra visión y nuestras expectativas.”⁸ Historians such as Josefina Z. Vazquez, Will Fowler, Michael Costeloe, Erica Pani, Cecilia Noriega, Timothy Anna, Jaime Rodriguez O., Alfonso Noriega and Pedro Santoni, among others, have attempted to define or re-define the political factions and the political men of those years.⁹ Timothy Anna argues that this shift in the historiography is a result of the fact that historians are willing to grant “nineteenth-century political leaders the simple respect of recognizing that they may have held genuine political principles.”¹⁰

In addition, legislative historians, like Reynaldo Sordo Cedeño have highlighted the fact that despite the constant revolts and rebellions and the traditional image of these years as being tumultuous and characterised by caudillos, one of the principal characteristics of the years between 1821 and 1855 was in fact “la estabilidad del poder legislativo, después de todo el poder dominante durante medio siglo, ya que la dictadura,

⁶ Josefina Z. Vázquez, “Centralistas, conservadores y monarquistas 1830-1853,” in William Fowler and Humberto Morales Moreno (Eds.), *El conservadurismo mexicano en el siglo XIX* (Puebla: Benemérita Universidad Autónoma de Puebla, Sant-Andrews University, Gobierno del Estado de Puebla, FFYL, 1999) p. 115

⁷ Vázquez, Josefina Z., “Los años olvidados,” p. 314.

⁸ Erika Pani, “Las fuerzas oscuras’: El problema del conservadurismo en la historia de México,” in Erika Pani, *Conservadurismo y Derechas en la Historia de México* (México: Fondo de Cultura Económica, 2010), I, p. 20

⁹ For full texts, see bibliography.

¹⁰ Anna, “Demystifying,” p.137.

antes de la de Porfirio Díaz, fue excepcional, temporal y no logró imponerse nacionalmente.”¹¹

Moving into the 1840s, the decade that particularly concerns this thesis, Noriega and Pani lament that it

constituye una época profundamente problemática cuya dimensión ha quedado oscurecida en la historiografía por la tragedia que significó la derrota frente a Estados Unidos. Los años que precedieron a la guerra estuvieron marcados por la búsqueda, a la vez desesperada e infructuosa, por dar solución a la inestabilidad política, por hallar aquella “Constitución” que asegurara orden y libertad a la joven nación.¹²

They also point out that the years leading up to the war with the United States were marked by “el *impasse* constitucional, la tentación de la dictadura, la rearticulación del proyecto monarquista, la restauración del federalismo y el surgimiento de un conservadurismo consciente.”¹³ It was men like Mariano Otero who agonised over the introduction of these systems of government, who sought the ironclad constitution to end Mexico’s woes. This was the time when “la ideología y los fundamentos del Estado mexicano moderno” were being defined, leading Córdoba Ramirez to argue that

se trató de un periodo pleno de procesos, de enfrentamientos y de decisiones que involucraron actores dentro y fuera de las inciertas y cambiantes fronteras nacionales. En este sentido, estudiar el proceder de los individuos dentro de las colectividades, dígase facciones, partidos, masas y elites, es tan valioso como el análisis de éstas para entender la dinámica del momento.¹⁴

This move to study the period and the context by focusing on an individual is by no means new.

The writing of historical biography, however, is often dismissed in favour of a history which “purged of fables would focus on processes, rather than personalities, and

¹¹ Josefina Z. Vázquez, “Centralistas,” p. 116.

¹² Cecilia Noriega and Erika Pani, “Las propuestas ‘conservadoras’ en la década de 1840,” in Pani, *Conservadurismo y Derechas*, I, p.175.

¹³ *Ibid.*

¹⁴ Diana Irina Córdoba Ramírez, *Manuel Payno: Los Derroteros de un Liberal Moderado* (Michoacán: El Colegio de Michoacán, 2006), p. 11.

on interests, rather than on individuals.”¹⁵ This is considered as a reaction to the “biographies of great men” school of thought, dealing only with rulers and heroes, embodied more than by any other, by the writings of Thomas Carlyle.¹⁶ In recent decades, however, there has been a return to studying the individual, and biography has now taken on the role of “adjudicating between its single, singular subjects, and their times, their cultures, the collective humanity they represent.”¹⁷ Since the 1990s, a perceptible shift can be identified from an emphasis on social history to “a concentration on individual life experiences and how they could be probed for deeper meaning; [...] an endeavour to discern through the lives of individuals or families the broader contours of the social and cultural landscape.”¹⁸ Mexican historiography has followed this general trend and it is now accepted that

para entender la vida política del pasado también es necesario estudiar a los actores particulares y analizar los acontecimientos que marcaron la época en cuestión. De este modo, se puede apreciar que el funcionamiento real de la vida política, así como su evolución y desarrollo, dependieron tanto de los procesos y estructuras de este medio, como de los imaginario y acciones de los diferentes protagonistas,¹⁹

culminating in a move to approach the nineteenth century in Mexico through the study of key individuals.²⁰ These biographical studies are closely tied to a concept of a ‘total

¹⁵ Harold Brackman, “‘Biography Yanked down out of Olympus’: Beard, Woodward, and Debunking Biography,” *Pacific Historical Review*, Vol. 52, No. 4 (Nov., 1983), p. 406.

¹⁶ Thomas Carlyle was of the belief that “Universal History, the history of what man has accomplished in this world, is at bottom the History of the Great Men”, Thomas Carlyle, *On Heroes and Hero Worship and the Heroic in History* (London: Chapman and Hall, Strand, 1849).

¹⁷ Reed Whittemore, “Biography and Literature,” *The Sewanee Review*, Vol. 100, No. 3 (Summer, 1992), pp. 382-383.

¹⁸ Ronalf Hoffman, “Preface,” in Ronald Hoffman, Mechal Sobel, & Frederika J. Teute (Eds.), *Through the Glass Darkly: reflections on personal identity in Early America* (North Carolina; London: University of North Carolina Press, 1997), pp. vii-viii.

¹⁹ Catherine Andrews, *Entre la espada y la constitución: el general Anastasio Bustamante, 1780-1853* (Tamaulipas: Universidad Autónoma de Tamaulipas, H. Congreso del Estado de Tamaulipas, LX Legislatura, 2008), p. 9.

²⁰ Some of the most important recent biographical works include; Will Fowler, *Santa Anna of Mexico* (Lincoln, NE: University of Nebraska Press, 2007), Guy P. Thompson with David G. LaFrance, *Patriotism, Politics and Popular Liberalism in Nineteenth-century Mexico: Juan Francisco Lucas and the Puebla Sierra* (Wilmington, DE : SR Books, 1999), Brian Hamnett, *Juárez* (London: Longman, 1994), Paul Garner, *Porfirio Díaz* (Harlow [etc.]: Longman, 2001), Laura Solares Robles, *Una revolución pacífica: biografía política de Manuel Gómez Pedraza, 1789-1851* (Mexico City: Instituto de Investigaciones Dr. José María Luis Mora, Acervo Diplomático de la Secretaría de Relaciones Exteriores,

history' whereby the actions of the individual and their justification for said actions allow the historian to explore and understand both intimately, and through the individual, and on a general scale, through their context, to ascertain how a given element of society faced the problems of their day. It is the aim of this thesis to use this approach to examine Mariano Otero, Mexican politician and ideologue.

This raises the obvious question; why Mariano Otero? Who was he? What was the importance of his contributions to the budding nation? Known, primarily through the historiography as a legislator, this was not his only sphere of influence. He was politically active at a national level for a short ten years and yet he played a leading role in the events between his arrival in the capital from his native Guadalajara and his early death during the 1850 cholera epidemic. These were turbulent times, when internal power struggles gave way to a desperate battle for survival in the face of the US invasion. Acknowledged an inspirational orator by friend and foe alike, he was also a shrewd politician and quickly became a central player in the Mexican political arena. Otero belonged

a una generación de políticos e intelectuales conocida como la generación de la reforma, que nació con la independencia, se formó al mismo tiempo que se establecía la república, y en algunos casos se incorporó al proceso de formación del Estado mexicano con su participación activa en la política y la vida intelectual de las ciudades provinciales y del Distrito Federal.²¹

It was this generation that that would go on to take part in the *Guerra de Reforma*, and write the 1857 Liberal constitution and produce leaders such as Presidents Ignacio Comonfort and Benito Juárez. Otero's contemporaries included politicians of such calibre as Lucas Alamán, José María Luis Mora, José María Tornel, Antonio López de Santa Anna, Valentín Gómez Farías, Mariano Arista, José María Lafragua and Mariano

Consejo Estatal para la Cultura y las Artes del Gobierno del Estado de Querétaro, 1996), Córdoba Ramírez, *Manuel Payno*.

²¹ The original quote refers to Ponciano Arriaga, and can be found in Sergio A. Cañedo Gamboa and María Isabel Monroy Castillo, *Ponciano Arriaga, formación de un liberal 1811 – 1847* (San Luis Potosí, Mexico: Gobierno del Estado, Archivo Histórico del Estado de San Luis Potosí, 2008), p. 10.

Riva Palacio. Compared with these men, Mariano Otero's part in nineteenth century history may have been brief but it was a dynamic one. Between 1841 and 1850, he proposed and amended two constitutions, represented the nation as a congressional deputy, and later as a senator, held the office of Minister of Internal and Foreign Affairs, and became the ideological standard bearer of the Moderate movement, and he was scarcely into his thirties when he died.

Nonetheless, as can be seen in Chapter 1, which will present an in-depth review of the available historiography, Otero has been generally overlooked. What studies do exist present a hazy picture of an Otero in a vacuum, with no sense of his place in the events of his time yet Otero's actions, ideas and participation in the events of that decade were widely discussed by his contemporaries. Historiographically, they have been studied by several disciplines. One of his most important accomplishments, his *Ensayo sobre el verdadero estado de la cuestión social y política que se agita en la República Mexicana* (1842) has been hailed as one of the great pieces of writing of the first half of the nineteenth century. Its importance lies in its novel approach to the study of history as an explanatory stepping stone in understanding the present and, thereby, indicating remedies to bring about a better future. The legal discipline examining Otero's output and his work on several constitutions as a lawyer and as a legislator, concentrated particularly on Otero as the father of the *Juicio de Amparo*. The law — which is included in Article 25 of the 1847 *Acta*, and is the first national definition of an individual's rights, vis à vis the state— is still in use today but this is an aspect of his work that this thesis does not propose to study, preferring to explore the wider and less well known connotations of his moderate views, his staunch federalism and constitutionalism and the apparent ambivalences within them, and the legislation they produced. It also focused on the *Acta de Reformas* which Otero presented in congress

as a reform to the 1824 constitution, reinstated by the government in 1846. This *Acta* and the *Voto particular de la minoría* Otero placed before congress in 1842 are the reasons why he has been acknowledged as a brilliant constitutionalist. They are an integral part of studies on the development of Mexico as a nation-state and were of considerable influence, even seven years after his death, in the process leading to the writing of the 1857 liberal constitution. On the whole, however, Otero has been seen by historians as an insubstantial figure in the background of the central personage or event under study without being adequately evaluated in his own right. This thesis is an attempt to remedy this.

The first part of Chapter 1 looks at Otero's "official" biographer, the historian and politician, Jesús Reyes Heróles, and seeks to reevaluate his contribution to the current image of Mariano Otero. The remainder of the chapter addresses the different aspects of Mariano Otero's thought as presented by historians, including the historiography of the *Ensayo*, and his importance to legislative historians. The information in this chapter will underscore the point of this thesis that, although much has been written about Mariano Otero, no coherent portrait of the man has yet emerged. Most of the available historiography pinpoints either one single aspect or a specific time in Otero's life and, therefore, provides an incomplete, fragmentary and often contradictory picture. This thesis proposes to discover Mariano the man and politician, through a complete re-examination of his life, and through his political ideology, its moulding by the events of the time or its compromises to accommodate them, to an understanding of his importance, or otherwise, in the forging and guiding of the new nation at a critical point in its evolution.

Chapter 2 provides a biographical sketch, the aim of which is to present to the reader with an overall view of the life of Mariano Otero. Following a brief glance at his

earlier years in Jalisco, it pays close attention to the 1840s, the decade of his intense political activity. In addition, it analyses the national scene, delineating the rise and fall of governments, the convening and dissolving of congresses and, the most crucial event of all – the war with the United States from 1846 to 1848. These were the events shaping Mexico and, in doing so, shaped the men whose business it was to build a new nation. The biography takes the first few steps towards forming a “total” view of Otero as a man who was more than a politician. The chapter uses his personal correspondence, and other primary and secondary sources to paint a picture of his family life, of the personal trials he faced and the losses he endured. At the same time, Chapter 2 provides the historical context in which he lived, showing how the events of the decade affected his day to day life.

Having established a chronology of Otero’s life, Part II of this thesis will present an analysis of his political thought, clarifying his ideological position by analysing the ideas and ideals he expressed in his writings, newspaper articles, letters, and in his appearances in congress and in the senate. Jesús Reyes Heróles’ compendium of Otero’s works has been invaluable in this task, and has been expanded and complemented by letters, press articles, and congressional transcripts.

The early section of Chapter 3 will provide an overview of the *moderado* faction, for if Otero is to be taken as the archetypal moderate –and his contemporaries referred to him as such– it is imperative to ascertain exactly what it meant to be a *moderado* in the 1840s, and which, if any, of his actions or beliefs belie or enhance what may possibly be an oversimplification of his political stance. In addition, it will delineate Otero’s *método*, outlining that his approach to the analysis of the problems of Mexico was historical, and highlighting the emphasis he placed on sociological factors. Following a thematic approach, the second part of Chapter 3 will provide a general

overview of Otero's position on the great issues of the decade as he, and his contemporaries, saw them; the colonial legacy and the repercussions of the struggle for independence, the social question, the distribution of property, the decaying state of all branches of government and the divisiveness caused by factional politics. In addition this chapter will briefly introduce three key questions that Otero faced and which will form the basis of the subsequent chapters; the position of the clergy in the early national period, the interference of the military in the affairs of the state and the question of the most suitable system of government.

Chapter 4 explores the role of the military, as seen by Otero, in the early national period, and during a time of heightened local military intervention in all levels of Mexican life, and punctuated by the US invasion. Otero accepted the necessity of a standing army but was adamant that it should not, under any circumstance, be permitted to participate in politics. Examining colonial roots for the importance of the army, he blamed the military for much of the unrest that plagued Mexico in the years after independence and firmly believed that if there was to be any hope of progress the army's immediate response with a show of arms to all it disagreed with and its usurpation of high political office to achieve its ends would need to be curbed. It would have to be constitutionally curtailed and its role confined to defending the nation from external attack. Internal defence would be provided by a National Guard and a police force would be responsible for local and citizen security. Otero's views and opinions on the army are vital in defining his ideological position. This chapter highlights his moderate stance, concluding that he was willing to compromise his political beliefs in the interest of slow, moderate, reform which would not excite a backlash.

Chapter 5 examines Otero position on the Church and religion, looking initially at the apparent contradiction of Otero's Roman Catholic faith with his anticlericalism. It

will explore his analysis of the historical position of the Church, its internal divisions and the reasons he identified for its gradual loss of power. It will also explore his belief that whereas the Church had been losing influence since colonial days, its enormous wealth still made it a player to be reckoned with, in addition to attracting the attention of an impecunious army needing financial backing to its local revolts, its more serious military engagements with the United States and its meddlesome *pronunciamientos* intended to pursue its own agenda, interpreted as that of its current leader and his supporters. It goes on to present his views on Church influence in different areas, in education, in daily life through its enormous property holdings, before moving on to specific examples of his having to deal directly with the issues of clerical intervention in politics. One such area was the government's right to sell mortmain properties. Though Otero believed that separation of Church and state was unquestionable, it becomes apparent in this chapter that as far as he was concerned, the power of the Church was already in decline and as such required little or no direct intervention.

Finally, Chapter 6 explores Otero's solutions to the problems that Mexico was facing from the point of view of his insistence on the introduction of a federalist system. Again the first part of the chapter is dedicated to Otero's historical analysis of federalism, his criticism of the centralist constitutions of 1836 and 1843, and his objections to constitutional proposals being discussed in the 1840s. In addition, this chapter highlights the effects of his position as representative for the state of Jalisco, renowned for its radical federalism, exploring the history of Guadalupe federalism and the influence of men like Prisciliano Sánchez on Otero's political views. A radical, uncompromising stance is obvious throughout –Otero was determined Mexico should be federalist and was willing to go to great lengths to attain this but once again his moderation becomes evident in his constant reiteration that it was not simply a question

of re-introducing the federalism of 1824, it was essential that it should be a form of federalism entirely suited to the circumstances of the 1840s.

The figure that emerges from the biography is that of a devoted family man, a jovial friend and a shrewd politician. Coupled with the thematic analysis of his ideology it becomes clear that Otero was a man who shaped the events of the decade as much as he was shaped by them. The moderation of his political ideology was born of necessity, so despite the fact that he held radical views on the clergy, the army or the state, it was evident to him that reform would not progress unless each step was carefully calculated. It was this willingness to temper his views and re-examine and temper his goals to prevent any backlash that identified him as typically moderate. He, and his fellow moderates were men of conviction; they were not turncoats, nor were they indecisive; they held clearly defined ideals and goals but were united, above all, in their pragmatic approach to politics and in their willingness to engage in realpolitik even when doing so meant that, like Otero, they would not see the results of their labour in their lifetimes.

Part I.

The myth, the man.

1.

The myth.

The primary aim of this chapter is to provide a critical review of the relevant historiography pertaining to Mariano Otero, in order to understand how he has been portrayed since his early death in 1850. The first available biography was published in 1937, by F. Jorge Gaixiola, and no other major work appeared until Jesús Reyes Heróles' 2-volume compilation, with its extensive introductory study, in 1967.²² Otero was not ignored in the interim, as specific articles, biographical sketches, and references to him did appear from time to time. However, Reyes Heróles made Otero's work accessible to historians who were able to study his letters, speeches, articles, parliamentary activities, and essays more conveniently. Reyes Heróles also positioned Otero firmly within the 1960s liberal historian's view of the early national period. More recently, in the last two decades, Otero has been singled out for reappraisal by historians such as Will Fowler and Cecilia Noriega Elío and it is from these works that his true importance in the first half of the nineteenth century was fully recognised.²³

Although a parliamentarian in both congress and Senate, he was not a merely a politician for he was also a lawyer, lawmaker, journalist and *hombre de bien*. He was, for instance, the prime mover in the introduction, on a national level, of the Mexican

²² F. Jorge Gaixiola, *Mariano Otero: creador del juicio de Amparo* (Mexico City: Cultura, 1937). Though this was indeed the first full biography published, the work falls within two categories. It is a text exclusively about Otero, and yet, at the same time, it focuses only on his role in the creation of the *Juicio de Amparo*. Jesús Reyes Heróles, *Mariano Otero, Obras* (Mexico City: Editorial Porrúa, 1967).

²³ Will Fowler highlights Otero's importance as a key figure among the *moderados* in his chapter on the proposals of the moderate factions in *Mexico in the Age of the Proposals* as well as in his article "El pensamiento político de los *moderados*, 1838 - 1850: el proyecto de Mariano Otero," in Brian Connaughton et. al (eds.), *Construcción de la legitimidad política en México* (México: El Colegio de Michoacán, Universidad Autónoma Metropolitana, Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, 1999) and Cecilia Noriega Elío underlines his importance as a politician and ideologist see Cecilia Noriega Elío, *El Constituyente de 1842* (Mexico City: Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, 1986) and her chapter "Mariano Otero," in Juan A. Ortega y Medina, Rosa Camelo, *Historiografía mexicana. Vol. 3, El surgimiento de la historiografía nacional* (Mexico City: UNAM, 1997).

amparo legislation, which has meant that Otero's role as a legislator has widely been lauded by legislative historians and lawmakers as being of key importance in the formation of modern Mexican legislation. As such, any review of the research on Otero, must encompass other disciplines. It is for this reason that this chapter reviews the historiography thematically, as opposed to adopting a chronological approach. It does so by approaching the subject from three viewpoints. The first encompasses the handful of works published specifically about Otero; Reyes Heróles, with his *Mariano Otero, Obras*, Guillermo Tovar de Teresa, with his *Cartas a Mariano Otero*, and F. Jorge Gaxiola, with *Mariano Otero: creador del juicio de Amparo*.²⁴ Here the writers examine Otero as a politician and ideologue but without neglecting other aspects of his life, his education and influences, his contributions to legislation and his writings and speeches. The second section covers those authors who focus on a single aspect of Otero's work, as a politician, as a legislator, as a writer, or those who concentrate on a single aspect of Otero's career, such as the *Juicio de Amparo*, where Otero's juridical role is often examined with no reference to his other works. Also included in this section are those works that analysed a specific element of Otero's work or ideology without being part of a chronological narrative, such as Adriana Berrueco García who examines him as a jurist, José Francisco Zavala Castillo who concentrates on the *Juicio de Amparo* and Will Fowler who presents Otero within the context of the moderates.²⁵ This section will also examine the historiography of Otero's *Ensayo*. Charles Hale, Enrique González Pedrero, and David Brading all examine his best known work, either

²⁴ Guillermo Tovar de Teresa, *Cartas a Mariano Otero 1829 – 1845* (Mexico City: Instituto Nacional de Antropología e Historia: Secretaría de Relaciones Exteriores, 1996). Gaxiola, *Mariano Otero*.

²⁵ Adriana Berrueco García, *Veinticinco forjadores de la tradición Jurídica Mexicana* (Mexico City: UNAM, Instituto de Investigaciones históricas, 2006). José Francisco Zavala Castillo, *¿Fórmula Otero? Exégesis del Artículo 25 de la Acta de Reformas de 1847* (Mexico City: FUNDAp, 2005). Fowler, *Mexico in the Age of the proposals* and "El Pensamiento Político," and, by the same author "Dreams of Stability: Mexican Political Thought during the 'Forgotten Years'. An Analysis of the Beliefs of the Creole Intelligentsia (1821-1853)," *Bulletin of Latin American Research*, Vol. 14, No. 3. (Sep., 1995).

as a social critique or as representative of his ideology.²⁶ The remaining section briefly notes those works where Mariano Otero is mentioned as a participator in the key events of the early national period, thereby indicating his importance but without dwelling on him as a central figure. Many of the most important general histories of the period do mention him and his participation in crucial events, among them those written by Michael Costeloe, Moisés González Navarro, Pedro Santoni.²⁷ Others mention specific details or events. Josefina Zoraida Vazquez, Reynaldo Sordo Cedeño, and Charles Hale, all explore his role during the Mexican-US war.²⁸ Eduardo Noriega uses Mariano Otero to define the conservative groups of the period.²⁹ José Miguel Quintana, Thomas Ewing Cotner, Laura Solares Robles, all include him as a leading player in their biographies of some of the great men of the period.³⁰ Silvestre Villegas Revueltas examines his methodology.³¹ Cecilia Noriega Elio assesses his role in the 1842 congress.³² All produce snippets of information but none contextualise their conclusions and he is never quite in focus in their studies, he is merely a facilitator or an opportune player in the general scheme of things.

²⁶ Charles A. Hale, *El Liberalismo Mexicano en la Época de Mora, 1821 – 1853* (Mexico City: Siglo Veintiuno Editores, 1987). Enrique González Pedrero, *País de un solo hombre: El México de Santa Anna* (Mexico City: Fondo de Cultura Económica, 2003). D. A. Brading, “Creole Nationalism and Mexican Liberalism,” *Journal of Interamerican Studies and World Affairs*, Vol. 15, No. 2. (May 1973).

²⁷ Michael Costeloe, *The Central Republic in Mexico 1835 – 1846. Hombres de Bien in the Age of Santa Anna* (Cambridge (UK): Cambridge University Press, 1993). Moisés González Navarro, *Anatomía del Poder en México 1848 – 1853* (El Colegio de México, 1977). Pedro Santoni, *Mexicans at Arms. Puro federalists and the politics of war 1845 – 1848* (Texas: Christian University Press, 1997).

²⁸ Josefina Z. Vázquez, (Ed.), *México al tiempo de su guerra con Estados Unidos (1846 – 1848)* (Mexico City: Secretaria de Relaciones Exteriores, El Colegio de México, Fondo de Cultura Económica, 1997). Reynaldo Sordo Cedeño, “El Congreso y la guerra con los Estados Unidos 1846 – 1848,” in Vázquez, *México al tiempo*. Charles A. Hale, “The War with the United States and the Crisis in Mexican Thought,” *The Americas*, Vol. 14, No. 2. (Oct., 1957).

²⁹ Eduardo Noriega, *Pensamiento conservador y conservadurismo mexicano* (Mexico City: Universidad Nacional Autónoma de México, 1993).

³⁰ José Miguel Quintana, *Lafragua: Político y romántico* (Mexico City: Colección Metropolitana, 1974). Cotner, *The Military and Political Career of José Joaquín de Herrera* (Austin: University of Texas Press, 1949). Solares Robles, *Una revolución pacífica*.

³¹ Silvestre Villegas Revueltas, *El Liberalismo Moderado en México 1852 – 1864* (Mexico City: Universidad Nacional de México 1992)

³² Noriega Elío, *El Constituyente*.

Foremost in the first section, dealing with those writing specifically on Otero, is Reyes Heróles. His compendium of Otero's works includes an *Estudio Preliminar* which, according to the author, is intended to provide a "visión general" of Otero. It also outlines "su contribución al proceso histórico nacional," "los rasgos salientes de su concepción y método" and, finally, offers us "noticias sobre su vida."³³ Reyes Heróles places Otero in a second generation of liberals, which he describes as being those who had never experienced the old colonial order, having been born during the struggle for Independence, and yet found its lingering vestiges stalling all their efforts at creating a new order.³⁴ He sees Otero as a figure that, as a possible result of his premature death, was sidelined by the events of the second half of the nineteenth century. This was why Reyes Heróles postulated that the image we had of him was unbalanced. He argued that there had been only two historiographical views of Otero and that they were the cause of this distortion. The first, as described by Guillermo Prieto, was that of the jolly youth hunched over his *El Siglo XIX* editorials, a vivacious *compañero*, and magnificent orator capable of improvising three-hour speeches. This view Reyes Heróles contrasted with the dry and precise lawyer, creator of the Juicio de Amparo, whose political actions and ideological standpoints are seen either as peripheral to this one act or even ignored completely.³⁵ Until Reyes Heróles' *Estudio Preliminar*, these were indeed the main ways in which the figure of Otero was presented. Although he appeared in many primary accounts of the mid-nineteenth century it was never as anything more than just another player, another politician, a participant in events. He was not a topic of great

³³ Reyes Heróles, *Mariano Otero, Obras*, I, p. 9.

³⁴ By second generation, Reyes Heróles is referring to those who were not politically active during the War of Independence and who did not become so until the middle decades of the nineteenth century. The first generation would encompass those who fought in the war or who took an active part in the political upheavals immediately following Independence, participating in the first congresses and the writing of the first laws and constitutions of newly independent Mexico. These included, most notably, some of the most important figures of the time; Lucas Alamán, José María Luis Mora, Valentín Gómez Farías, Manuel Gómez Pedraza. Reyes Heróles, *Mariano Otero, Obras*, I, p. 10.

³⁵ *Ibid.*, I, pp. 10-11.

national discussion as were personalities such as Santa Anna or Benito Juárez. With the exception of Gaxiola's book, Reyes Heróles was the first author to grant any prominence to Otero. Prior to his *Estudio* in 1967, he had published the three volumes of his *El Liberalismo Mexicano*, in which he mentioned Otero, concentrating exclusively on the *Ensayo*.³⁶ Throughout the work he outlined the main points before going on to offer a succinct analysis of "el método de Otero." Initially he merely paraphrased the *Ensayo*. However he also took the next step, analysing the *Ensayo* in terms of Otero's pioneering methodology for political and social research.³⁷ This *método* he defined as a move from a subjective analysis of events to an objective analysis of Mexico's past, and it is this approach that Reyes Heróles suggests was groundbreaking. Reyes Heróles added that once this shift in analysis was accomplished, Otero sought to define social class and highlight the role it played in political, social and economic events. In order to achieve this, he wanted to identify and analyse the factors that influenced class relations as well as the contradictions, consequences and influence that they had on society as whole. Finally, Reyes Heróles argued, Otero wanted to use the information he had garnered to assist the reader in seeing what lay in store for the young country.³⁸ Reyes Heróles' analysis of the *Ensayo* is, however, fairly superficial. He went into no depth and simply summarized Otero's main points, dividing the *Ensayo* into basic, accessible, sections. In these, he specifically highlighted the social aspects of Otero's work focusing on the relationships of the clergy and the army with society, as well as underlining Otero's description of class divisions and the importance of the distribution of property. Charles Hale argued that in his writings Reyes Heróles was concerned particularly with drawing attention to "la herencia del 'liberalismo social' del

³⁶ Reyes Heróles, *El liberalismo Mexicano* (Mexico City: Facultad de Derecho: UNAM, 1958). Chapter III, Las Fuerzas en Pugna, is the main section dealing with Otero, pp. 89-137, including, on page 137 a reproduction of a *grabado* of Mariano Otero, one of the few surviving images of the man.

³⁷ *Ibid.*, I, p. 89.

³⁸ *Ibid.*, II, p. 92.

siglo XIX para el México revolucionario.”³⁹ Francisco Valdés Ugalde goes so far as to state that it was Reyes Heróles, in 1854, that introduced the concept of ‘liberalismo social’ into the official discourse of the Mexican government.⁴⁰ As such, Reyes Heróles’ emphasis on Otero’s *Ensayo* is understandable, describing it as he did as “un examen magistral de la sociedad colonial al consumarse la independencia y de las modificaciones sufridas por ésta en los primeros años de la independencia.”⁴¹

Writing in 1958, Reyes Heróles, considered that Otero had not been studied appropriately, attributing such oversight to the fact that his *Ensayo* had not received the attention it deserved. This is one aspect that changed dramatically in the ensuing decades, as the *Ensayo* is now the most well-known of Otero’s works and, undoubtedly, the most cited. Reyes Heróles went on to make the fundamental point, as valid now as it was 50 years ago, that;

a los anteriores factores, que explican el poco conocimiento de algunos aspectos del pensamiento de Otero, hay que añadir la dispersión de la obra que no se concentra en el *Ensayo*, sino que se extiende a discursos, intervenciones, legislación, artículos periodísticos y biografías, material difícil de conseguir.⁴²

Nine years later, Reyes Heróles published his two volumes of Otero’s work and although much of his ideology and thought was instantly more easily accessible, the customary bias of seeing only the *Ensayo*, and not looking beyond it still remained in any consideration of Mariano Otero’s social and political standpoint. Yet, it has to be said that, even with these books, there was no easy way of studying his ideology,

³⁹ Charles A. Hale, “Los mitos políticos de la nación mexicana: el liberalismo y la Revolución,” *Historia Mexicana*, Vol. 46, No. 4, Homenaje a don Edmundo O’Gorman (Apr. - Jun., 1997), p. 828.

⁴⁰ Valdés Ugalde takes it a step forward and, supporting the view that the government sought to demonstrate that the liberal policies of the mid to late 20th century had been born in the 19th century, states that “el ideólogo del Estado mexicano [Reyes Heróles] buscaba señalar que el liberalismo social había surgido debido a que los reformistas liberales del siglo XIX habían topado con el problema de la extrema desigualdad y para hacerle frente, a la vez que se ponía en marcha una economía moderna de mercado, consideraron que era indispensable mantener en manos del Estado el control sobre las formas de propiedad, subordinándolas a las necesidades del desarrollo social”. See, Francisco Valdés Ugalde, “Concepto y estrategia de la ‘reforma del Estado,’” *Revista Mexicana de Sociología*, Vol. 55, No. 2 (Apr. - Jun., 1993), p. 326.

⁴¹ Reyes Heróles, *El Liberalismo*, II, p. 89.

⁴² *Ibid.*, p. 113-114.

making it difficult to formulate a straightforward and definitive view. The manner in which his thoughts and opinions are strewn across a variety of documents, in addition to being contained in letters and parliamentary appearances not included in these two volumes, has meant that it is still easier to approach and analyse the one piece of work where his thoughts are clearly set out as the one that defines his political ideology as a whole.

In the “Estudio Preliminar” that prefaced these two volumes, Reyes Heróles did include a great deal of biographical information on Otero and continued to expand on the points he had presented earlier in *El Liberalismo Mexicano*. He still highlighted the *Ensayo* and the *método* but took it further. By bringing together a wide selection of Otero’s writings, speeches and letters he emphasised the need to define him through all his actions and all his works not just a select few and, indeed, was taking first steps towards doing just that. The work does provide a very clear and concise chronology of the principal events in Otero’s life, and most of the gaps that exist in the information pertaining to his early life are the consequence of the lack of available sources. However, in the section on Otero’s political life in the capital, what information is given is frequently not contextualised and this gives the impression that Mariano Otero was acting in a vacuum where his political and parliamentary actions were not a consequence of or influenced by outside events. In addition, the *Estudio* gave an overly positive view of Otero. Any unfavourable aspect, such as his behaviour in the revolt of the *Polkos*, if noted at all, was glossed over; there was no inquiry into the motivations compelling his actions nor was there any move to reconcile these with his ideology. As Reyes Heróles himself acknowledged, it is merely a work of “grandes pinceladas,” a sketch lacking substance.

The *Estudio Preliminar* and the introductory pages to each item collected in the *Obras*, remain to this day, the most often quoted works on Otero. When Otero is mentioned, be it by historians or constitutional specialists, Reyes Heróles' analysis is often the basis of their references. Jesús Reyes Heróles was an active member of the Partido Revolucionario Institucional (PRI) and was considered one of their principal ideologues writing a history of liberalism, as well as essays and speeches designed to support what can be termed as the "official liberal interpretation of nineteenth-century politics."⁴³ This interpretation highlights what Hale defines as the "continuidad del liberalismo" a phrase he attributes to Reyes Heróles who he describes as "quizás el más prominente intelectual dentro del gobierno entre los años cincuenta y setenta."⁴⁴ Hale added that as of the early 1950s Reyes Heróles sought to reaffirm "la validez de la perpetua revolución al asegurar la continuidad del liberalismo, es decir, la rica herencia proporcionada por las ideas liberales para el México contemporáneo."⁴⁵ As such, in his work, he portrayed Otero as the harbinger of those liberals who emerged after the Revolution and, not surprisingly, sought to tie in Otero's ideas with those held by the victorious party. For example Reyes Heróles argued that Otero called for national representation to reflect the makeup of society as a whole by including the different parts that formed it.⁴⁶ He further emphasised that it was this generation of liberals, to which Otero belonged, that went on to write the 1857 Liberal Constitution and that they had sought for the conservatives to be represented in congress and that it was the latter that refused, hurling the country into a downward spiral of bipartisanship and eventual bloodshed that would not end until the liberal victory at the end of the Revolution. Such

⁴³ Charles A. Hale, "The Liberal Impulse: Daniel Cosío Villegas and the *Historia moderna de México*," *The Hispanic American Historical Review*, Vol. 54, No. 3 (Aug., 1974), p. 494.

⁴⁴ Hale, "Los mitos políticos," p. 826.

⁴⁵ *Ibid.*, pp. 826-827.

⁴⁶ Jesús Reyes Heróles, "Discurso pronunciado en el auditorio del Comité Directivo Estatal del PRI en Morelos, 30 Julio 1973," in *Obras Completas. Política II* (Mexico City: Asociación de estudios históricos y políticos Jesús Reyes Heróles, A.C. Secretaría de Educación Pública. Fondo de Cultura Económica, 1996), p 134.

a narrow view did not allow any deviation –liberals good, conservatives bad. Conservatives and conservatism were therefore rejected and reviled, or, wherever possible ignored completely.⁴⁷ Otero had to be shown to be a liberal in every aspect, otherwise doubt could be cast on this interpretation of nineteenth-century Mexican history. This is why there are no grey areas in Reyes Heróles' analysis of Otero and any that did emerge, such as his unexpected support of the Church during the war with the United States, or his traditionalist views on suffrage, were brushed aside. When discussing social history and Otero's views, he argued that "estos antecedentes vinieron a ser el sentimiento de esta eclosión que constituye nuestra revolución social, la Revolución Mexicana."⁴⁸ Faced with a constant need to reassert the legitimacy and correct position of the party in power Reyes Heróles frequently favoured Otero to highlight this lineal history of Mexican liberalism that ran from the liberal victory after the war of reform until the PRI lost power. In doing so, he not only excluded what he considered opposing factions, such as the conservatives and monarchists, but he also ignored any differences within the liberal faction itself.⁴⁹ The Otero that will emerge from this thesis, in contrast is above all an individual. Ideological leader of his faction, but, nonetheless, a man whose ideas were his own and whose actions were deeply affected by the times in which he lived.

⁴⁷ In recent years there has been a clear move away from this tendency and important works have been written on the conservative ideas and ideologues of the early national period; see Pani, *Conservadurismo y Derechas*, Alfonso Noriega, *El pensamiento*, or Will Fowler and Humberto Morales Moreno, *El conservadurismo mexicano en El Siglo XIX* (Puebla: Benemérita Universidad Autónoma de Puebla, 1999).

⁴⁸ Jesús Reyes Heróles, "Antecedentes sociales y legales del seguro social en Mexico. 22 Julio 1961," in *Obras Completas*, II, p 455.

⁴⁹ Heróles did admit that there were different factions within the Liberal movement. However he stated that the only real division between moderates and *puros* was the time frame in which each wanted reform to take place. At no point did he allow that they may have had more specific ideologies, defined by the members of each group. Jesús Reyes Heróles. "Las Ideas democráticas en México. Independencia y Reforma. Ensayo para la Mesa Redonda de Historia Mexicana de la Fundación Carnegie, México, Julio de 1961," in Jesus Reyes Heróles, *Historia y Política* (Spain: Editorial Tecnos, 1978), pp. 110 - 111

Reyes Heróles' lack of balance was noted in Guillermo Tovar de Teresa's introduction to his 1996 compilation, *Cartas a Mariano Otero*, when he acknowledged Reyes Heróles' study as the most important work on Otero, but accused him of resurrecting the figure of Otero merely to "colocarlo junto a los aportadores positivos, los liberales, de acuerdo a la historia que hace la Revolución Mexicana."⁵⁰ This stinging criticism did not, in any way, affect Tovar de Teresa's view on the importance of Reyes Heróles' work but, positioned him within the general historiography of the period, as he sought to demonstrate why Otero had been neglected arguing that historians had in the past "exagerado los movimientos liberales, sus ideas, construyendo una visión lineal de los 'buenos' hasta dejar en el olvido a los conservadores."⁵¹ This, Tovar de Teresa argued, created nothing more than "una historia limitada y rígida en la que Otero, víctima de su moderación, fue más estudiado por los juristas que por los historiadores y politólogos."⁵² Although he did not say so explicitly, he was indicating that Mariano Otero, a *moderado* who was too liberal for the conservatives, was still too conservative to be considered as a 'real' liberal. Indeed, it was not until quite recently that the *moderados* were seen as a politically distinct group. Until then, there had been liberals and conservatives and anyone who was neither one nor the other was merely a turncoat, hedging his bets, as the times and events dictated. However, in the last 25 years there has been a move away from the bipolar view of politics in the mid-nineteenth century and a *moderado* group has been distinguished, with specific ideals, of which Mariano Otero is the embodiment, and with a distinct set of goals;

Los *moderados* fueron aquellos que plantearon un proyecto liberal y progresista que surgió de dentro de las filas del partido del orden. [...] no quisieron imponer un cambio que fuera demasiado drástico. Buscaban un cambio paulatino y evolucionista que con el tiempo afianzara las reformas que creían necesarias

⁵⁰ Tovar de Teresa, *Cartas a Mariano Otero*, p. 18.

⁵¹ *Ibid.*, p. 17.

⁵² *Ibid.*

para que el país pudiera gobernarse siguiendo principios democráticos que estarían garantizados en una constitución representativa, popular y federal.⁵³

Tovar de Teresa went on to present a brief summary of Otero's life as a whole, including his role as editor of *El Siglo XIX*, political actions and theoretical contributions. He was the first, through the collection of letters he edited, to highlight Mariano Otero's more 'human' side, "este Otero atiende a los amigos, a los menos amigos y también a los desfavorecidos."⁵⁴ He was trying to piece together a flesh and blood Otero, not just the politician, ideologue and theorist but also the lawyer, family man and friend. Tovar de Teresa was only taking the first tentative steps in that direction; his introduction was just that, a short and concise prologue to the day-to-day life of Mariano Otero that could be gleaned from a section of his correspondence. However, he did provide a general overview of the period, from 1829 to 1845, and his selection of the correspondence invited further study.

Before moving on to those academics who deal with certain aspects of Otero's works or ideology, it is necessary to draw attention to the lesser known biography of Otero - Jorge Gaxiola's monograph, written in 1937. Where Reyes Heróles may be accused of skating over certain aspects of Otero's ideas or actions, Gaxiola ignores them completely. Otero's role in the 1842 congress, the war with the United States and the *Juicio de Amparo* are the only parts of his political life that he touches upon, merely pinpointing certain aspects of Otero's life in a brief biographical introduction and an equally brief conclusion detailing his death, although a sense of the whole is provided with general information on the period. If one were to read only this biography of Otero, one would emerge with a totally fragmented view. However, it is interesting that even in 1937 Gaxiola was ready to argue that Otero had been forgotten by subsequent generations. Furthermore, this biography is perhaps the first example of a

⁵³ Fowler, "El Pensamiento Político," p. 299

⁵⁴ Tovar de Teresa, *Cartas a Mariano Otero*, p. 21.

historiographical approach to Otero that gives a brief overview of the totality of Otero's life, but fixates mainly on one aspect of his career, the *Juicio de Amparo*.

This tendency to analyse only a particular aspect of Otero's work or ideology is widespread in the available literature. With the move away from the monochrome view of the liberal conservative divide, much has been done to re-define the political factions of the early national period. Otero's moderation, touched upon above, is no exception. Fowler seeks to place Otero within his political context and explores his ideological stance as a *moderado* by assessing his actions and writings; he succeeds in taking the first steps towards the definition of the *moderado* faction. In his chapter, "El proyecto de Mariano Otero" he defines the moderate goals, as presented by the moderates themselves.⁵⁵ One needs to take into account, however, that this set of political goals and aspirations can only be applied to the *moderados* as a cohesive group after the late 1830s, and even then, as alliances shifted and circumstances changed, individuals were constantly redefining their ideological standpoint and political allegiances. That said, there was a distinguishable, though not necessarily immutable *moderado* faction from 1838, and it was only then that the men who held similar views began to identify themselves as such. Fowler presents Mariano Otero as the great moderate ideologue. Otero was, after all, the only *moderado* to produce a cohesive proposal for moderate reform and to outline the methods he felt could be used successfully to achieve these goals. Fowler is in no doubt that further study is needed on Mariano Otero's contribution to the political events of the 1840s, as well as his personal and social writings and parliamentary actions. This is essential in order to clarify the position of the *moderados* within the decade that saw them take an active part in great political events, often wielding the power to make or break governments, and whose legislative

⁵⁵ Fowler, "El Pensamiento Político."

agenda led to some of the greatest political and constitutional changes in independent Mexico. Furthermore, it was to be this decade, the 1840s, which shaped the moderate agenda as pursued by the three principal *moderado* presidents, leading to the Ayutla Revolution and the 1857 Constitution. In order to accurately assess the importance of any action within the period, it is necessary to show that much of what occurred was not just squabbling between liberals, but that by the late 1830s there was a distinct and defined group of *moderados* that, while still liberal, was not simply a wayward group stemming from the *puros* but a cohesive unit with its own aspirations and ideologies, all embodied in its greatest theorist, Mariano Otero.

Regardless of this reassessment, it becomes quite obvious from the start that any research into the available historiography pertaining to Otero will necessarily lead to the *Juicio de Amparo*. Seen by some as “la aportación más importante que el derecho mexicano ha efectuado a la cultura jurídica mundial,” the *Juicio de Amparo* and its origins have been widely studied by legal historians.⁵⁶ The *Juicio de Amparo* as it was written into the 1847 *Acta de reformas* ensured that for the first time in Mexico, on the national stage, and in a national constitution, the constitutional rights of the individual were openly protected against attacks by the state, thus the individual was *amparado* or

⁵⁶ The quote is from José Luis Soberanes Fernández, Faustino José Martínez Martínez, *Fuentes para la Historia del Juicio de Amparo* (Mexico City, Senado de la Republica, 2004), p. 9. A great deal has been written about the *Juicio de Amparo*, and the repercussions of Article 25 of the *Acta de Reformas*, because if this, and because its importance is, above all, judicial I will not be going into any depth on this topic in this thesis. It is important to note, without going into the judicial minutiae of the *Amparo* legislation, that Article 25 is important because it demonstrates Otero’s insistence that the rights of the individual be upheld against any attack from the state and that, above all, these be clearly and openly stated in the constitution itself and thus guaranteed. For various studies on the *Juicio de Amparo*, see; José Luis Soberanes Fernández, *Evolución de la ley de Amparo* (Mexico City: Instituto de Investigaciones Jurídicas, Comisión Nacional de Derechos Humanos, 1994), José de Jesús Gudiño Pelayo, *Introducción al Amparo Mexicano* (Mexico City: Instituto de Investigaciones Jurídicas de la Universidad de Guadalajara / ITESO, 1993), Soberanes Fernandez, Martínez Martínez, *Fuentes*, Hector Fix Zamudio, *Latinoamerica: Constitución, Proceso y Derechos Humanos* (Mexico City: Miguel Angel Porrúa, 1988), José Barragán Barragán, *Algunos Documentos para el Estudio del Origen del Juicio de Amparo 1812 – 1861* (Mexico City: UNAM, 1980) and by the same autor *Primera Ley de Amparo de 1861* (Mexico City: UNAM, 1987), among others.

protected.⁵⁷ Although there are those who find earlier antecedents, most legislative historians have agreed that this concept was first aired in the 1840s, when it was included in the 1841 Yucatán Constitution by Manuel Crescencio Rejón, and then by Otero in 1847 in the *Acta de Reformas*.⁵⁸ While both men are hailed as fathers of the *amparo*, it is Otero's role, in particular, that has been lauded, for he was responsible for the introduction of the law at a national level. José Barragán Barragán pointed out that the 1847 *Acta de Reformas* was the basis of the 1857 Constitution, arguing that its provisions were closely followed by the 1856 Constituent Congress, even though it rejected a certain number of them. His introduction sets out the scope and the nature of Otero's ideology as deduced from the *Acta de Reformas*, prior to moving on to study the modifications made to the *amparo* in the 1857 constitution and in subsequent years, which he did by giving a breakdown of the 1847 proposals and pursuing each individually, as he assessed the impact of Otero's work.⁵⁹ This led him to the conclusion that, however distant the current *amparo* legislation may be from that expressly set out in the 1847 *Acta*, Otero is still to be considered as the father of the *amparo*. This concentration on the *amparo* and its judicial repercussions, however, means that Barragán does not make any attempt to examine Otero's reasoning behind the *Acta de Reformas* as a whole or why Otero so urgently wanted it to be approved and, without this context, it is impossible to understand the greater importance and impact of the legislation Otero was advocating.

⁵⁷ The 25th article of the *Acta Constitutiva y de Reformas*, as published on the 21st of May 1847 states that; "Los tribunales de la Federación ampararán a cualquier habitante de la República en el ejercicio y conservación de los derechos que le concedan esta Constitución y las leyes constitucionales, contra todo ataque de los Poderes Legislativo y Ejecutivo, ya de la Federación, ya de los estados; limitándose dichos tribunales a impartir su protección en el caso particular sobre el que verse el proceso, sin hacer ninguna declaración general respecto de la ley o del acto que la motivare."

⁵⁸ For a brief but thorough overview see the introduction to Barragán Barragán's books on the Juicio de Amparo.

⁵⁹ José Barragán Barragán, "Primera Ley," p. 11.

José Luis Soberanes Fernández agreed with Barragán Barragán that Otero's contribution and the *Acta de Reformas* that stemmed from it was the first and most important step at a national level towards establishing a judicial safeguard against constitutional violations.⁶⁰ He went so far as to argue that it was at this point that the Mexican *amparo* was created, and by Otero, although he too explored other origins, including Manuel Crescencio Rejon's *amparo* in the Yucatán constitution in 1841 and the precedent found in the 1812 Cadiz constitution. He clearly outlined what the *amparo* sought to do in 1847, and highlighted its importance, writing little, however, on Otero's motivations or the political and social context in which it was written. Perhaps the most important study on Otero and his contribution to the *Juicio de Amparo* debate was the work of José Francisco Zavala Castillo.⁶¹ His intention was to position the *Acta de Reformas* within the framework of national events, but also in the context of the wider scope of Otero's other works. He analyses the connection between the *Voto de la Minoría* in 1842 and the *Proyecto de Reformas* in 1847, laments the lack of information on Otero and presents a brief biography. This book is an extremely important step towards contextualizing Otero. Zavala Castillo referred to a variety of Otero's ideals at several points in time permitting him to construct a complete image of the *Acta de Reformas* and the motivation behind it, and to tie this in with the *amparo* concept as seen by Otero himself. However, due to the limitations of a subject consisting of merely the *Acta de Reformas* and the *Juicio de Amparo*, he really only sheds light on that one aspect.

While the *Juicio de Amparo* has been studied by academics in the legal disciplines, historians have always focused on one particular aspect of Otero's ideology. This is why no historiographical analysis can be complete without assessing the impact

⁶⁰ Soberanes Fernández, *Evolución*.

⁶¹ Zavala Castillo, *¿Formula Otero?*

of his major, and often it seems his only work, the *Ensayo*. Hale, González Pedrero and Brading all analyse the *Ensayo*. Villegas Revueltas emphasises the methodology developed in it. All the above mentioned general histories of the period cite the work at least once, even if they do not go into any depth. It is quoted to support many different issues; to assist in understanding the actions of the radicals in the 1830s, the social situation of Mexico in the decades following independence and the development of a new idea of history.⁶² This one piece of work is the reason why Mariano Otero is hailed as an outstanding political and social writer. As has already been stated, more often than not, none of his other writings, speeches or letters are analysed so that there is a limited awareness of Otero's views on a variety of subjects.

Perhaps because of the confines of the period of his work, 1852-1864, Silvestre Villegas merely glances over Otero's contribution to the ideology of the moderate factions prior to the 1850s. However he, like Reyes Heróles, discerns the novel methodology displayed in the *Ensayo* when he makes the following very valid point;

Sin duda alguna fue el estudio con visos de científicidad más importante que revelaba el estado del país en ese momento coyuntural. Mostraba las preocupaciones de un pequeño grupo de personas que se definirían en el futuro como 'los moderados', no en cuanto a su existencia, pues ésta databa de tiempo atrás, sino en una forma concreta de actuación política y definición de un programa de trabajo que llevarían a cabo más adelante.⁶³

Enrique González Pedrero is also aware of the importance of Otero's work, positioning it in the wider picture of what he refers to as the Mexico of Santa Anna. In *País de un solo hombre: El México de Santa Anna*, we find a fairly accurate, if somewhat simplistic, presentation of some of the main points made by Otero in his *Ensayo*. The introduction employs a very basic paraphrasing of some of Otero's salient points, although in Chapter XIV, González Pedrero does go into a more detailed analysis of the *Ensayo* and uses Otero's ideas and opinions as a guideline to investigating aspects of

⁶² González Pedrero, *País de un solo hombre*, Vol. II.

⁶³ Villegas Revueltas, *El Liberalismo Moderado*, p. 25.

the 1833 Gómez Farias government, the reasons why it failed and the lessons that should be learned from these mistakes. However, as in the introduction, he highlights the main points, dividing the *Ensayo* into categories, “La aristocracia territorial,” “El Clero,” “Los Propietarios, la industria, la minería y el comercio,” “El Ejército,” “Clases no propietarias, o proletarias,” and “las Clases Intermedias.” He does not provide any new insight into the *Ensayo*, nor does he reach any conclusions, for it is no more than a description of Otero’s words, with no mention of their relevance to the times. His analysis is simplistic, simplifying the existing political strife into “liberales y conservadores” or making sweeping statements, “una sociedad que no ha logrado integrar un Estado.”⁶⁴ He merely presents Otero’s arguments, copying great sections of text from the *Ensayo* without, at any point, developing Otero’s statements or contextualising them specifically to the subject in hand –Santa Anna’s domination of politics in the decades following Mexican independence. As such, we are merely left with a paraphrase which adds nothing new to the analysis of the *Ensayo*.

Hale, too, focused on Otero’s methodology and on his *Ensayo*. He argued that Otero was convinced that society also needed to be seen as a whole and not only in parts. In addition, Hale discussed Otero’s view of historical inevitability –that one event leads to the next and that no event can be studied in isolation. Hale described the *Ensayo* as being “no solo una obra notable de penetrable análisis social, sino que representa un cambio muy significativo en el pensamiento social Mexicano.”⁶⁵ However, he went on to suggest that Otero was unable to develop these ideas due to his early death and his active role in politics as of 1842. This statement seems to argue that Otero’s activities in politics were removed from his ideas, as opposed to seeing his political decisions and actions as a further expression of his ideals, which can then be used to explain their

⁶⁴ Gonzalez Pedrero, *País de un solo hombre*, p. 441.

⁶⁵ Hale, *El Liberalismo Mexicano*, p. 187.

significance throughout his life and not merely at one point in time. This may have been the reason he did not go on to use Otero's later works and actions to explain how moderate ideas changed and mutated in the later years of the 1840s decade. Fowler, on the other hand, paves the way for further study by demonstrating the impossibility of assessing the *Ensayo*, or any single work as an isolated piece of ideological and social discourse, and underlines the need to place it within the events and the writings of the time, in order to form a complete picture that enables us to assess the impact of this major work.⁶⁶ Due to the constraints of the chapter and article, he does not follow this through, but it does show a slight shift in the historiographical tendencies to approaching Otero's works, a move to no longer considering the *Ensayo* in isolation; the start of its depiction as a coherent set of opinions and arguments that shaped what was to become a cohesive movement. At the present time, it remains just that, a slight shift in perspective, and no further study has emerged to give it momentum.

One of the writers who did endeavour to place Otero's *Ensayo* among the great writers of his time was Jesús Silva Herzog.⁶⁷ He gave a brief description of the content of the *Ensayo*, along the typical lines of highlighting the salient points and quoting solely the *Ensayo* but, although Silva Herzog included Otero with Zavala, Alamán and Mora, he did no more than look at each in turn without actively comparing and contrasting their ideas. It is inarguable, that the *Ensayo* is one of the greatest pieces of social and political analysis produced by the *moderados* in the 1840s, "se trata de un examen magistral de la sociedad colonial al consumarse la independencia y de las modificaciones sufridas por ésta en los primeros años del México independiente."⁶⁸ However it is important to move on from the *Ensayo*, to explore the changing ideas that

⁶⁶ Fowler, *Mexico in the Age of the Proposals* and "El Pensamiento Político."

⁶⁷ Jesús Silva Herzog, *El pensamiento económico, social y político de México, 1810-1964* (Mexico City: Instituto Mexicano de Investigación Económica, 1967).

⁶⁸ Eduardo Castellanos Hernández, *Formas de gobierno y sistemas electivos en México 1812-1940* (Mexico City: Centro de Investigación Científica, 1996).

Otero portrayed throughout the decade in order to understand that what are often seen as contradictions are merely the next stages of his political theory. The *Ensayo* cannot and must not be seen as the sole repository/exponent of his ideals. When it was written, Otero had only been in Mexico City for a short period of time. As his political involvement grew so his ideas shifted and the *Ensayo*, although a perfect reflection of the state of affairs in 1842, cannot be used to define Otero's views in the late 1840s, nor should it be held as a yardstick to measure his actions and reactions during the same period. As it stands at the moment, there is still an unwillingness to construct a cohesive timeline of events and to place Otero's work within it; no effort has been made to marry Otero's later actions in his political career with the attitudes and ideas that he proclaimed in his *Ensayo*. It is too often considered to be an isolated achievement, a flash of brilliance, and this tends to leave a generally positive image of Mariano Otero in all existing historiography. At the same time, however, the occasional references to Otero when not linked to his *Ensayo* raise a large number of questions. The contradictions that emerge in his career and personality, of which we have mentioned but a few, are never explored. As will be seen in the following chapters, further study does not seek to revile him; the contextualisation of later actions within the events of the 1840s will reshape the image we have of him, basing it on his lifetime achievements. In addition it will examine actions apparently at odds with his political ideology but which he felt forced into by the circumstances. The result is fair and balanced; errors or contradictions, even if impossible to explain fully, are firmly placed in context. He no longer appears as an insubstantial being, responsible for two or three great works, but as a significant political figure whose actions and works are examined within the significance of the times in which he lived.

Undoubtedly, despite the comparatively little written about him, Mariano Otero was a leading figure who appears time and time again in the most important books on the 1840s. The studies written since the 1980s present Otero as central to some of the key events of that decade; the series of *pronunciamientos* of 1841, the congresses of 1842 and 1846, the US War, the *Acta de Reformas* and the rebuilding of the nation after defeat at the hands of the Americans. As such, in the *Central Republic in Mexico 1835 – 1846*, Michael Costeloe portrays Mariano Otero as a person of some consequence in many of the events he details. He is seen as a crucial player in the 1842 congress, with reference being made to his vital role in the discussion of the new constitution that split the committee. Otero's importance in the politics of the time is underlined by his arrest, together with other prominent figures, Gómez Pedraza, Riva Palacio and Lafragua, in 1843, on the orders of Santa Anna. That Santa Anna was threatened by these men, to the extent of having them arrested and kept in solitary confinement for over a month, is, for Costeloe, a sign of the power and influence they wielded, not only in politics but also through their writings in *El Siglo XIX*. González Navarro's *Anatomía del poder en México*, also highlights Otero's importance, this time in the events of the late 1840s. He draws attention not only to the positive aspects of his political and legislative career but also points out the negative ones. Mariano Otero, he says, was involved in the devastating *Rebelión de los Polkos*, and, in addition, accused Suárez Iriarte of collaborating with the United States, a mere six weeks after Otero himself had requested support from the US army to help subdue the rebellions in Yucatán. However, González Navarro also draws attention to the less dramatic achievements of Mariano Otero in his role as Ministro de Relaciones, his involvement with the reshaping of the penal system or the improvement of the communication infrastructure. In Pedro Santoni's *Mexicans at Arms* we are given, yet another side to Otero. He is seen voting

against the organisation of militias, unimaginable to anyone who was aware of his staunch support for the militias as a balancing force to the regular army. No context is given and, without it, Otero's actions are contradictory; there is no way of knowing that Otero's vote was not against the reshaping of the militias, it was against their being resurrected to be sent to do a job that was rightly the army's prerogative: the reconquest of Texas. At the same time, Santoni succeeds in showing the less attractive side of Otero. By focusing on the *puro* government and its actions, Mariano Otero emerges as a slightly petty, very 'party' conscious politician, constantly plotting to manoeuvre himself and the *moderados* into power but, at the same time, one who was willing to push party concerns aside in order to pass legislation. The Otero that emerges from these texts is full of contradictions; at times, the brilliant legislator and ideologue, willing to stand up and defend the ideals he held so dear and yet, at other times, he is also a selfish and self-centred youth, ready to do anything to discredit his opponents, gain power for the *moderados*, and achieve his political aims.

Where his participation in certain events is not simply glossed over, such inconsistencies appear often in the available historiography on Otero. Depending on the specific event in which he is involved, a different figure is seen to emerge. During the Mexican War with the United States, Otero played many roles. He was adamant in his opposition to the war originally, then fervently in favour, and yet eventually, as a minister, he was tireless in ensuring proper adhesion to the terms of the peace treaty. It is because he did take different stands at different times that when he is studied in conjunction within a particular context, it means that different perceptions of him and his actions can be formed. In Sordo Cedeño's essay on the role of the 1846 congress during the war with the United States, we necessarily gain an insight into the part he played in such an event, although there is little or no contextualisation of his

background, motives or his political objectives. As is so often the case, once again in his need to show what Otero's actions and decisions were at a specific point in time, the author's depiction of Mariano Otero is a fragmentary one. We see a negative portrayal of Mariano Otero as an instigator of the Polkos rebellion, but we also see him passionately eager to use any means to pass his Reform Bill before the dissolution of congress. There is no attempt to explain what his motivation was in either case or even to shed greater light on either event, nor are these seen as relevant to the author's narrative. However, they are important; those individuals, so opposed to armed revolt or sudden change, were pushed into beginning a bloody civil revolt at a time when they could expect only to be reviled by their contemporaries, and their motivations and goals do need to be analysed further in order to bring greater clarity to even the simplest narrative.

Finally, Otero also appears in a variety of biographies on the great men of the decade. Although an important player in his own right, he so often appears in the historiography standing in the shadow of greater men. In Gómez Pedraza's political biography, Laura Solares Robles shows an Otero strongly influenced by the older, politically wiser, former president. Once again though, Otero is mentioned only in a supporting role, one whose participation in events is never really linked back to Pedraza. His actions seem to occur in a vacuum, and it is only at the very end that the importance of their friendship is highlighted; "Sufrió un duro golpe con la muerte de Mariano Otero, su amigo y compadre [...]. El compromiso moral que tenía con Otero le llevó a fungir como albacea [...] le preocupaba, como a muchos que lo habían estimado, la situación de su viuda."⁶⁹ There is a suggestion here that Otero's role in Pedraza's life in the eight years he was in México City was considerable but the true extent of this friendship is

⁶⁹ Solares Robles, *Una revolución pacífica*, pp. 239-240.

not explored. This also applies to Cotner's biography of Herrera. Again Mariano Otero figures prominently, particularly as Herrera's *Ministro de Relaciones Exteriores e Interiores*, but never as a protagonist, just one more character to enhance the image of the protagonist. Exactly the same faults can be found with Quintana's biography of Lafragua. Otero is a constant companion and yet receives no real credit. It happens yet again in the biographical sketch of Ignacio Comonfort by Rosaura Hernandez Rodríguez.⁷⁰ Here she argues that Otero was one of the greatest influences on the would-be president, pointing out that they dreamed of forming a faction, at national level, that would bring together reformist and traditionalist ideals, a moderate party in other words. She goes so far as to assert that following Otero's death, Comonfort lost the will to carry out this dream. Otero is ever-present in Comonfort's actions, in congress, during the war, and yet nothing is said of Otero's beliefs, or of what exactly the moderates stood for before the 1854 *Revolución de Ayutla*. Again, Otero appears merely as a contemporary of Comonfort. This is, of course, understandable since these are all biographies that concentrate on a particular individual. However, Pedraza is hailed as the leader of the *moderados* and Herrera as one of the only truly *moderado* presidents. If it is true that Otero was the greatest *moderado* theorist and legislator, this only underscores the need for an equally focused and comprehensive evaluation of his life and political thought, in order to place him in a more appropriate juxtaposition with his contemporaries and colleagues.

The image of Mariano Otero formed by all of the above does emphasise many salient points. Otero was a key figure in the events of the 1840s, yet there has been no exploratory study, no biography. What references there are to him are scattered, and none have the scope to cover his entire ideology and actions. An in-depth study is

⁷⁰ Rosaura Hernandez Rodriguez, *Ignacio Comonfort. Trayectoria política. Documentos* (Mexico City: UNAM, Instituto de Investigaciones Históricas, 1967).

needed not only to give greater focus to his writings, beliefs and ideologies, but also to position Otero in the context of his era, his contemporaries and his position in Mexican history. The *moderados* have been largely neglected by the historiography of the nineteenth century, particularly as concerns their actions during for the decade of the 1840s. More needs to be done to define further their goals and ambitions and to enable us to explain the events and link them to the political happenings. Where better to begin this definition of the moderates than by exploring the ideology of Mariano Otero? He was associated with some of the greatest political figures of the nineteenth century, and as such he stood out as “the young and inspired liberal of the 1840s,” depicted as being strongly in favour of the new independent Mexican nation and as, “uno de sus políticos e intelectuales más influyentes.”⁷¹ The only *moderado* to propose a succinct theoretical policy, to delineate not only the goals they were striving for but also the methodology to follow. Most of the historiography on Mariano Otero produces a complex figure. However, it is not a complexity that gives depth, but a complexity that leads to contradiction and bewilderment. What emerges is a fragmented image from which we can begin to discern the full story but we are still, at this point, enmeshed in myth and legends, where the inevitable bias of history and historians has left us with a figure whose importance is obvious but cannot yet be precisely pinpointed.

The available historiography therefore presents us either with Reyes Heróles’ liberal hero or with a fragmented Otero, without the sense of a whole or in a vacuum. In contrast, the image of Otero that emerges from the biographical sketch that follows is well-rounded, showing a man shaped by a wide variety of factors, his family, his friends, his career —both as a politician and a lawyer— and, above all, the great events that formed the nation. The second part of the thesis examines his political ideology and in

⁷¹ Fowler, “Dreams of Stability,” p. 295 and “El pensamiento político,” p. 281

those chapters it becomes clear that while loosely representative of the moderate faction he belonged to, Otero's beliefs were not set in stone. As he faced each new challenge in his political career or his personal life, so his ideology was forced to shift and mutate. When it came to putting theories into practice, he was often forced to compromise. He was not the monochrome liberal that he has been made out to be, anymore than any of his contemporaries were.

2.

The Man.

Born in Guadalajara, Jalisco, on 4 February 1817, there is scant information on Mariano Otero's early years. He was born into a distinguished and well-to-do family which fell upon hard times when his father Ignacio Otero, a doctor and lecturer in Medicine at the Real Universidad, died while Otero was very young.⁷² His mother María Mestas followed soon after, as Otero himself mentions in an application he submitted for a position as a clerk at the Junta Directiva de Estudios de Jalisco;

Sin padres desde [la edad] de ocho años, quedé bajo los auspicios de mi hermano político [cuñado], el señor Portugal y hoy a los quince de edad, muerto él, hace un año, he quedado al abrigo de su viuda, cuya situación es tan lamentable como la mía.⁷³

Otero remained fairly poor and was forced, from an early age, into a number of jobs in order to survive, which included sketching plans, copying actors' parts and publishing theatre critiques.⁷⁴

Otero attended the Instituto del Estado de Jalisco, where he studied civil, political and natural law, as well as political economy, mathematics and history, combining it all with the Greek and Latin classics.⁷⁵ He graduated in Civil Law on 10 June 1835, beginning his formal training shortly afterwards. On 1 October he formally asked the governor to waive the obligatory length of this training and, having been granted an exemption, took his oral exam on 15 October 1835.⁷⁶ His examiners included José Luis Verdía, one of his mentors, and he passed with flying colours. Little is known

⁷² Guillermo Prieto, *Memorias de mis tiempos* (Mexico City: Editorial Patria, 1964), p. 496.

⁷³ Archivo de la Universidad de Guadalajara. Legajo núm. 478. Solicitud de los señores José Mariano Otero y Juan Antonio De la Fuente para obtener la plaza del escribiente del Instituto del Estado. See also Juan Real Ledezma, "La Guadalajara de Mariano Otero," in *La Gaceta*, 21 February 2005, Universidad de Guadalajara, p. 16.

⁷⁴ Guillermo Prieto, *Memorias*, p. 497.

⁷⁵ Reyes Heróles, "Estudio Preliminar," p. 12.

⁷⁶ *Ibid.*

of his life between his graduation and the first tentative steps he took into politics in 1841. Reyes Heróles, noting French, British and American influences, speculated that Otero used this time to read and further acquaint himself with philosophers and theorists, naming Sismonde de Sismondi, Alexis de Toqueville, Edmund Burke and Benjamin Franklin as the most significant. Reyes Heróles also pointed the influence of the great Mexican thinkers including, among others, Prisciliano Sanchez, who had founded the Instituto where Otero was educated, and José María Luis Mora, who was Otero's contemporary, and with whom he would, later in life, establish a wide ranging and extensive correspondence until their death, in 1850, within a month of each other.⁷⁷ What is certain is that in those years Otero formed the alliances in Jalisco that he would subsequently take with him to the capital. Despite the fact that he never returned to live in his homeland, Mariano Otero remained *jalisciense* to the core. The contents of his correspondence after his arrival in the capital suggest he had spent those years practicing as lawyer. Just a glance at these personal and business letters shows that, in the years before departing to seek his fortune on the national political stage, Otero had built up a vibrant network of clients and colleagues, acquaintances and political allies. It was also during these years that he met his wife Andrea Arce, “de bellísimo carácter, bien amorosa y risueña que cifraba su contento en dar gusto y en ver alegre á su marido” and whom he married in 1840.⁷⁸ He became a father soon afterwards and, ever the family man, also welcomed Andrea's aunt, Luisa, into the household, where she remained, even moving with the family to the capital in 1841.

The last months that Otero spent in Guadalajara, before moving to Mexico City, are better documented. Reyes Heróles argued that Otero was “politically irrelevant”

⁷⁷ For further information see *Ibid.*, p. 9-190.

⁷⁸ Ignacio Burgoa, “Semblanza de Don Mariano Otero, insigne jurista y político mexicano,” *Revista de la Facultad de Derecho de México*, Número 154-155-156, (Año 1987), p. 435. Guillermo Prieto, *Memorias*, p. 364.

prior to the 1841 Revolución de Jalisco and the upheaval that followed it, but it seems more feasible to assume he was active in all the right circles, as otherwise, in the tightly knit political circles of the state capital, it is unlikely a stranger could have simply erupted onto the political stage.⁷⁹ Given his youth, he was only twenty-four when the Plan de Jalisco was announced on 8 August 1841, this period should be considered merely as the very beginning of his career, when he was taking the first few tentative steps towards a politically active role. The Plan de Jalisco did present Otero with the perfect opportunity to take a greater part in politics at the state level which would, in turn, propel him to prominence on the national stage. In addition, the series of *pronunciamientos*, launched from his very doorstep, acted as the catalyst for his *Ensayo sobre el verdadero estado de la cuestión social y política que se agita en la República mexicana*, his best known work, published in mid-1842, and written in response to the events that had led him to Mexico City. In the *Ensayo* Otero assessed the state of the country as he saw it in 1842, and in it can be found the first presentation of his ideology; the importance of social factors in the development of the nation, the need for separation of Church and state, the serious problems caused by the military involvement in politics and, his stress on the importance of a democracy underpinned by a strong constitution and a federal government to ensure progress. The last of such importance as to deserve a chapter to itself in Part 2. Written as a response to the *pronunciamientos* that broke out in his home state, the *Ensayo* is a prime example of local and national circumstances shaping Otero's political thought.

The Revolución de Jalisco originated from the unrest that had been widespread since the beginning of 1841.⁸⁰ In the months leading up to it, Otero was in Guadalajara

⁷⁹ Reyes Heróles, "Estudio Preliminar," p. 19.

⁸⁰ *Revolución de Jalisco* is the term Otero used to encompass Mariano Paredes y Arrillaga's Plan of Jalisco (8 August), Gabriel Valencia's Plan of La Ciudadela (4 September), and Antonio López de Santa Anna's Plan of Perote (9 September), all issued in 1841, and redefined by Michael P. Costeloe as the

where he would have received information on minor disturbances in Chiapas, Orizaba, Durango, and San Luis Potosí, among others.⁸¹ By the summer, rumours had begun to spread of a potential revolution being plotted in Jalisco and Veracruz.⁸² Although he held no official political position at this time, there can be no doubt that he was aware of the political situation in the country. His mentors in Guadalajara, Crispiniano del Castillo and José Luis Verdía, were both prominent political figures in the town, and it was del Castillo who introduced Otero into the political turmoil that followed the *pronunciamientos*. Newspapers and hearsay would have indicated that unrest was bubbling in Veracruz, where Antonio López de Santa Anna, acting on behalf of the merchants of that town, stated that they were unhappy with the *derecho de consumo*, a 15 percent import tax introduced in 1839, which had raised the overall taxation on imported goods to 49.5 percent, and that they intended, from that point on, to cease paying it.⁸³ Meanwhile, in Jalisco, the state government was also hinting at the rising unrest, attributing it similarly to the high level of taxation, and using this opportunity to attack the central government, headed by Anastasio Bustamante who, it argued, was reluctant or unable to address it.

On 8 August, General Mariano Paredes y Arrillaga staged a *pronunciamiento* in Guadalajara and issued his *Manifiesto y Plan de Jalisco*. The demands of the Plan moved beyond insistence on changes in the rates of taxation; it sought the removal of General Anastasio Bustamante from power, his substitution by an interim president to be named by the Supremo Poder Conservador, and called for the election of a new

Triangular Revolt. For more detailed information see Michael Costeloe, "The Triangular Revolt in Mexico and the Fall of Anastasio Bustamante, August-October 1841," *Journal of Latin American Studies*, Vol. 20, No. 2 (Nov., 1988).

⁸¹ José María Bocanegra, *Memorias para la historia de México Independiente, 1822 – 1845* (Mexico City: Imprenta del Gobierno Federal en el Ex.Arzobispado, 1892), II, pp. 804-6.

⁸² *Ibid.*

⁸³ Noriega Elío, *El Constituyente*, p. 26.

Constituent Congress.⁸⁴ The Plan itself moved away from a mere representation of the interests of one group, the merchants and, like most *pronunciamientos*, proclaimed itself as representative of the will of the nation.⁸⁵ The actions of Paredes y Arrillaga in Jalisco were to spread across the country, topple the existing government and would result in Otero being elected to take his seat in the new Constituent Congress, called for in the Bases de Tacubaya.

Many of the grievances expressed in the Plan were subjects which Otero would refer to in his *Ensayo*. Texas was no closer to being reconquered than it had been in 1837 when Bustamante came to power with the promise of an immediate focus on this issue; few of the reforms promised by the ministers prior to taking office had ever materialized, and those that had showed no visible effects; and revolts in 1840 in Yucatán and in Tabasco further sullied the government's reputation. Moreover, the floundering state of the national economy forced the government to take on even more loans from national sources and from its allies, and its inability to repay any of them led to strains in foreign relations with Britain and France. Increased taxation was the only other source of revenue for the government, implementation of which alienated many of its supporters, particularly as even these taxes were insufficient to cover its necessities.⁸⁶ Perhaps it is not too fanciful to suggest that Otero's firsthand knowledge of the discontent in the states, the arbitrary and crippling taxation levied on them to fund local

⁸⁴ The *Supremo Poder Conservador* had been created by the *Siete Leyes* of 1836, which came to be known as the first centralist constitution and was designed to maintain those constitutional laws, see, Alfonso Jimenez et al. (Eds.), *Ensayos históricos-jurídicos: México y Michoacán* (México: UNAM, UAM, Supremo Tribunal de Justicia del Estado de Michoacán), pp. 1-39. "Manifiesto y Plan del General Paredes (8 August 1841)," in Josefina Z. Vázquez (ed.), *Planes en la Nación Mexicana 1831-1854* (Mexico City: Senado de la República/El Colegio de México, 1987), IV, pp. 58-60.

⁸⁵ For more information on the pronunciamiento as a representation of the will of the nation see Will Fowler, "Entre la legalidad y la legitimidad: elecciones, pronunciamientos y la voluntad general de la nación, 1821-1857," in José Antonio Aguilar Rivera (Ed.), *Las elecciones y el gobierno representativo en México (1810 – 1910)* (Mexico City: Fondo de Cultura Económica, Consejo Nacional para la Cultura y las Artes, Instituto Federal Electoral, Consejo Nacional de Ciencia y Tecnología, 2010).

⁸⁶ Costeloe, "The Triangular Revolt," and Vázquez (ed.), *Planes en la nación*, IV.

battles and foreign wars, coupled with his legal training, was responsible for the ardent constitutionalism that he defended all his life, as we will see in Part 2 of this thesis.

Local issues were becoming national ones, and Otero was to make his debut in local Guadalajara politics only to move on rapidly to a leading role in the capital. The Jalisco-led *pronunciamiento* spread rapidly, and on 4 September General Valencia pronounced in the Ciudadela Garrison in Mexico City, calling for an interim president and the convocation of a new Constituent Congress. This was significant as it meant the Jalisco *pronunciamiento* had established itself as a real force, strong enough to succeed in the goal it had set –the downfall of the incumbent president. More *planes* emerged, seconding the revolution that had begun in Jalisco; Zacatecas on 5 September and Jérez on 7 September. The most important however was the one that thrust Santa Anna back into the limelight; on 9 September he published his *Manifiesto y Plan de Perote*, dropping all pretence of neutrality and mediation between rebels and the government and demanding that Bustamante step down.⁸⁷ The *pronunciamiento* had succeeded. The three generals, Santa Anna, Valencia, and Paredes, reached an agreement that produced the *Bases de Tacubaya*, a thirteen-point plan that included calling for a new congress and an interim president. Once signed, Bustamante was ousted from power and Santa Anna was sworn in as the interim president.

Meanwhile, in Guadalajara, the political spectrum was also being shaken up. As a direct result of the Plan de Jalisco, the Junta Departamental in Guadalajara voted to dissolve itself, arguing that it could not continue its functions in the current political

⁸⁷ “Manifiesto y Plan del General Paredes (8 August 1841),” “Plan del General Valencia proclamado en la Ciudadela (4 September 1841),” and “Manifiesto y Plan de Perote (9 September 1841),” in Vázquez, *Planes en la nación*, IV, pp. 58-61, 64-67, Costeloe, “The Triangular Revolt,” Noriega Elío, *El constituyente*.

climate.⁸⁸ On 12 August 1841, prominent citizens gathered in Guadalajara to decide the future of the state. Among those present were General Mariano Paredes y Arrillaga, Commander-in-Chief of Jalisco, Don José Luis Verdía, Diocesan Prosecutor, Crispiniano del Castillo, Circuit Judge, and “el Lic. Don Mariano Otero, asesor de la agencia del Banco.”⁸⁹ His relationship with del Castillo and Verdía had ensured that he was present when the new political order was being decided. First came the election of a president and secretaries, with Paredes y Arrillaga filling the former and Castillo and Verdía the latter.⁹⁰ Otero stood for the position of secretary, but did not receive sufficient votes. After the election of Antonio Escobedo as Governor, they proceeded to elect *vocales* and *suplentes* for the Junta Departamental.⁹¹ It is this meeting that is the basis of Reyes Heróles’ statement that Otero is “irrelevant,” for in addition to his candidature for secretary, he stood for the position of 4th, 5th and 6th *vocal* and for 1st and 2nd *suplente*.⁹² He was unsuccessful in all. However, his worth must have been recognized, for the very first communiqué issued by the Junta Departamental, only two days later on 14 August 1841, was signed by Joaquín Castañeda as president and Mariano Otero as secretary.⁹³

Otero remained in this position until late November 1841.⁹⁴ His seat on the Junta brought him into closer contact with some of the most politically significant men in Jalisco. In addition, he was being exposed to the political and social issues that affected

⁸⁸ Josefina Z. Vázquez, Héctor Cuauhtémoc Hernández Silva (Eds.), Carlos María de Bustamante, *Diario histórico de México, 1822-1848* [electronic resource] (Mexico City: El Colegio de México, Centro de Investigaciones y Estudios Superiores en Antropología Social, 2001), annexes, August 1841, pp. 85-89.

⁸⁹ *Ibid.*, p. 86.

⁹⁰ Though Verdía was elected, he argued he could not fill the position and Vergara took over. Eusebio Anaya received 9 votes and Otero, 8, in *ibid.*, pp. 85-89.

⁹¹ Although Escobedo was elected as Governor, he turned it down and Paredes y Arrillaga was elected in his place. See *ibid.*, pp. 85-90.

⁹² Otero only narrowly lost the election for 4th and 5th *vocal*, by 23 votes to 19 in the first and by 21 to 19 in the second. For the other positions he lost by considerably more, achieving only one vote in some. See *ibid.* for full details of the election.

⁹³ *Colección de los decretos, circulares y órdenes de los poderes Legislativo y Ejecutivo del Estado de Jalisco* (Jalisco: Congreso del Estado de Jalisco, XLIX Legislatura, 1982), VIII, p. 241.

⁹⁴ The last time he signs as Secretary is on the 26th November 1841. *Ibid.*, VIII, p. 304.

Guadalajara, concerns that he would spend the rest of his life addressing at a national level. During his tenure, for example, he and several members of the Junta renounced their stipends in order to help the government, as lack of available funds was forcing the state government to close schools.⁹⁵ In addition, Otero took part in meetings that dealt with a variety of topics; health and health regulations, toll road maintenance, the repeal of the 15% tax whose levy had led to the Revolución de Jalisco, and prison regulations, among others.⁹⁶ How active his role in the discussions is inconsequential. More importantly, Otero was, for the first time, immersed in the decision making process of the political elite in Guadalajara. In addition he was forging new contacts and strengthening old ties, which he would maintain after his move to the capital, receiving important news from his home state regularly until his death.

It was while serving as Secretary to the Junta Departamental that Otero was chosen to deliver a speech commemorating independence. On 16 September 1841 he stepped into the limelight when he delivered his address containing the first indications of his beliefs; the strokes towards defining his ideological position, which would be clarified further in the *Ensayo*, less than a year later.⁹⁷ He highlighted the importance of history as a tool in understanding the current state of the nation, the lingering effects of the colonial legacy, the unalterable nature of Mexican independence, touching upon such key issues as the social question, as well as criticising the detrimental effect of factional politics and the constant revolutions that had plagued Mexico. It was an upbeat, optimistic and patriotic. It was published in Mexico City, in the recently launched *El Siglo XIX* newspaper. Reyes Heróles stated that this was the moment that Otero's

⁹⁵ Mariano Otero gives up the 300 pesos a year he receives in his position as Secretary on 16 August 1841. *Ibid.*, p 244.

⁹⁶ 20 August 1841, the President of Public Health presents a report to the Junta. *Ibid.*, pp. 247, 251-255, 261-273, 275-276

⁹⁷ Otero, "Discurso Pronunciado en la solemnidad del 16 de Septiembre de 1841 en la ciudad de Guadalajara," in *Obras*, II, pp. 405-420.

“vocación, talento y ambición” had been working towards. Ambition, an apt choice of word, as the reason the speech was published was because Otero personally submitted several copies to the editors of *El Siglo XIX*, ensuring its publication in the capital as a means of paving the way for a move into national politics. The newspaper, published by Ignacio Cumplido, fellow *jalisciense*, published the speech and gave it a glowing review. ;

por la elegancia de su lenguaje, por la solidez de las doctrinas, por la dignidad con que trata el objeto, las notas que lo ilustran, y sobre todo, por la elección de un rumbo del todo nuevo, que la hace original en su género, y la separa en cierto modo de todos los demás discursos, que en iguales solemnidades se han pronunciado hasta ahora damos las gracias al señor Otero por el placer que nos ha proporcionado con el suyo, el cual hace honor a la literatura jalisciense.⁹⁸

This ensured that when he arrived in Mexico City a few months later, his name was known to many of the leading politicians of the day, thereby enabling him to step directly on to the national stage.

This would come to pass sooner than expected. In November of that same year Otero was presented with the opportunity to move to Mexico City. Jalisco had elected him as *suplente* to the Junta de Representantes de los Departamentos and as such he was called on to replace Ignacio Vergara, who had resigned his position.⁹⁹ This was the body, formed as a result of the Bases de Tacubaya, which had elected Santa Anna as president. On 18 November, Otero wrote to the state government to request leave from his position as State Prosecutor, to take up his appointment in Mexico City.¹⁰⁰ It was granted and he prepared to leave with his family for the capital.

⁹⁸ *El Siglo XIX*, 22 October 1841.

⁹⁹ For the most in-depth information available on the Junta, see Lucinda Moreno Valle, “La Junta de Representantes o Consejo de los Departamentos, 1841 – 1843,” *Estudios de Historia Moderna y Contemporánea de México*, IV, 1972. The discussions that led to Vergara’s official resignation and to Otero’s replacing him took place mid November and were published in the capital a few weeks later, *El Siglo XIX*, 3 and 4 December 1841.

¹⁰⁰ “Sobre el nombramiento hecho en el Lic. D. Juan Palafox para Promotor fiscal de Hacienda interino de Guadalajara durante la ausencia del Sr. Mariano Otero,” Archivo General de la Nación (henceforth referred to as AGN), GD118 Sección – Justicia, Vol. 286. Expediente 4. Fs. 24-34.

Reyes Heróles mentioned that Otero arrived there at the end of May 1842.¹⁰¹ This, however, is impossible, as he was present at the Consejo de los Departamentos for the last week of 1841.¹⁰² His departure must have been hurried; his friends complained that he had not even had time to say goodbye.¹⁰³ He did, however, ensure that he left his legal affairs in Guadalajara in order, ensuring none of his clients were left stranded. Most of his legal responsibilities he entrusted to Jesús López Portillo, a contemporary of Otero's, a moderate, who would go on to be Governor of Jalisco in the early 1850s before siding with the Maximilian administration.¹⁰⁴ Even so, he continued to receive numerous letters in Mexico City with updates on his legal cases, as well as news of family and friends in Jalisco. Despite the short notice of his move to the capital, and the relative uncertainty of his arrival, Otero answered these letters promptly and in depth, constantly requesting further information on this or that case or situation.¹⁰⁵

Otero had travelled with his family; his wife, Andrea, her aunt, Luisa and at least one child, and on arrival was able to rent a small house at la Estampa de Jesus María.¹⁰⁶ He immediately began making the rounds. One of his first visits was to Ignacio Cumplido, editor and printer of *El Siglo XIX*, with whom he had already established correspondence from Guadalajara. It was Cumplido who was able to provide him with

¹⁰¹ Reyes Heróles, "Estudio Preliminar," *Otero, Obras*, I, p. 22.

¹⁰² Otero was presented to the Junta in the session on 24th December 1841, along with José Urrea and Patricio Bárcena, of Durango. *El Siglo XIX*, 30 December 1841.

¹⁰³ Ignacio García lamented that "el tiempo que Usted tuvo para prevenir un viaje tan dilatado y con familia fue corto, y los [negocios] que Usted debió concluir o arreglar para separarse de aquí fueron muchos, y por lo mismo no pudo tener tiempo para despedirse y visitar a sus amigos". Letter from Ignacio García to Mariano Otero, 13 January 1842, in Tovar de Teresa, *Cartas a Mariano Otero*, p. 69.

¹⁰⁴ Roderic A. Camp, "Family Relationships in Mexican Politics: A Preliminary View," *The Journal of Politics*, Volume 44, Issue 03, (1982), p. 849 and Fowler, *Santa Anna*, p. 293.

¹⁰⁵ Otero received numerous letters in the last weeks of 1841 and the first of 1842 with updates on the situation of his affairs in Guadalajara, as well as replies to letters he had sent requesting more in-depth information on certain cases. Lopez Portillo, for example, reassured him that he was following up all his old cases; "tengo despachada la cause de Jacinto Murillo que está para sentenciarse; hice un escrito en el negocio de los Mesquitán; [...] he dispuesto otro alegato semejante por Rafael Hidalgo y he despachado también el negocio de la señora Celis". He continues the letter asking for advice on another case, and concludes that he is keeping all payment until Otero confirms what he should do with it but refuses to take any part of it for himself, because he feels "bastante recompensado con prestar a la amistad estos pequeños servicios a la amistad.". Jesus Lopez Portillo to Mariano Otero, 24 December 1841, in Guillermo Tovar de Teresa, *Cartas a Mariano Otero*, p. 65.

¹⁰⁶ Prieto, *Memorias*, p. 347.

another more spacious house and in a better location at no. 6 Calle del Hospital Real. In addition, Cumplido offered Otero a job on the editorial team of *El Siglo XIX*, placing him in charge of the political section.¹⁰⁷ Another of his contacts was Manuel Gómez Pedraza, former president and leader of the moderate faction. He had read Otero's speech in *El Siglo XIX*, and had been in touch with him prior to his arrival, offering his house as a first port of call.¹⁰⁸ In addition, Otero took time to visit old friends, such as Crispiniano del Castillo, who was serving on the Junta de los Departamentos, and to make new acquaintances like José Espinosa de los Monteros, a future ally in congress.¹⁰⁹

Within a few weeks, Otero had established himself in the capital and was attending the Consejo de los Departamentos in his role as the representative for Jalisco. Otero formed part of the Consejo for the months when it was most active.¹¹⁰ One of its first tasks had been to form committees to deal with various aspects of governance, including foreign relations, justice, ecclesiastical affairs, war, finance, and industry. During the very first session that he attended, on Christmas Eve 1841 when Otero was sworn in as a member, he was called upon to replace Manuel Larraínzar on the main Justice Commission.¹¹¹ The issues the Consejo was dealing with were similar to those he had already worked on in Jalisco, only this time he was more than a mere secretary, and they were national, not local. The Consejo was to all intents and purposes covering

¹⁰⁷ Ibid., pp 337-339, 348.

¹⁰⁸ Ibid., pp. 346-348.

¹⁰⁹ Again, Otero's correspondence for the first weeks of January 1842 shows he was in touch with his old mentor, passing on letters and greetings from people at home. In addition, in a letter dated 21 January 1842, Julio Vallarta exhorts Otero to make the most of his stay in the capital, congratulating him on his friendship with Espinosa de los Monteros and arguing that to get ahead he must push his *excesiva delicadeza* aside, Tovar de Teresa, *Cartas a Mariano Otero*, p. 71.

¹¹⁰ Created originally on 9 October 1841 under the name of *Junta de los Representantes Suplentes de los Departamentos*, less than a month later, on 26 October, it became the *Junta de los Representantes de los Departamentos*, before finally settling on *Consejo de los Departamentos* on 5 December of that same year, the name by which it remained known until it ceased operation. See Lucina Moreno Valle, "La Junta de Representantes."

¹¹¹ *El Siglo XIX*, 30 December 1841.

the duties carried out by a congress that was yet to be called. As a member, Otero was active in its sessions. Some of the issues he was dealing with included ownership of land by foreigners or pardons for those facing the death penalty. Although he was new to the political intrigues of the capital, he was ready to take a stand for what he felt was right. A legal pedant, he voted against certain measures, not because he did not support them, but because they had not been correctly proposed or legislated, as we can see in the case of the vote on foreign ownership of property discussed in various sessions in January.¹¹² Otero voted against the proposal of the Commission for Foreign and Internal Affairs, as well as against the private motion presented by Espinosa de los Monteros in favour of foreigners being able to purchase property in Mexico, only to go on to present his own 6-part motion on the same subject which was admitted for discussion and passed to the relevant commission.¹¹³ Otero behaved in a similar fashion in the 1842 and the 1846-47 congresses, where he put forward minority proposals, not merely as opposition for opposition's sake, but to ensure that even the smallest details were included, that certain aspects were better expressed or simply that a specific word be added. At the end of April he had acquired sufficient renown to be elected president of the *Consejo*, a position he would resign soon after to take up his seat at the 1842 Constituent Congress. Perhaps most importantly for Otero, the *Consejo* had allowed him to meet and establish links with important political figures from across Mexico. He would go on to serve in congress with some of these; others would become contacts in the states. Above all, it was an introduction into political life on a national level and an opportunity to familiarise himself with the issues that the nation was facing in the first years of the 1840s decade.

¹¹² *El Siglo XIX*, 21 January 1842, which covers the *Consejo de los Departamentos* session of 13 January 1842.

¹¹³ *Ibid.*

The period between the Bases de Tacubaya, with Santa Anna's election as president a few days later, and the first preparatory sessions of the new congress was fraught. Though fully occupied with his place on the *Consejo* and strengthening his position in the capital, there is no doubt that Otero would have been fully involved in the political wranglings that preceded an event of such importance as the writing of a new Constitution.¹¹⁴ All the politically active classes, if not the entire country, waited expectantly for the results of the elections, in the main to see how much or how little say they would have in the new constitutional order. This included moderate and *puro* liberals, backed by their respective newspapers, as well as the clergy and army and, not least, the president himself. Before entering into the details of Otero's participation in the 1842 congress, and in order to improve our understanding of why many of the deputies acted in the manner in which they did, it is essential to explore the context within which they were operating.

During the Revolución de Jalisco, rumours had begun circulating that the end goal was not simply to overthrow Bustamante, but to establish a dictatorship, rumours which persisted well after Santa Anna's election as president and into the pre-election period.¹¹⁵ The Bases de Tacubaya stated that the congress was to write the new constitution "según mejor lo convenga," however, it soon became apparent that this would be unlikely.¹¹⁶ The inter election period –between Santa Anna's election as president and the elections for deputies– was tense. It appeared as though Santa Anna backed no specific party and, as Costeloe pointed out, although he rewarded some of those who had aided his return to power, he also alienated many of his supporters,

¹¹⁴ For a detailed account of the period between the *Bases de Tacubaya* and the sittings of the Constituent Congress, as well as in-depth analysis of the congress itself, see Noriega Elio, *El Constituyente*.

¹¹⁵ Costeloe, *The Central Republic*, p. 238.

¹¹⁶ Plan de Tacubaya, 28 September 1841, reproduced at <http://arts.st-andrews.ac.uk/pronunciamentos/database/?f=y&id=239&m=9&y=1841>, also, see Costeloe, *The Central Republic*, pp. 238, 273.

mainly when the property and wealth of the clergy came under attack on the introduction of new legislation.¹¹⁷ The copper coin grew into a major issue; the solution, replacing it by a new copper coin, the *octavo de real*, was not immediately successful. The changeover from the old to the new coins was tardy and proceeded slowly, and it caused many to panic and demand their wage in silver. As is so often the case, those most affected were the poor. However, the crisis, and Santa Anna's legislation, also attacked the power of the merchant classes, as well as industrial and agricultural interests, by introducing tax upon tax, and raising those that already existed. Bearing in mind that it was the issue of taxation, or at least this was the excuse, that led to the *Revolución de Jalisco*, it was not surprising that it caused a great deal of unrest, not only among the politically influential merchant classes but, as more and more new taxes were introduced, it began to affect the poor and the *hombres de bien* who increasingly found themselves being included in its levies.

The situation grew tense, and it was in this climate that elections for the deputies for the new congress were to be called. The main task of the *Consejo de los Departamentos*, before Otero's arrival, had been to write the regulations governing the convocation of the Constituent Congress. Santa Anna had received a first draft from the *Consejo*, and modified it thoroughly before publishing it on 10 December 1841. Where the original had suggested that the representation per state be the same for all, with 4 deputies each, granting the more distant and sparsely populated areas equal standing with the others, Santa Anna opted for it to be based on population whereby smaller but more populated states would send double or triple the number of deputies than others.¹¹⁸ In addition, the *Consejo* called for congress to meet in Querétaro, thus distancing it

¹¹⁷ Although certain points will be highlighted next, in order to better understand this period, and to gain a broader perspective, see Costeloe, *The Central Republic*, pp. 238-273 and Noriega Elío, *El Constituyente*, pp. 45-76.

¹¹⁸ Noriega Elío, *El Constituyente*, pp 64-67.

from executive power. Santa Anna objected to the move, insisting it be held in Mexico City. He introduced another major change in the voting age, reducing it from 25 years to 21 years for primary elections, and from 30 years to 25 years for secondary elections and deputies. This opened up the field to younger politicians, being particularly advantageous for the young Otero who would be 25 the following February.

The interim president had come to power on the back of a *pronunciamiento* which had been backed by all but had fulfilled the specific wishes of none. This was, in fact, a point in its favour. As the Plan was not seen as politically partisan, support could be widespread. However, the parties had met only momentarily on common ground, with no more than short-term goals in mind –the fall of Anastasio Bustamante, repeal of the import tax and the writing of a new constitution. Once these goals had been achieved, and the election guidelines had been announced, factional disputes arose again, although these did take place peacefully and within the bounds of election propriety. Each newspaper struck its favourite stance, arguing for or against what it considered certain essential reforms and putting forward suggestions on who was the best candidate for the job, as well as holding forth on the shape the nation's future should take. The elections went rather smoothly, although it suddenly became clear that the more radical federalists had come to the fore.

For Otero, the months preceding the election were busy. As mentioned previously, he had settled in the capital, begun or renewed friendships with important individuals, as well as commenced his work as a lawyer and as a political editor for the *Siglo XIX*. He had brought his family with him, which would increase over the next few years, and his financial situation was precarious. He was not receiving any money for his position on the *Consejo*. The treasury in Jalisco was unable to pay him and, indeed, had been forced to request loans to enable it to function, making any payment in the

near future most unlikely.¹¹⁹ He received constant updates from his friends, family and former colleagues in Guadalajara, all of whom were campaigning for his election as deputy. There was no need for him, or any of his contemporaries, to return home to carry out any electioneering, as it was all done through personal contacts and intimate meetings. On Sunday 22 May 1842, the elections took place in Guadalajara. Carlos María de Bustamante complained that Paredes y Arrillaga had interfered with the election process, arguing firstly that there were insufficient electors present, and finally, that the president of the meeting was “*loco*.”¹²⁰ Santa Anna ordered they should be repeated from the primary election stage, possibly in the expectation of military intervention in his favour, or thereby allowing Paredes y Arrillaga’s backers more time to garner support.¹²¹ Although the results were published in the press, Otero also received them from his contacts in the city.¹²² He was seen as one of the rising stars of the *moderado* political faction which had been in existence since the late 1830s under the leadership of Manuel Gómez Pedraza. His constituents praised him, arguing that as deputy he would be able to continue serving his unfortunate country, some even going so far as to insist that a place should be reserved for him after death in the “Mausoleum of the Immortals.”¹²³ It was not only relatives and his supporters in Guadalajara who felt that way; Carlos María de Bustamante described him as “joven recomendabilísimo y uno de los más elocuentes oradores de la cámara.”¹²⁴ His public image was to be further enhanced in June when his *Ensayo sobre el verdadero estado de la cuestión social y*

¹¹⁹ Letter from Julio Vallarta to Mariano Otero, 9 January 1842 and again on 21 January 1842, in Tovar de Teresa, *Cartas a Mariano Otero*, pp. 68-69, 71.

¹²⁰ Carlos María de Bustamante, *Apuntes para la historia del Gobierno del general D. Antonio Lopez de Santa-Anna, desde principios de Octubre 1841 hasta 6 de Diciembre de 1844 en que fue depuesto del mando por uniforme voluntad de la nación* (México: Imprenta de J. M. Lara, 1845), p. 49.

¹²¹ *Ibid.*

¹²² *El Siglo XIX*, for example, publishes a list of those elected for Jalisco on 30th May 1842. Pedro Tamez wrote to Otero on 24 May 1842 with the same information, Tovar de Teresa, *Cartas a Mariano Otero*, p. 76 - 77.

¹²³ Pedro Tamez to Mariano Otero, 24 May 1842 and June 3 1842, and Antonio de Portugal to Mariano Otero, July 14 1842, in *ibid.*, pp. 76-78.

¹²⁴ Bustamante, *Apuntes*, p. 49.

política que se agita en la República Mexicana was published by his friend and editor Ignacio Cumplido. As with his 1841 speech, Otero once again demonstrated that he was willing to indulge in a spot of self-promotion, sending copies to his friends and colleagues, and announcing its publication in *El Siglo XIX*. Jesús Reyes Heróles argued that the essay did not receive the success and attention it deserved. However, what feedback Otero received from his contemporaries appears to have been overwhelmingly positive. Francisco Jáuregui stated that the work had been well received and highly esteemed and Antonio de Portugal praised him for throwing light on the moderate party, which he referred to as “del Justo Medio” and even went so far as to compare him with Mora when he said; “la moderación y energía que tan felizmente combina usted en su obra, es propia y singular de Usted, su estilo servirá de un modelo siempre a nuestros literatos, sus principios serán la primera lección que deban estudiar los mexicanos.”¹²⁵ Otero was nothing if not a pragmatist, and here is the moderation that was to define his political stances throughout his career, most notably in his approach to the army and Church, as he sought to curb their excessive participation in public life. This will be explored further in part 2, in the chapters dealing with each one. Following on from this success, his participation in congress would further enhance his political standing among his peers.

Although Santa Anna had allowed the elections to proceed without too much interference, congress soon realised that its deliberations would in no way be free.¹²⁶ On 24 May, only a few weeks before congress met, the oath which the deputies had to swear was changed from the relatively generic one to one in which they had to swear

¹²⁵ Francisco Jáuregui to Mariano Otero, 23 July 1842 and Antonio de Portugal to Mariano Otero, 14 July 1842, in Tovar de Teresa, *Cartas a Mariano Otero*, pp. 78-79.

¹²⁶ Costeloe notes certain deputies being harassed. In the case of Manuel Cresencio Rejón, who had introduced the idea of *amparo* into the 1841 Yucatán constitution, so much so that he was persuaded to leave the country, Costeloe, *The Central Republic*, p. 266.

loyalty to the Bases de Tacubaya.¹²⁷ Some deputies feared that this new oath would curtail the freedom needed by congress to debate the new constitution, others that it was unnecessary as it merely reiterated what the congress already stood for and yet others that, at some point in the future, the oath could be given a significance that it did not have at that particular time.¹²⁸ After much deliberation, all but one, Francisco Modesto Olaguibel, agreed to take the oath. When it was debated whether or not a “juramento con protesta” was admissible, Otero argued that those who voted were doing so on the understanding that they were in no way sacrificing their independence or the dignity of congress.¹²⁹ Otero had been in attendance from the very first preparatory session on 4 June, and was immediately elected to sit on the commission charged with examining the credentials attesting the deputies’ identity and their nomination as deputy for their state.¹³⁰ Once all the deputies had been admitted and substitutes appointed, attention turned to establishing the principal commissions within the congress on fiscal and judicial matters, the police and, most importantly, the Constitution Commission which would be responsible for drafting the new constitution and presenting it to the other deputies for debate and amendment before publication. José Espinosa de los Monteros, Octaviano Muñoz Ledo, Antonio Díaz Guzmán, Joaquín Ladrón de Guevara, Pedro Ramírez, José Fernando Ramírez and Mariano Otero were chosen to form the Commission. From the outset, congress was under pressure from various fronts. Santa Anna had demanded that his ministers be allowed to be present at each and every

¹²⁷ The original oath had been “¿Juráis desempeñar fiel, legal y patrióticamente el poder que se os ha conferido, mirando en todo por el bien de la nación?” in Cecilia Noriega Elío, *El Constituyente*, p. 67, and was changed to “¿Juráis a Dios y a la Nación la debida obediencia a las bases publicadas en Tacubaya y adoptadas por la República, así como a la ley de convocatoria de 10 de Diciembre de 1841?” in, Juan A. Mateos, *Historia Parlamentaria de los Congresos Mexicanos*, Vol. XIV (Mexico City, Imprenta del “El Partido Liberal”, 1893) p. 14.

¹²⁸ See the debate that took place on whether or not the oath should be sworn, in Mateos, *Historia Parlamentaria*, Vol XIV, 4ª Junta Preparatoria, pp. 13-18.

¹²⁹ *Ibid.*, p. 17.

¹³⁰ *Ibid.*, p. 6.

session they wished to attend, including those to be held in secret.¹³¹ Finally, the constitution had to be discussed, approved and promulgated within the timeframe set out by law, as any delay could be used as an excuse to disband congress.

Less than two months after it first convened, the Commission was ready to put forward not just one constitutional proposal, but two, as it had been unable to reach a unanimous agreement; the first detailing the view of the majority and the second outlining the views of the other three deputies. On 26 August, Díaz Guzmán, Ladrón de Guevara and the two Ramírez deputies, signed the Majority Vote. Its counterpart, the Minority Vote, written almost in its entirety by Otero was signed by him, Espinosa de los Monteros and Muñoz Ledo.¹³² The main divergence between the two was reported as being one single word, the word federal. Where the Majority argued for a representative system which would be republican and popular, the Minority argued for the addition of the word federal. Otero was nailing his colours to the mast, firmly convinced that federalism was the only answer to Mexico's current malaise, devolving power from the centre, forming an equitable partnership between the states and among the states themselves. The chapter on federalism in Part 2 looks at his ideology and his proposals in-depth and examines their degree of success. Debate began on 3 October, major figures speaking on each side. Carlos María de Bustamante provides details of the debates; Ceballos for federalism, Canseco for the Majority, Otero for the Minority, Tornel against it, Espinosa de los Monteros pro, and so on.¹³³ Otero's speech was lauded as one of the very best to be made in that congress. Prieto described the speech as "el desplegarse, tenues primero; después, ponderosas; al último, sublimes las ráfagas de una aurora boreal que inunda en oro y púrpura el horizonte," and said it brought total

¹³¹ Noriega Elío, *El constituyente*, p. 89.

¹³² Lafragua, *Apuntes sobre mi vida política*, quoted in *Ibid.*, p. 95.

¹³³ Bustamante, *Apuntes*, p. 74. For further details see the transcription of Lafragua's version of events in Noriega Elío, *El Constituyente*, pp. 94-96.

silence to the room; for over three hours, no one moved.¹³⁴ He went on to say that Otero seemed unaware of his greatness, unaware that he had just achieved immortal fame. Carlos María de Bustamante endorsed Prieto's opinion while disagreeing with Otero's argument, describing him as seducing and captivating his audience, despite his youth, displaying all the traits of a great orator.¹³⁵

Once the Majority Vote had been sufficiently debated, it was put to the vote on 14 October and rejected by 41 votes to 36, including, interestingly, one of the original signatories, Ladrón de Guevara, who voted against it.¹³⁶ With this rejection of the Majority Vote, wheeling and dealing led to the withdrawal of the Minority Vote by its signatories. Lafragua admitted his invitation to the minority to withdraw the dissenting Vote had been agreed beforehand and that the move was mainly motivated by their fears that they did not hold a clear enough majority to guarantee the Minority Vote would be passed.¹³⁷ As a result, both proposals were returned to the Commission, which promised a second resolution within the fortnight. Suddenly congress received unsettling news. Santa Anna had requested Bravo, who had been on his way to join congress as a deputy, to stand in as president while he retired to the country. The deputies were only too aware that when such a change took place, Santa Anna was removing himself from events which might sully his image, and they feared the worse.¹³⁸ Under pressure, the Commission presented the new constitutional outline on 14 November, and the very next day, congress was ready to vote on it in general terms, passing it by 36 votes to 30.¹³⁹ Immediately voting began on each of the individual articles.¹⁴⁰

¹³⁴ Prieto, *Memorias*, p. 349.

¹³⁵ Carlos María de Bustamante, *Apuntes para la historia*, p. 74.

¹³⁶ *Ibid.*

¹³⁷ Cecilia Noriega Elio, *El Constituyente*, p. 96.

¹³⁸ *Ibid.*, p. 97.

¹³⁹ Mateos, *Congresos Mexicanos*, XIV, 119-120.

¹⁴⁰ For an in-depth analysis of the different articles, the debates and the votes, see Noriega Elio, *El Constituyente*, pp. 97-111.

The debates and the voting lasted nearly a month, and were interrupted suddenly on 13 December, when the Minister for War notified congress of a *pronunciamiento* which had taken place in Huejotzingo, Puebla, on the 11th of that same month.¹⁴¹ In brief, the *pronunciamiento* called for the dissolution of congress, stating that it would not admit any constitution it proposed, and calling for a *Junta de Notables* to be instituted in its place. Congress returned the *acta* to the Ministry, and immediately set up a commission to formulate a response, choosing Luis de la Rosa, Fernando Ramírez and Otero to do so. At 4:15pm that same afternoon, the response was passed unanimously, congress stating that it was unable to deal with an act of sedition and was, therefore, returning it to the Supreme Government to be dealt with accordingly. In addition, the response stated that as far as the demands in the *pronunciamiento* were concerned, congress was fully aware of its responsibilities as the representative of the nation and it would continue to perform its duties until “se impida por la fuerza el ejercicio de sus funciones.”¹⁴² In the days that followed, news began to arrive of other places adhering to the Puebla *pronunciamiento*; San Luis, which predated the Huejotzingo action by two days, Jalisco, Zacatecas, Michoacán, among others.¹⁴³ Congress continued to sit and discuss the particulars of the new Constitution, although it seems unlikely that its members held any real hope of any significant outcomes to their discussions; they knew it was just a question of time. They did not have long to wait. At four a.m. on Saturday 19 December, the city garrison occupied the congress building. The deputies persevered for a few hours, but eventually succumbed to the inevitable. The 1842 congress had been disbanded and no constitution had emerged. Otero’s performance in the Constituent Congress, coupled with the publication of the *Ensayo* in June entrenched him as one of the leading ideologues of the moderate faction. His

¹⁴¹ For the full text see Mateos, *Congresos Mexicanos*, XIV, pp. 174-177.

¹⁴² *Ibid.*, p. 177.

¹⁴³ Costeloe, *The Central Republic*, p. 271.

patriotism had shone throughout those last chaotic weeks, and he had upheld his liberal principles and ideals.¹⁴⁴ Otero had become a household name among the political factions; he had gained experience in a Constituent Congress, written for one of the great newspapers, and published what would become his best known work. 1842 would be the year of the Constituent Congress that never was, but for Otero it was the beginning of his career as a politician. Now dubbed the standard bearer of the moderates, his worth recognized even by those ideologically opposed to him, these were remarkable achievements for one so young and relatively experienced. His importance to them and to Mexico could only increase.

The decree that closed congress on 19 November called for a *Junta de Notables*, chosen by Santa Anna, to decide the most suitable constitutional structure for the country.¹⁴⁵ In sharp contrast with those elected to the 1842 congress, the Junta was made up of much older, more politically experienced and upper class individuals; needless to say, Otero was not included.¹⁴⁶ They began their deliberations in January 1843 and while these were taking place, Santa Anna manipulated his ministers and his substitute in the capital to begin a campaign against those who opposed him. On 14 January a decree was reinstated aimed at muzzling the press, establishing penalties for journalists who overstepped the line.¹⁴⁷ *El Siglo XIX* closed down for two weeks, and other newspapers quietened down or, in some cases, even disappeared altogether.¹⁴⁸ This was not enough for Santa Anna, eager to silence opposition by removing influential adversaries from the political arena. After his uncompromising speeches in

¹⁴⁴ Letter from Ignacio Aguirre to Mariano Otero, 10 November 1842, in Tovar de Teresa, *Cartas a Mariano Otero*, pp. 85-86.

¹⁴⁵ Costeloe, *The Central Republic*, p. 276.

¹⁴⁶ See *Ibid.*, pp. 275-304 and Noriega Elio, *El Constituyente*, pp. 115-189.

¹⁴⁷ Costeloe, *The Central Republic*, p. 278.

¹⁴⁸ *Ibid.*

congress and, in view of his position as political editor of *El Siglo XIX* where he continued to press uncomfortable issues, Otero was one such man.¹⁴⁹

On 30 April, a warrant was issued for the arrest of Manuel Gómez Pedraza, Mariano Riva Palacio, Francisco Olaguibel, José María Lafragua and Mariano Otero. Pedraza was arrested that very same day, Lafragua and Otero on the night of 2 May.¹⁵⁰ Based on the evidence in correspondence between Gómez Pedraza and General Juan Álvarez, the charges were that they had conspired with the general to stage a revolt.¹⁵¹ Despite a written denial by Álvarez that any such revolt existed, Santa Anna had found the perfect excuse to allow him to bar the moderate leaders from the political stage. The day following his arrest, *El Siglo XIX* rose to Otero's defence, admitting that his openly expressed principles were contrary to those of the current administration but sustaining that differences in opinions should never be considered a crime.¹⁵² In addition, it went on to point out that Otero was aware of the warrant issued for his arrest and chose not to escape, as he was convinced of his innocence. Initially Otero was held in the Celaya battalion barracks, but was later moved to a room in the National Palace.¹⁵³ In the days that followed, *El Siglo XIX* printed lists of other prisoners, as well as reporting on those being released. By the evening of 5 May, *El Siglo XIX* had become aware that both Pedraza and Otero had been questioned by a prosecutor, Colonel Lucas Condelle.¹⁵⁴ Otero's participation in the revolt was discussed further by *El Siglo XIX* on 14 May,

¹⁴⁹ *El Siglo XIX*, 2 March 1843. Otero writes to the newspaper in reference to his participation in Congress during the last weeks of 1842 and to clarify his voting record. In doing this, he was drawing attention to the deliberations that had taken place, as well as returning to a topic Santa Anna would have wished to see closed.

¹⁵⁰ José María Lafragua, "Preso por 43 días," in Patricia Galeana Valadés, *José María Lafragua*, Serie los Senadores (Mexico City: LIII Legislatura, Senado de la República, 1987), pp. 49-50. *El Siglo XIX*, 3 May 1843.

¹⁵¹ Costeloe, *The Central Republic*, p. 285.

¹⁵² *El Siglo XIX*, 3 May 1843.

¹⁵³ *Ibid.*, 4 May 1843.

¹⁵⁴ *Ibid.*, 5 May 1843.

with a strong defence of his character and of his ideologies, showing just how highly the young politician was esteemed in the first few months of 1843;

los encantos de su espíritu, tan puro y tan tranquilo, de aquella esencia tan profunda y tan variada, de aquella inteligencia tan vasta y ocupada constantemente en la felicidad y en el progreso social de su país; y a la primera noticia de su prisión, como cómplice de una sedición a mano armada, hemos recordado nuestras conversaciones con el que no hablaba sino de los medios legales y parlamentarios de hacer gozar a su patria de la prosperidad que encierra en las entrañas de su suelo, y hemos exclamado: “¡No! este hombre no es un conspirador: que se examine su vida política apenas nacida y ya tan brillante y tan honrosa; su carácter tan dulce e inocente; sus principios tan apuestos a esa furia revolucionaria que hoy se le atribuye, y sus acusaciones de conspiración, de complot, de pillaje, de robos y asesinatos, no podrán creerse en sus virtudes, que nosotros recomendamos con todas nuestras fuerzas a los magistrados encargados de fallar sobre la vida de este orador joven e ilustre.”¹⁵⁵

The *Diario Oficial* was also strong in its defence of Otero, making an impassioned plea for his name to be cleared promptly.¹⁵⁶ However, the efforts of these defenders were to no avail. The prisoners were still being held in isolation, allowed no communication with the outside world, no legal proceedings had been instituted and there was no news of a release date. Speculation was the only option left to the newspapers. Debate was feverish but achieved nothing. New theories surfaced weekly on the reasons behind the arrests and included a conspiracy to murder Santa Anna, his Minister for War, and his Chief of Staff.¹⁵⁷ Twenty days into the arrests the *Estandarte Nacional* reviewed the situation, arguing that the accusation against the prisoners had not been substantiated and that, as things stood, no one was sure if they were merely under arrest or if they had been accused of something specific.¹⁵⁸ Indeed, it was not even possible to ascertain which judge had jurisdiction over the case. Though cut off from family, colleagues and each other, when called to declare Gómez Pedraza, Otero, Lafragua and Riva Palacio

¹⁵⁵ Ibid., 14 May 1843.

¹⁵⁶ Mentioned in the editorial of *ibid.*, 17 May 1843.

¹⁵⁷ Ibid., 20 May 1843.

¹⁵⁸ Transcribed in *ibid.*, 22 May 1843.

submitted a formal protest that they would not submit to military jurisdiction.¹⁵⁹ Nothing ever came of the accusations against them and on 13 June, under an amnesty granted by Santa Anna on the occasion of his birthday, all political prisoners were released.¹⁶⁰ Otero and the others returned to their families. Their forty three days in prison had caused a furious debate on the legal system and the rights of prisoners, as well as on jurisdiction and procedure. It was clear to all that it had been a ploy by Santa Anna's government to ensure that the constitutional project being discussed by the Junta de Notables, which would become the Bases Orgánicas, was passed without the moderate opposition being allowed to interfere.¹⁶¹

Soon after their release, the four men decided to file a complaint, written by Otero, against the prosecutor handling their case.¹⁶² In a move to clear his name, Otero ensured that the defence of his and his fellow prisoners' innocence, the *Acusación*, was sent to key colleagues, friends and family.¹⁶³ However, it never proceeded. As Lafragua explained, they convinced the government to publish the *testimonio de causa*, which he suggested was sufficient to pacify them and to humiliate Santa Anna. Lafragua went on to say the accusation was maintained against Florentino Conejo, but nothing came of that either as he was also included in the amnesty decreed by Santa Anna.¹⁶⁴

In direct conflict with the established regime and unwilling to compromise his principles to effect a rapprochement with the Santa Anna government, Otero found himself banished to the wings of the political stage. His friends assumed that his letters

¹⁵⁹ Ibid. 25 May 1843.

¹⁶⁰ Bustamante, *Apuntes para el gobierno*, p. 139.

¹⁶¹ Costeloe, *The Central Republic*, pp. 222-226.

¹⁶² *Acusación que contra el Sr Auditor Lic. D. Florentino Conejo dirigen a la Suprema Corte Marcial, Manuel Gómez Pedraza, Mariano Riva Palacio, José María Lafragua y Mariano Otero; por los dictámenes que contra leyes expresas dio a la Comandancia General de México, en la Causa que por conspiración se siguió a los acusadores, y exposición de los mismos sobre aquel suceso* (Mexico City: Imp. Ignacio Cumplido, 1843).

¹⁶³ Many letters refer to the "cuadernito" sent out by Otero detailing their defence. For example, Joaquín Angulo to Mariano Otero, 25 July 1843, in Tovar de Teresa, *Cartas a Mariano Otero*, p. 96-97.

¹⁶⁴ José María Lafragua, "Preso por 43 días," p. 50.

would be intercepted, and offered the consolation that the arrest had been unjust.¹⁶⁵ They attributed his imprisonment to cowardice and despotism.¹⁶⁶ However, despite all this, Otero's mood was sombre, and he complained of *malestar político*, arguing that his position was precarious at best.¹⁶⁷ Joaquín Angulo, from Guadalajara, wrote reassuring him that his position was stable, that he had the esteem of those that shared his ideologies, and even the respect and recognition of those who opposed them.¹⁶⁸ This was amply demonstrated only a few months later, when he was elected by the Junta Patriótica to deliver the speech commemorating independence on 16 September, in Mexico City.¹⁶⁹ Two years earlier he had been given that honour in Jalisco, and echoes of that speech had reached the capital. Now he was being given centre stage. Once again, he had the opportunity to present his political ideology, in addition to the historical analysis that was so important to him.

In the months that followed, he focused on his business affairs in the capital as well as attending the Ateneo Mexicano, where he was elected Vice-president of the Junta.¹⁷⁰ From here on, Otero entered what Reyes Heróles refers to as a dark phase, arising from his political inactivity and his somewhat illegal behaviour when elected as a deputy in 1845.¹⁷¹ The Junta de Notables had finished its deliberations and, on 8 June, it presented Santa Anna with the *Bases Orgánicas* calling for elections for a new congress. The main campaigning was followed by relatively peaceful elections in which

¹⁶⁵ Juan B. Cevallos to Mariano Otero, 19 June 1843, in Tovar de Teresa, *Cartas a Mariano Otero*, p. 95. Cevallos sends the letter by hand, and provides a name to which all correspondence can be addressed that would not give rise to suspicion.

¹⁶⁶ Antonio Brambilla to Mariano Otero, 13 July 1843, in *ibid.*, pp. 95-96.

¹⁶⁷ See references to Otero's letter in *Ibid.*

¹⁶⁸ Letter from Joaquín Angulo to Mariano Otero. *Ibid.*, pp.96-97.

¹⁶⁹ *El Siglo XIX*, 13 July 1843. The Junta Patriótica met on 11 July to elect the orator for the 16 and 27 September celebrations of Independence. Otero beat Manuel Barranda and Francisco Modesto Olaguibel, with 116 votes in favour.

¹⁷⁰ *Ibid.*, 26 January 1844.

¹⁷¹ Jesus Reyes Heróles, "Estudio Preliminar", *Mariano Otero, Obras*, I, pp. 35-44.

the federalists were mostly defeated.¹⁷² Once again, Otero found himself excluded from congress as he did not meet the minimum age requirements.¹⁷³ The elections had caused considerable controversy in his home state, and Otero's correspondence for the second half of 1843 revealed a wide breadth of opinions. The "liberals" and "clerics" had reached an agreement but to no avail and, once the elections were lost, doubts were immediately cast on how long such a partnership could last.¹⁷⁴ In addition some expressed the opinion that irrespective of their poor showing, it was essential that congress sit, as "vale más que por un orden jurídico semi-legal, nos aparejen y humillen, que no por la sola, arbitraria voluntad de un jinete atrabiliario."¹⁷⁵ Congress convened at the beginning of 1844, working under the terms of the Bases Orgánicas. In the meantime Otero's contacts were unhappy with the fact that he had been excluded from the decision making process, and sought alternative occupation for him. Joaquín Angulo investigated a position for Otero in Gobernación but, once again, it seemed his age was a drawback, as the other *vocales* would not admit someone who did not meet the age requirements stipulated in the Bases, and, furthermore, he did not have 5 years experience in public office, yet another basic requirement.¹⁷⁶ This break from politics, or at least from an official political position, meant that he was able to consolidate his business as a lawyer. Ignacio Vallarta wrote full of concern that money was still not forthcoming to cover Otero's time as deputy, and lamented that he was not even able to secure a promise that it would be paid in the future. After arguing that family and the work that provided their sustenance must take precedence, he immediately launched into talk of elections, wondering if Otero would be interested in standing for congress

¹⁷² Costeloe, *The Central Republic*, pp. 290-291.

¹⁷³ Ignacio Villanueva to Mariano Otero, 16 October 1843, in Tovar de Teresa, *Cartas a Mariano Otero*, p. 121.

¹⁷⁴ José María Castaños to Mariano Otero, 28 October 1843, in *ibid.*, pp. 124-125. Otero himself seems to have been of the opinion that the union would be ephemeral, and would not last beyond the election of the governor; José María Mestas to Mariano Otero, 9 February 1844, *ibid.*, p. 155.

¹⁷⁵ *Ibid.*, p. 125.

¹⁷⁶ Juan Gutiérrez Mallén to Mariano Otero, 1 February 1844, in *ibid.*, pp. 152-153.

and suggesting that he might care to visit Guadalajara in order to secure the necessary funds.¹⁷⁷

The correspondence we have from this interim period where Otero was slightly removed from the political scene offers glimpses into Otero's private persona, into his day to day life.¹⁷⁸ Otero was a tall man, well-built even overweight, which is further compounded by his friends referring to him as *panzón* and *gordo*, but always with affection.¹⁷⁹ Bernardo Flores whom he had met only in December 1843, and who would remain a loyal friend until Otero's death, strengthened their friendship by acquiring a horse for Otero, joking that it would be perfect as, when purchasing it, he had kept in mind that it was for "un colegial, gordo y Licenciado y en esa triple cualidad no veo, por cierto, la de jinete."¹⁸⁰ The constant joking and friendly repartee backs Prieto's description of Otero as a family man, devoted to his friends and family;

era al extremo olvidadizo de la compostura: su señora le mandaba hacer vestidos, las más veces injuriosos á la moda, levitones llenos de arrugas, chalecos amarillos, pantalones del otro jueves. Muy grueso y de alta talla, andaba desgarbado y babeando con indolencia. Si veía al paso fruta ó dulce que le gustase, lo compraba y comía en la calle: tardaba á veces tres y cuatro horas en ir admirando en las calles de Plateros lienzos, gorros, muñecos y juguetes con gran placer, oyendo las cajas de música, siguiendo los movimientos de un autómeta. Volvía á su casa cargado de golosinas y juguetes á recrearse con el júbilo y las sorpresas de sus hijos.¹⁸¹

His family and friends in Guadalajara wrote often, with news of his brothers, Juan and Miguel. In 1844, these included updates on Juan's health, who was suffering from a serious eye infection which the family worried would lead to the loss of sight in one eye.¹⁸² Otero's correspondence leaves no doubt that he was a doting husband and an

¹⁷⁷ Julio Vallarta to Mariano Otero, 18 February 1844, in *ibid.*, p. 157

¹⁷⁸ See the correspondence for the last months of 1843 and for 1844, *ibid.*

¹⁷⁹ Prieto, *Memorias*, pp. 346-347, and Ricardo Arce to Mariano Otero, 3 October 1842, and Bernardo Flores to Mariano Otero 21 March 1844, in *ibid.*, pp. 116, 162.

¹⁸⁰ Letter from Bernardo Flores to Mariano Otero, 21 March 1844. *Ibid.*, p. 162.

¹⁸¹ Prieto, *Memorias*, pp. 349-350.

¹⁸² At the end of February Juan fell ill with a recurring eye problem, for which a seton stitch was used to alleviate the pressure. He remained unable to see for months and did not begin to experience any

affectionate father. His friends were aware that he happily spoiled his wife, to the extent that when looking for a temporary house for him in Toluca during the war with the United States, Eulalio Maria Ortega joked that he had gone ahead and chosen a larger, all be it less central, house because Andrea would prefer it adding that “Conociendo lo que Ud. chiquea a la suya [señora], como se lo merece...” he was in no doubt what Otero's decision would be.¹⁸³ In what little correspondence remains between Otero and Andrea, he was always openly affectionate, constantly worrying over her health, her comfort and their children. In the midst of the war with the United States, when he was living in Querétaro with the rest of the legislature, his letters home contained grumblings about his recurring toothache, his reticence to see a dentist and the fact that he was getting only a few hours sleep. At the same time however, he openly discussed politics with her, informing her of his decision to vote against the peace treaty and his motives in doing so.¹⁸⁴ Andrea became accustomed to her house being taken over by his friends and colleagues for impromptu dinner parties and informal gatherings since “la casa de Otero era la casa de sus amigos. Se complacía en servirlos y agasajarlos, y mostraba satisfacción íntima cuando usaban en ella de la mayor confianza.”¹⁸⁵ According to Prieto, Andrea was just as devoted to Otero as he was to her, adding that she “secundaba admirablemente á su esposo, previniendo sus deseos y consagrándose á su cuidado.”¹⁸⁶ Otero's premature death left Andrea inconsolable.¹⁸⁷ His friends described him as “de un raro mérito para el país y para sus amigos, y lo tenía aún superior como esposo y como padre de familia” and lamented upon his death that the loss of a father and husband such as Otero had been left an unfillable gap in his

improvement until the end of April. Ibid.; Letter from Ricardo Arce to Mariano Otero, 5 March 1844, p. 158 and letters from José María Mestas to Mariano Otero, 29 March, 30 April 1844, pp. 166, 185.

¹⁸³ Eulalio Ma. Ortega to Mariano Otero, 12 May 1847 in Eduardo Flores Clair (Ed.) *La guerra de 1847 en el buzón de Mariano Otero* (unpublished manuscript), p. 83. I thank Dr Flores Clair for very kindly allowing me to read this insightful piece of research.

¹⁸⁴ For letters from Otero to Andrea see Otero, *Obras*, II, 605-611.

¹⁸⁵ Prieto, *Memorias*, pp. 349-350

¹⁸⁶ Ibid., p. 350.

¹⁸⁷ Letter from Bernardo Flores to Mariano Riva Palacio, Junio 5 1850, MRPA, 4252.

family's life.¹⁸⁸ After his family, his greatest weakness appears to have been food. Friends were constantly sending him cheeses and fishes, sweets and legumes.¹⁸⁹ Prieto joked that he was never to be seen without some sweets in his pocket, even when in chambers, in congress or when writing for *El Siglo XIX*; “tenía siempre á mano dulces ó bizcochos, ó quesadillas ó muérdagos, porque era muy goloso.”¹⁹⁰

National events were to thrust him back in the spotlight once more. Indeed there was suspicion among his contemporaries that he was working behind the scenes to this end. Santa Anna had been elected president in 1843, and in October handed over power, temporarily, to Valentín Canalizo, who was sworn in on 4 October 1843. Santa Anna was to have begun his official term as president on 1 February 1844, but he declared that he had no intention of returning to the capital and left Canalizo in charge. Costeloe argues that his likely reason was that it had become obvious that congress, despite operating under a centralist constitution and the elections having been won by his supporters, was not willing to be bullied.¹⁹¹ The nonconformity within congress soon spread to those politicians who had been left on the periphery. Two deputies presented a motion on army reforms which, in turn, led to discontent in the military echelons. If Santa Anna could not demonstrate that congress was under his control he would be ousted. The solution came from the North where the United States announced its

¹⁸⁸ Ibid and Draft letter, Mariano Riva Palacio, 6 June 1850, MRPA, 4257.

¹⁸⁹ Bernardo Flores sent him “un queso y un ciento de panelas” to hand out among their friends, urging Otero to make sure he kept “las más grandes y de mejor clase,” in a letter from Bernardo Flores to Mariano Otero, 21 March 1844, Tovar de Teresa, *Cartas a Mariano Otero*, p. 162. His uncle sent Andrea some frijol, instructing Otero to ensure that she to not give too much away and use it so the family could remember their homeland; letter from José María Mestas to Mariano Otero, 29 March 1844, Ibid., p. 167. He also sent 9 boxes of *calabacete* and 14 boxes of *vino mezcal* for Otero to hand out on his behalf, again insisting that Otero keep some for his own consumption; letter from José María Mestas to Mariano Otero, 5 April 1844, Ibid., p. 172. It was not only from Jalisco that he received gifts of food. A colleague in Veracruz, Manuel Ascorve, having received some *calabacete* from Otero, sent back “una lata con camarones” which unfortunately had spoiled by the time they arrived in Mexico City. Undeterred by the earlier failure, Ascorve, sent six *huachinangos* –red snappers– which he hoped would arrive in better conditions. Letters from Manuel Ascorve to Mariano Otero, June 19 and June 28 1845, Ibid., pp. 305-307.

¹⁹⁰ Prieto, *Memorias*, pp. 337, 350.

¹⁹¹ Costeloe, *The Central Republic*, pp. 300 onwards.

intention in May of annexing Texas into the Union.¹⁹² Once more the issue of Texas was central to government policy, as it had been since its independence in 1836. Santa Anna returned to the capital and immediately began work on a Texan campaign. From the very beginning, the 1844 congress had insisted on a separation of powers and Santa Anna's requests to raise taxes, divert state funds and his demands for a 4 million pesos loan to be raised by congress itself overstepped such separation.¹⁹³ In June a committee turned down Santa Anna's request for 30,000 men, offering an alternative that only contemplated half that amount. This was also defeated. Finally it was approved with the original number of men, but the 4 million pesos request was refused. Passed to the Senate, heated debate ensued and eventually the proposal was returned to the deputies. It soon became clear that a section of congress stood in direct opposition to Santa Anna. The press worked for both sides, pressuring the deputies, who then responded with accusations against the executive. On 15 October congress rejected a request for 10 million pesos which Santa Anna was hoping to raise through a loan. As he did prior to the dissolution of the 1842 Constituent Congress, Santa Anna returned to his estates, Canalizo was called upon to stand in for the president, and left to deal with a hostile congress. The deputies demanded that the executive be asked to explain exactly where the money raised was to be spent and, when it refused, a committee formed specifically for this purpose suggested the executive be forced to provide the information that congress was seeking. The back and forth between congress and executive only worsened over the next few weeks, with congress accusing the ministers of different actions of varying degrees of seriousness.¹⁹⁴

¹⁹² Ibid., p. 304.

¹⁹³ For more details see Ibid., p. 309 onwards, a brief summary of which will be presented next.

¹⁹⁴ All details from the preceding paragraph have been taken from Costeloe, *The Central Republic*, for further details, see the chapter entitled "La Revolución de Tres Horas," pp. 335-332. See also Reynaldo Sordo Cedeño, "Constitution and Congress: a pronunciamiento for Legality, December 1844," in Will

This was interrupted by a *pronunciamiento* in Jalisco, spearheaded by the Junta Departamental and backed by Mariano Paredes y Arrillaga, which sought to annul all the actions of the Santa Anna government from the end of 1841 to date, as well as demanding that the executive respond to enquiries made by congress.¹⁹⁵ Congress agreed to consider the Junta's proposals, thereby causing Santa Anna to dash back to the capital, arriving in mid-November, only to rush off a few days later at the head of the army in an attempt to defeat Paredes y Arrillaga.¹⁹⁶ By the end of the month, the situation had reached breaking point. Congress called on the ministers to respond to questions but they refused. On 1 December the deputies requested their presence again and were turned down, so they voted to remain in session until they received the answers they sought. Halfway through the day they found that the halls leading to the chamber had been occupied by military forces and, one day later, Canalizo published a decree, predated and signed 29 November, closing congress for the duration of the war with Texas.¹⁹⁷ In addition it stripped congress of all its powers, handing them to Santa Anna or in his absence to Canalizo, and Santa Anna was awarded the right to legislate on all matters, thereby combining the executive and legislative branches. This was the final straw. Various military units within the city pronounced on 6 December and José Joaquín de Herrera emerged as their leader and order was restored fairly peacefully. The deputies marched back to congress from the convent of Saint Francis, and were proclaimed as heroes and carried shoulder high to the doors of congress.¹⁹⁸ Prieto argued that the revolt had been masterminded by the "prohombres" of the moderate

Fowler (Ed.), *Forceful Negotiations. The origins of the pronunciamiento in Nineteenth-Century Mexico* (Lincoln & London: University of Nebraska Press, 2010).

¹⁹⁵ Manifiesto del general Paredes y Arrillaga a la nación, 2 November 1844, as well as other documents published in November and December of that same year; reproduced in <http://arts.st-andrews.ac.uk/pronunciamientos/database/?f=y>

¹⁹⁶ Costeloe, *The Central Republic*, p. 321-332.

¹⁹⁷ Bustamante, *Apuntes para el gobierno*, pp. 428-429.

¹⁹⁸ Prieto, *Memorias*, pp. 368-370, see also Reynaldo Sordo Cedeño, "Constitution and Congress."

faction and specifically named Otero as one of those involved, and argued that he, together with Pedraza, exerted a great deal of influence on Herrera.¹⁹⁹

It was in the midst of this chaotic political situation, Reyes Heróles argued, that Otero, and others plotted to take over the Mexico City Ayuntamiento merely for personal advancement after remaining so long on the sidelines.²⁰⁰ The elections took place on 7 December and Otero emerged as president of the *mesa directiva*, along with fellow moderates Lafragua and Domingo Pérez Fernández and, less than twenty four hours later, when the city council itself was chosen, all three were elected as “alcaldes”, 3rd, 4th and 5th, respectively.²⁰¹ Reyes Heróles was stating the obvious when he said that Otero had manoeuvred his way into that position but at that time most, if not all, the political positions that Otero and his contemporaries held during the decade of the 1840s required some degree of wheeling and dealing.²⁰² The fluidity in the political factions, unconstrained by party lines, meant that very little political action was ever spontaneous. Governing was achieved through accords and alliances, bargaining and negotiation, so there is little worthy of note in Otero’s actions to secure a position as mayor.

Otero remained as 3rd mayor until the city council voted to dissolve itself in response to the San Luis *pronunciamiento* in December 1845.²⁰³ During his time as mayor, Otero distinguished himself not by solving typical urban problems such as sewage or lighting, but by becoming embroiled in a fight that was to have diplomatic consequences on an international scale. The French minister Baron Alley de Cyprey

¹⁹⁹ Ibid., pp. 370, 374.

²⁰⁰ Reyes Heróles, *Estudio Preliminar*, p. 37.

²⁰¹ *El Siglo XIX*, 8 December 1844 and 9 December 1844.

²⁰² Reyes Heróles, *Estudio Preliminar*, p. 37.

²⁰³ *El Siglo XIX*, 31 December 1845.

was known as a fatuous and rowdy individual.²⁰⁴ He was constantly involved in complaints and creating scenes over the most insignificant incident, including where he could leave his horses or when some official had received him in the street without removing his hat.²⁰⁵ One such affair took place at the *Baño de las Delicias* on 25 May. The minister complained that when his horses were taken there, one of them had been attacked by a dog. His aide had difficulty separating the animals and complained to the minister, who himself went down to the *Baño* to demand compensation, but was rudely received by the owner.²⁰⁶ The situation deteriorated when the minister was locked up and then confronted by the crowd; pulling out a gun to escape the situation, he left behind two of his men. On returning to set them free, shots ensued and he was apprehended and taken to the Ciudadela where he was promptly freed. This led to the Baron clamouring for justice to be served on all those involved though the incident was never investigated any further by the Mexican authorities. An editorial was published on 24 September, in *El Siglo XIX*, gently mocking the Frenchman's conduct.²⁰⁷ A few days later, on the night of 30 October, he happened to bump into Otero outside the Teatro Nacional. Malo gave specific details in his *Diario*, as did Carlos María de Bustamante in his *Nuevo Bernal Díaz*.²⁰⁸ Believing Otero to be the hand behind the derisive article, he demanded confirmation, through an interpreter, Julio de la Rosa. Otero refused to answer, arguing that such information could be requested from his editor. The Baron proceeded to spit on Otero and attempted to hit him with his cane.²⁰⁹ Malo stated that having received such insult, Otero decided to *morirse o matar*, challenging the minister

²⁰⁴ Baron Alley de Cyprey is described as “necio, escandaloso” in José C Valdés, *Orígenes de la República Mexicana: la aurora constitucional* (Mexico City: UNAM, 1994), p. 373. In addition, José María Castaños refers to him as “ese loco tronera”; José María Castaños to Mariano Otero, Octubre 11 de 1845, in Tovar de Teresa, *Cartas a Mariano Otero*, p. 361.

²⁰⁵ Valdés, *Orígenes de la República*, p. 373.

²⁰⁶ Reyes Heróles, *Estudio Preliminar*, pp. 41, 179-180.

²⁰⁷ *El Siglo XIX*, 24 September 1845.

²⁰⁸ Malo, *Diario de sucesos notables*, pp. 285-287 and Bustamante, *El Nuevo Bernal*, pp. 73 - 74

²⁰⁹ Bustamante, *El Nuevo Bernal*, p. 73.

to a duel. He called on General José Gómez de la Cortina requesting he serve as intermediary. Cortina spent the next few days going back and forth between Otero and the French representative, stating that Otero, whose right it was, had chosen his weapon –pistols– only one of which would be charged, the shots taking place at short range. The Baron was aware of the precariousness of his situation. If he killed Otero he would most likely be lynched. If Otero were victorious he would be hailed as a hero and paraded through the streets on the shoulders of his fellow Mexicans.²¹⁰ Having asked for time to think, a French merchant by the name of Lestapis was sent to request that a witness be present in addition to the seconds. This was immediately turned down, Cortina pointing out that duelling being illegal in Mexico, it would drag an innocent individual into the fray and that Otero would not permit this. Further stalling came from the Baron’s argument that a short range shot was the equivalent of murder. Each new excuse was parried and finally the Baron capitulated –he openly refused the duel– thus settling the matter in Otero’s favour. The newspapers were full of the scandal, hailing Otero for standing up for Mexican rights. His friends too expressed their support and concern. Duelling may well have been illegal, but it was seen as the correct course of action to restore one’s honour.²¹¹ Self-effacing as he may have been in congress, it is clear that Otero had the arrogance to confront the official representative of France in Mexico, knowing, as he must have, that it might well have caused an international incident.

Though finally settled, the incident continued to echo through the following months, but it is likely that it was far from Otero’s mind. 1845 was a dreadful year for

²¹⁰ Malo, *Diario de sucesos notables*, p. 286.

²¹¹ One of Otero’s correspondents stated; “Siento con usted semejante insulto y sin embargo que deseo que no tenga un desenlace funesto; quisiera verlo vengado”. M. J. Olasgarre to Mariano Otero, 7 October 1845, another, his uncle, was concerned that having lost, the Baron might choose to resort to more severe measures to restore his honour; “que yo conozco, en donde, se hace uso del puñal, del veneno, se compra el asesino [...] debes vivir con más precaución, y cuando salgas de noche, mira si tienes un Verdadero Amigo, que siempre, siempre, siempre te acompañe.” José María Mestas to Mariano Otero, 10 October 1845, both in Tovar de Teresa, *Cartas a Mariano Otero*, pp. 357-360

Otero. In March his daughter, Mariana, was taken ill with a fever, and died soon afterwards.²¹² This followed closely on the death of his older sister who had died on 18 February. His age had disbarred him from the 1844 congress and his election to the Ayuntamiento had been tainted by the scandal involving the French Minister. There was one more dark period before him, involving election fraud and his misrepresenting his age, before the tide turned and he was elected to the 1846–1847 Constituent Congress, which was to place his name firmly among the leading politicians of the decade. After the disbandment of the 1842 congress, Otero had failed to be chosen for the Junta de Notables and been excluded by the higher age requirements from the 1844 congress. Herrera’s presidential term officially began on 16 September and the following weeks were filled, once again, with electioneering by both sides.²¹³ In Jalisco, Otero’s contacts were doing their best to ensure he was elected as a deputy. Correspondence received in August from his brother Miguel seemed hopeful, assuring Otero that conversations were underway with prominent men and that each would give him their vote.²¹⁴ However, as the weeks passed, this certainty faded. By the end of September there seemed little hope of achieving a majority and this was confirmed in the first week of October. Suddenly, “el idiota de Escobedo” and the “partido borbonista” emerged triumphant. Otero’s brother went so far as to put forward the theory that Otero being the principal candidate had been enough to cause their rivals to do everything in their power to ensure that he was not elected.²¹⁵ They achieved their goal in Guadalajara but he was on the electoral lists for the capital too, and there he did win. The regulations governing the elections

²¹² Pedro Zubieta to Mariano Otero, 28 March 1845, stated that his children too had suffered from *escarlatina*, however, in the beginning of a draft to one of their aunts, the family stated that the girl succumbed to a *fiebre tifoidea*. See unsigned draft to Doña Celsa Arce, April 3 1845, in Tovar de Teresa, *Cartas a Mariano Otero*, pp. 284, 287.

²¹³ Costeloe, *The Central Republic*, p. 349.

²¹⁴ Miguel Otero to Mariano Otero, 12 August 1845, in Tovar de Teresa, *Cartas a Mariano Otero*, pp. 332-333.

²¹⁵ Bernardo Flores, Miguel Otero, José María Mestas, José de la Barcena, Jesús Lopez Portillo and Cosme Torres al wrote letters to Otero detailing the election results, see *Ibid.*, pp. 332-417.

stated that the candidate must be 30 or over in order to be elected as a deputy, Otero was 28. Reyes Heróles argued that Otero lied. However, it was unlikely that he ever had the opportunity to do so. Once it became known in Guadalajara that he had been elected for the city of Mexico, Escobedo and his cronies rushed to procure a copy of his birth certificate with the intention of sending it to the capital with one of their men.²¹⁶ Crispiniano del Castillo argued that Otero should keep his seat as he felt that the young politician's presence would avoid a repeat of 1842.²¹⁷ This sentiment was echoed by Ramón Lusa who argued that the country was in dire need of the wisdom and energy that Otero could give congress. Otero, always one to abide by rules and regulations, was torn. He wrote for advice on whether or not he should "hacerse el desenterado" and wait to be asked.²¹⁸ The advice returned by José María Castaños was to go ahead and admit his age. If congress proved sympathetic, it would accept his nomination, as there was so little time left before his 30th birthday. He went on to add that any other course of action would provide his enemies with ammunition to be used against him, leading to accusations of dishonesty or crookedness. Otero chose honesty and rectitude and when asked his age by congress, he confessed that he did not fulfil the requirements.²¹⁹ Castaños had been right. Although initially turning down the request that Otero be allowed to take his seat during the preparatory *junta* on 23 December, the next day, the vote was re-counted, and three people who had not been present changed their votes, thereby accepting him and allowing him to become a deputy for the 1845 congress.²²⁰ This demonstrated just how flexible certain rules and regulations could become in the right circumstances. In addition, Otero's honesty had paid off, but this mattered little in the ever-changing world of mid-century Mexican politics. In the early hours of the

²¹⁶ José María Mestas to Mariano Otero, 17 October 1845, in *Ibid.*, p. 365.

²¹⁷ Crispiniano del Castillo to Mariano Otero, 3 October 1845, in *Ibid.*, pp. 376-377.

²¹⁸ José María Castaños to Mariano Otero, 29 November 1845, in *Ibid.*, pp. 398-399.

²¹⁹ Bustamante, *El Nuevo Bernal*, p. 97.

²²⁰ Reyes Heróles, *Estudio Preliminar*, p. 43.

morning on 30 December, a *pronunciamiento* broke out against the Herrera government and congress was immediately dissolved. Otero's return to centre stage had been brief, but it paved his way towards his participation in the 1846–1847 Constituent Congress, in which he would have a key role, if not *the* key role.

The fall of Herrera, in December 1845, if not exactly expected, was not really surprising either. Otero's distance from any direct role in politics would not have meant he was unaware of the turmoil surrounding the Herrera presidency, particularly in view of his ties and influence with the president. Though the grievances were many, they centred on the army's unhappiness with what was seen as the government's plan to replace the regular army with a National Guard. This view was definitely an exaggeration, as Herrera and any other president would have been fully aware that any overt attack on the military meant political suicide. Coupled with these rumours, the ever present fiscal problems meant that there was little room, or money, for real solutions. Even natural disasters appeared to be plotting against Herrera when an earthquake devastated hospitals, shops and houses in Mexico City.²²¹ However, the most pressing matter for the government was Texas. During the first few days of June 1845, the United States agreed to admit Texas into the Union and a month later, Texas announced that it was doing so. Suddenly the issue of the reconquest of Texas, ever present since 1836, became critical. This coincided with a first, unsuccessful *pronunciamiento*, launched against the government by a section of the National Guard. Nothing came of it, but unrest and dissent had found an outlet, and although Herrera

²²¹ The earthquake which began at 3.47pm on 7 April 1845, with a strong aftershock on 10 April, is considered to have been one of the strongest of the nineteenth century; "popularly known as "the earthquake of Santa Teresa" it affected churches, convents, schools, government buildings and hospitals. América Molina de Villar, "19th Century earthquakes in Mexico: three cases, three comparative studies," *Annals of Geophysics*, Vol. 47, N. 2/3 April/June 2004, pp. 499-501, 504. James Garza adds that the earthquake was so strong that it resulted in numerous dead and injured by falling walls and that some of those left homeless were forced to make camp in the *Alameda*. See James A. Garza "Conquering the environment and surviving natural disasters," in William H. Beezley (Ed.), *A companion to Mexican History and Culture* (England: Wiley-Blackwell, 2011), p. 326.

was still strongly supported by the *hombres de bien*, it was only a matter of time. The presidential election on 1 August was won by Herrera, who took up his position in mid-September. In the meantime, elections for congress were held, in which Otero was elected deputy, and congress readied itself to begin sessions. The apparent success of the moderates was to be short lived; on 14 December another *pronunciamiento* shattered the peace. In San Luis Potosí, a Plan was announced that struck out against Herrera's presidency and against congress. Less than twenty four hours later, General Mariano Paredes y Arrillaga was asked to head the revolt, which he immediately accepted. Meanwhile General Valencia assumed leadership of the rebels at the Ciudadela. Herrera did not even attempt to fight the pronunciados; he left town quietly, taking his family with him. After a very brief tussle for power between Valencia and Paredes, the latter entered Mexico City on 2 January to be elected provisional president the very next day.²²²

Once again, Otero found himself exiled from political circles but this time it would only be a few months before he resumed his position as a congressional deputy. Paredes had risen to power at a moment of great national uncertainty. The United States' annexation of Texas meant that a constant threat now shadowed all political decisions in the capital. Paredes called for a congress, and aided by Alamán, electoral restrictions ensured it would be a traditionalist one, with marked monarchist tendencies. This congress sat in June and one of its first tasks was to grant permission for Paredes to stand down from the presidency in order to command troops heading north. On 27 July, Nicolás Bravo, vice-president, assumed the interim presidency. On 1 August Paredes left Mexico City. It took less than three days for a revolt to break out. In the early hours of 4 August, Mariano Salas and the ever-side-shifting Ciudadela garrison pronounced in

²²² Pedro Santoni, *Mexicans at arms*, pp. 87-99.

favour of the election of a new congress and, more importantly, called for Santa Anna, who was in exile, to take command of the army. A little more than ten days later, Santa Anna set foot on Mexican soil and immediately began the necessary scheming to reintroduce the 1824 Constitution and called for a new congress under the electoral terms of 1823.²²³ It was to this congress that Mariano Otero was to be elected.

1846 was to be a bittersweet year for the young politician. In April, less than a year after the death of his daughter, he lost a son, Sisto. This loss left Otero heartbroken, and furthered his disillusionment with public life.²²⁴ He sought to retire from politics and devote time to his family. Andrea was once again pregnant. In September he received a letter from his uncle, José María Mestas in Guadalajara, which showed the extent to which Otero had been decimated by the loss of his child. The letter paints a poignant picture of Otero's anguish. The young father continually visited his son's grave, in the San Fernando pantheon, sometimes for hours on end, to such an extent that it began to affect his health. His uncle begged him to stop; "por tu patria, por tus hijos que viven, por la apreciable compañera que tienes, por el cariño que te merece tu tío, por lo que más ames y quieras."²²⁵ Furthermore Mestas argued that his son was resting in peace and, if he could, would call upon his father to "no vaya a morir y ser falta a mis hermanos, a mi madre, a su patria, que espera tanto de Ud."²²⁶ At the same time, his friends and family were working to push him back onto the national political stage. The elections for the new congress were taking place and many believed Otero was essential to the success of any Constituent Congress. Octaviano Muñoz Ledo writing from

²²³ Costeloe, *The Central Republic*, pp. 363-376.

²²⁴ Letter from Joaquín Gómez de la Cortina to Mariano Otero, 20 April 1846, and letter from Francisco Placido Fletes to Mariano Otero, 5 May 1846, in Flores Clair, *La guerra de 1847*, p. 17.

²²⁵ Letter from José María Mestas to Mariano Otero, 4 September 1846, in *Ibid.*, p. 27.

²²⁶ *Ibid.*

Guanajuato, argued that the election was to be “juiciosa y moderada” and that as such, a seat would be his.²²⁷

The last four months of 1846 were a busy time for the young politician. He was appointed the Minister of Internal and Foreign Affairs in September, but resigned the very next day, quoting pressures of work.²²⁸ In October Valentín Gómez Farías sought to form a *Consejo de Gobierno* to comprise politicians of various factions.²²⁹ Luis de la Rosa, José María Lafragua and Otero were all asked to join and accepted, even agreeing to intercede with Pedraza so that he too would accept the nomination. The creation of such a Consejo would have given the impression that the government was widely supported by all political factions, thus lending it stability and credibility. However, Gómez Farías stated that the moderates could not countenance the fact that he had been named President of the Consejo and not only renounced their seats, but called on several States to oppose the creation of any such body.²³⁰ Though there is little doubt that political intrigue would have been rife, Otero also had other things on his mind. Andrea had given birth to a daughter in October, named after the mother, and had suffered complications, but pulled through successfully.²³¹ In addition, Muñoz Ledo’s predictions turned out to be accurate. Otero was elected as deputy for his home state of Jalisco. Perhaps the addition of a baby girl to the family instilled new fire in his political life too, because despite negative press from Valentín Gómez Farías, and rumours of interventions against him by Santa Anna, Otero looked forward to the new congress and the constitution that would emerge from it with optimism.²³² In reply to a letter from

²²⁷ Letter from Octaviano Muñoz Ledo to Mariano Otero, 18 September 1846, *Ibid.*, p. 29-31.

²²⁸ Letter from José María Mestas to Mariano Otero, 3 November 1846, *Ibid.*, pp. 33-37.

²²⁹ Draft letter, Valentín Gómez Farías, 1st fortnight in October 1846, Valentín Gómez Farías Papers, 4911, the decree itself being published in *El Siglo XIX*, 20 September 1846.

²³⁰ *Ibid.*

²³¹ Letter from José María Mestas to Mariano Otero, 3 November 1846, Flores Clair, *El Buzón*, p. 35.

²³² Negative *circulares* issued by Valentín Gómez Farías are mentioned in a letter from Crispiniano del Castillo to Mariano Otero, 6 November 1846, *Ibid.*, 39-41. Antonio Lopez de Santa Anna wrote to Otero to clarify his position, arguing that he had become aware of, untrue, rumours that stated that he had

Santa Anna in which he said he had not sent instructions to Guadalajara to impede Otero's election, Otero said that his wishes were those of the nation, and that the wishes of the nation were to be reflected in Santa Anna; "consolidar las libertades públicas bajo el régimen federal, salvar el honor de México resistiendo la más inicua de todas las agresiones," and added that it was the duty of every Mexican to support Santa Anna in this task.²³³ Otero took on these two goals as his own and, during the next two years, battled in congress and in the Senate against the United States' invasion and for the introduction of reforms to the recently re-established 1824 federalist constitution.

The preparatory sessions for congress took place on 3 and 5 of December 1846, and Otero was in attendance. On the first day, he was elected, along with Pedro Zubieta, Guadalupe Perdigón Garay, Manuel Buenrostro and Benito Juárez to form the commission to examine the credentials of the deputies.²³⁴ In addition, on the 5th, he was called upon again, with four others, to form a second commission to establish the oath to be sworn by the deputies.²³⁵ Otero was, once again, centre stage and very active in congress. His first few positions were mostly administrative, though he was constantly elected to new ones. On 7 December he was asked to sit on the Comisión de puntos constitucionales, the Comisión de relaciones exteriores and the Comisión de gran jurado.²³⁶ As a member of these various committees he began to form a clearer idea of the situation facing Mexico and demonstrated his willingness to protest or dissent in order to add or amend sections or proposals he did not feel benefited the country. One such example, which took place in the second week of the sessions, was his argument

written letters to Jalisco to ensure that Otero was not elected deputy, Antonio Lopez de Santa Anna to Mariano Otero, 10 November 1846, *Ibid.*, pp. 41-42.

²³³ Draft of a letter from Mariano Otero to Antonio Lopez de Santa Anna, 14 November 1846, *Ibid.*, pp. 42-43.

²³⁴ Manuel González Oropeza, (Ed.), *La Reforma del Estado Federal, Acta de Reformas de 1847* (Mexico City: UNAM 1998), pp. 153-156.

²³⁵ The oath they produced, "*¿Juráis haberos bien y fielmente en el cargo que la nación os ha encomendado en todo por su bien y prosperidad?*" was fairly generic and caused none of the controversies aroused by the 1842 oaths. *Ibid.*, pp. 156-152.

²³⁶ *Ibid.*, pp. 163-168.

that congress and not the Executive should be the one to choose the interim president should the president elect be unable to accept or remain in office.²³⁷ Though this did not pass, Otero, with Mariano Riva Palacio and Godoy, was willing to vote against the established opinion in order to ensure that the “will of the nation,” as deposited in congress, chose the interim president when required, thus avoiding any arbitrary decision of the Executive. The most important election was still to come and the Constitution Committee was formed on 11 December. Espinosa de los Monteros, with whom Otero had already worked in 1842, Rojas, Cardoso and Zubieta were elected, along with Otero himself.²³⁸

Otero was to use his seat in congress to support his personal views, as well as to further the interest of his home state. He drew attention to the fact that despite four months in which to do it, the government had not found a solution to the deficit in the treasury, and that its constant cries for more and more money to support the war left congress looking as if it were unwilling to provide the necessary funding.²³⁹ In addition, he took up the cause of the tobacco growers in Veracruz, as well as supporting motions on the Montepío from Carlos María de Bustamante. However, it was two specific interventions during the 1847 sessions that would prove to be the most important.

Firstly, he led the opposition in January against a decree which would allow the government to mortmain property held by the Church and clergy, in order to raise money for the war against the United States. Otero was accused of being the standard bearer for the clergy, and described as being willing to use every parliamentary weapon to advance his cause, including any available moratorium or loophole in the regulations

²³⁷ Ibid., p. 182.

²³⁸ Otero won a seat on the commission with 60 votes out of 73. Ibid., p. 187.

²³⁹ Ibid., pp. 206-207.

governing congress.²⁴⁰ As can readily be seen in the chapter on the Church in Part 2, this was not the whole story. He was steadfastly opposed to any increase in Church influence in Mexico and while he probably did use every weapon in his power to get his own way, he would never support a measure that would rebound badly on the poorer echelons of society inhabiting or earning a living from Church properties. Despite his best efforts, a law was passed on 11 January 1847, fixing the amount to be raised at fifteen million pesos.²⁴¹ A second law was passed on 4 February regulating how this money was to be obtained. Legislative options having been exhausted, the Church resorted to making inflammatory speeches and threatening anyone that carried out the laws with excommunication.²⁴² As agitation began to spread, Valentín Gómez Farías received notifications of unrest among the National Guard. On 22 February the Independencia Regiment endeavoured to meet at the University but, on arrival, found themselves detained and their weapons removed. The news spread rapidly, and the different battalions of the National Guard began to gather in their respective headquarters and the members of Independencia met at the old Coliseum. A few days later General Anaya and Gómez Farías made the decision to relocate the regiment to new headquarters in the Hospital de Terceros, prior to it being posted to Veracruz. The regiment was composed of more than a thousand guards, and it was made up largely of well-to-do men, including José María Lafragua, Joaquín Navarro and Mariano Otero, who were officers.²⁴³ According to Guillermo Prieto and José María Lafragua, both the laws against the property of the clergy and posting sections of the National Guard to Veracruz were the catalysts that set off the *Rebelión de los Polkos*, but that these were

²⁴⁰ Ramón Alcaraz et al. *Apuntes para la historia de la Guerra entre México y los Estados Unidos* (México: Tipografía de Manuel Payno (hijo), 1848), p. 124.

²⁴¹ The law of 11 January and the regulation for said law, 15 January, can be found in Manuel Dublán y José María Lozano, *Legislación Mexicana, colección completa de las disposiciones legislativas expedidas desde la independencia de la república*, available at; <http://biblioweb.dgsca.unam.mx/dublanylozano/>

²⁴² Alcaraz, *Apuntes*, p. 124.

²⁴³ *Ibid.*, p. 128, Costeloe, *The Central Republic*, p. 171.

merely excuses.²⁴⁴ The *moderado* party had been involved in secret manoeuvres to oust Gómez Farías from power. Prieto named Otero, Pedraza and Lafragua as the “directores ocultos” and admitted that he himself took part. Lafragua said he had been told of the decision only the day before it erupted, and had tried to no avail to stop it by agreeing, as President of congress, that the laws would be repealed the next day.²⁴⁵ This, Lafragua argued, had no impact as it had been clear to him all along that the repeal of the laws was not the real cause of unrest. Those involved merely wanted to bring down the government, and more specifically Valentín Gómez Farías, in an effort to regain control of power.

A figurehead was found for the movement, a plan delineated, and the clergy provided the funds.²⁴⁶ In the early hours of Tuesday 27 February, rumours began that a pronunciamiento was under way. Such rumours were soon substantiated by a Plan which began circulating, signed by Matías de la Peña Barragán. The Plan demanded the repeal of the January and February laws affecting clergy property. It also called for a new executive. Hostilities broke out between the pronunciados and the troops loyal to the government and fighting tore the capital apart for just under a month. People were unable to leave their houses, and those that did were “shot like rabbits.” Many deputies were unwilling to risk attending congress.²⁴⁷ Civil war had broken out at a time when the country was under attack from United States forces. Congress agreed to grant the rebels an amnesty if they surrendered but they refused. It was stalemate. The government was unwilling to give in to their demands and the rebels had overestimated their support base. On 8 March, the rebels radically changed their Plan. The thirteen original points were reduced to a single one, the one that had been the real motive all

²⁴⁴ Prieto, *Memorias*, p. 395.

²⁴⁵ Lafragua, *Miscelanea política*, p. 63.

²⁴⁶ Michael Costeloe, “The Mexican Church and the Rebellion of the Polkos,” *The Hispanic American Historical Review*, Vol 46, No. 2. (May, 1966), pp. 170-178.

²⁴⁷ Letter from Manuel Terreros to Mariano Otero, 2 March 1847, Flores Clair, *El buzón*, pp. 62-63.

along; the removal of Valentín Gómez Farías from the presidency and from the executive. Public opinion turned against both the *pronunciados* and the clergy who had spurred them on. Where support for the repeal of the January law had been widespread, here it was replaced by revulsion against those Mexicans willing to sacrifice not only their fellow citizens but their country for their petty personal goals. The citizens of Veracruz openly blamed the conquest of the city by US forces on the *pronunciados*, as their refusal to come to the city's defence had left it wide open.²⁴⁸ The *pronunciamiento* ended with the return of Santa Anna, who had been recalled by 41 deputies in congress, unable to see an end in sight. On 21 March, he was met at Guadalupe, outside the capital, by a commission led by Otero as President of congress.²⁴⁹ Two days later, Otero was elected Minister of Internal and Foreign Affairs, a post which he promptly refused, for the second time in less than six months, although his reasons were not clear.²⁵⁰

Congress had remained in session throughout the Polkos revolt and Otero, despite being named as one of the orchestrators of the revolt as a member of the Comisión de Constitución, was working towards this end. As the enemy advanced, his actions became more desperate as he believed that the only way for Mexico to survive was by becoming united by a strong constitution which would clearly delimitate power and responsibility. During the session of 5 April 1847, two proposals were presented by the Committee. The first, a Voto de la Mayoría, was backed by all its members except one, Otero, who presented his Voto Particular. This was the second time that Otero had dissented from the majority but, whereas in 1842 he had done so with the backing of other deputies, here he stood alone. Both were printed and distributed and put to the

²⁴⁸ Letter from José Joaquín Pesado, 12 March 1847, BNE, Ignacio Cumplido to Mariano Otero, 20 April 1847, BNE, José María Esteva to Mariano Otero, 30 May 1847, BNE, Flores Clair, *El buzón*, pp. 67-68, 76-78 and 94-95.

²⁴⁹ For a more detailed analysis and chronology of the Polkos rebellion see Costeloe, "The Rebellion de los Polkos".

²⁵⁰ Letter from José Cayetano Orozco to Mariano Otero, 30 March 1847, BNE, Flores Clair, *El buzón*, pp. 69-70.

floor. The majority wanted the 1824 constitution, already in effect, to continue, leaving it open, should it be necessary, for changes or amendments to be added at a later date. Otero's *Voto Particular*, which would come to be known as the *Acta de Reformas*, sought to amend the 1824 constitution, in the interests of a nation, in a very different position from that in 1824 shortly after independence. In 1847 it was facing an invading force having been dogged by failed and experimental governments for twenty-three years. Debating began on 22 April, only four days after the devastating Mexican defeat at Cerro Gordo. It was not only the constitution that worried the deputies. Cerro Gordo signalled the possibility of an attack on the Mexican capital by the United States, and congress spent days discussing the outcome if that were to happen. Once the enemy was spotted at Perote, congress would disband and regroup outside the capital and wherever they re-grouped, thirty deputies would be sufficient to establish a quorum.²⁵¹ The debates continued for three weeks, first on the *Acta* itself in general terms and then each article, one by one. As the threat posed by the enemy grew, so did Otero's desperation for the *Acta* to be passed. A committed constitutionalist, he believed nothing was more important than a reformed constitution and, in pursuit of this goal, was willing to work against his own faction in congress.

Puros and *moderados* were opposed on whether to accept British mediation in the conflict with the United States.²⁵² The *moderados* were pro-British intervention; the *puros* were strongly against it. The moderates believed that they would be able to outsmart the *puros* and turned to Otero to force a recess but Otero would not. He was aware that the US threat grew closer as each day passed and was willing to disregard the wishes of his political faction in favour of furthering his own goals. A recess would mean a delay in passing the *Acta* and, as far as Otero was concerned, this was not an

²⁵¹ José Fernando Ramírez, *México durante su guerra con los Estados Unidos* (México: UNAM, 2001), p. 127.

²⁵² For more in-depth information see Santoni, *Mexicans at Arms*, p. 203-205.

option. He refused to call the recess and instead he sought the support of a section of congress that was facing difficulties in getting its own motion passed. The Oaxaca delegation wanted its legitimate authorities reinstated –they had been removed by a revolt in February– but the government could not afford to send troops to the southern state when they were needed to hold off the ever advancing enemy. The Oaxacan delegation’s proposal was rejected and, in protest, they threatened to leave the capital. Once Otero realised that this departure would signify the loss of quorum, and faced with an imminent vote on the *Acta*, he approached them with a mutually beneficial proposal; if they voted for the *Acta de Reformas*, he would convince his party to vote in favour of the Oaxaca proposal. Both parties remained true to their word. On 28 May, the *Acta de Reformas*, establishing the amendments to the 1824 constitution became law. Otero had achieved his aims, and managed to hold on to the allegiance of his party, who followed his vote on the Oaxaca question, despite his initial manoeuvres against the proposal.²⁵³

The country did not enjoy similar success and in May, Puebla fell to the invading forces. By August the United States were ready to begin their march on the capital. Mexican resistance was weak, General Valencia was beaten in Padierna, Churubusco fell and the United States was rapidly bearing down on the city. Santa Anna signed an armistice, which led to the first peace negotiations taking place at Alfaro. These were unsuccessful and a week later, when the armistice expired, the United States defeated the Mexican forces at Molino del Rey. Chapultepec fell on 13 September and, a day later, Mexico City was occupied and the American flag rose above the capital. Santa Anna renounced the presidency. Reluctant at first, at the end of September, Manuel de la Peña y Peña, who had moved to Toluca in order to evade the advancing US troops, finally agreed to accept the presidency and, a few weeks later, left for

²⁵³ For greater information on the workings of Congress during this time see Sordo Cedeño, “El Congreso”.

Queretaro. There he sought to establish the provisional government and requested the deputies make haste to the city so that congress could meet to name his successor. At the beginning of November the Constituent Congress reconvened, and elections were held wherever possible for the 1848 congress. On 11 November, the deputies elected General Pedro María Anaya as the interim president and, less than a month later the Constituent Congress which had first sat in 1846, having fulfilled its purpose, dissolved itself. Anaya's term ran out on 8 January 1848 and once again Peña y Peña found himself at the head of the executive.²⁵⁴ Whatever else he might have to deal with, he was faced with only one critical issue from the very beginning –the peace negotiations with the United States. They began during the first few days of January and concluded a month later when agreement was reached on 2 February. It was not until 10 March that the United States ratified the treaty with a few changes and fourteen votes against. There was more opposition in the US senate than there was in the Mexican one, where the treaty was passed on 21 May with only four votes against it. The ratification of the treaty, with the cession of more than half of Mexico's territory to the United States in exchange for 15 million dollars, ushered in a period of despair for many Mexicans who saw the defeat and subsequent loss of territory as proof that Mexico could not even be called a nation.²⁵⁵ Although congress was supposed to sit as from 1 January, it took 5 months for deputies and senators to get together. On 30 May, as the exchange of the ratified treaties took place, congress elected General José Joaquín de Herrera as president. He took office on 3 June 1848. Unrest was widespread, as were the rumours of revolts and possible *pronunciamientos*. The government was preoccupied with the

²⁵⁴ All information on dates and general events taken from Reynaldo Sordo Cedeño, "México en Armas 1846 – 1848," in *En defensa de la patria, 1847-1997* (Mexico City: Segob, AGN, 1997) which can be consulted online at <http://biblioweb.unam.mx/libros/guerra/guerra.htm> and contains essays, documents and pictures relating to the Mexican war with the United States.

²⁵⁵ An anonymous pamphlet published in 1847 voiced the sentiment that "En México, no hay ni ha podido haber eso que se llama espíritu y nacional, porque no hay nación." Varios Mexicanos, "Consideraciones sobre la situación política y social de la República Mexicana en el año de 1847" (Mexico City: Valdés y Redondas, Impresores, 1848), p. 42.

war and it was blamed for the state of the country. The clergy and army were similarly attacked. Crispiniano del Castillo, writing from Guadalajara in June 1847, mentioned a *pronunciamiento* which was gestating, and said that the Bishop of Puebla was welcoming the US troops merely to spite the government, and highlighted the army as an element of opposition.²⁵⁶

Otero, for his part, had begun to think of leaving the capital with his family by May 1847. Toluca was the chosen rallying point and Otero was able to secure a house there at the beginning of the month.²⁵⁷ Though he did not choose to move immediately, he was aware that sooner rather than later, the United States would reach the capital and he and his family would need a secure point of retreat. Information was sketchy and Otero's correspondence during these months is filled with letters begging for information on this or that piece of news, or seeking clarification of unsubstantiated rumours.²⁵⁸ This same correspondence also charted the loss of hope experienced by many Mexicans as well as the concerns that the war created. Otero's disappointment with politics and political manoeuvres was noticeable. Despite his actions in congress, he was still plagued by the loss of his children and longing for retirement from politics.²⁵⁹ Congress was having trouble obtaining a quorum and, more often than not, just as it did, some deputy or another would leave, rendering it invalid.²⁶⁰ Deputies were leaving the city, in preparation for what was seen as the inevitable arrival of U.S

²⁵⁶ Crispiniano del Castillo to Mariano Otero, 18 June 1847, Flores Clair, *El buzón*, pp. 101-102.

²⁵⁷ Eulalio María Ortega to Mariano Otero, 6 May 1847, *Ibid.*, pp. 81-82.

²⁵⁸ For example, on 28 May 1847, José María Herrera writes to Otero to refute claims that ten thousand men were being sent to aid the capital. It was barely 600, and most of those, he states, deserted as soon as they were asked to march. *Ibid.* pp. 91-92.

²⁵⁹ Melchor Ocampo to Mariano Otero, 2 June 1847. *Ibid.*, pp. 95-97.

²⁶⁰ Mariano Otero to Mariano Riva Palacio, 19 June 1847, Mariano Riva Palacio Archive, henceforth MRPA, 2304.

troops.²⁶¹ By 21 July the situation had become so unstable that Otero finally took the decision to move to Toluca, taking his entire family with him.²⁶²

In his absence, Otero's house in the capital was being looked after by Antonio de Portugal.²⁶³ Defending the city had produced little more than broken windows but the arrival of the US army meant some houses were looted. Portugal announced to Otero, on 16 September that although his house had been broken into, all that had been taken was "la cinta de la campana del comedor" as well as "unas sabanas y una funda limpia" and "unas cuantas cucharas y cuchillos."²⁶⁴ Just in case, Portugal decided to hide everything in storage, as he was worried about Andrea's enormous wardrobes, which she had left locked, and possible damage to Otero's office. Not a week later, Otero received news from another friend in Mexico City, telling him his house was listed as being empty and, therefore, likely to be used to house the sick and the wounded, but this never happened.²⁶⁵ Once in Toluca, and with the U.S army bearing down on and finally entering Mexico City, Otero began to receive mixed reports from those still living in the capital. In August he wrote to Antonio de Portugal mentioning he might return to the city and, in his reply, Portugal told him not to bother. Mexico City had become nothing more than "el panteón de todos nuestros deudos y amigos,"²⁶⁶ and saying that there was a complete lack of public antagonism towards against the conquerors. Just over a month later, when Otero once again considered moving back to the capital with his family, the news arriving from the city was promising; all was quiet under US occupation.²⁶⁷

²⁶¹ Letter from Mariano Otero to Mariano Riva Palacio, MRPA, 2304.

²⁶² Eulalio María Ortega to Mariano Otero, 15 July 1847. Flores Clair, *El buzón*, pp. 107-108.

²⁶³ Antonio de Portugal to Mariano Otero, 7 September 1847, *Ibid.*, pp.139-140.

²⁶⁴ Antonio de Portugal to Mariano Otero, 16 September 1847. *Ibid.*, pp. 142-145.

²⁶⁵ Lucas de la Tixera to Mariano Otero, 20 September 1847. *Ibid.*, p. 148-149.

²⁶⁶ Antonio de Portugal to Mariano Otero, 12 August 184. *Ibid.*, pp. 116-118.

²⁶⁷ *Ibid.*, and P Martínez del Río to Mariano Otero, 22 September 1847. *Ibid.*, 150-153.

The political classes had dispersed. Gómez Pedraza, who had also fled the capital, was named plenipotentiary to the peace negotiations, but declined.²⁶⁸ Lafragua wrote saying he was waiting for a sufficient number of deputies to congregate, wherever that might happen.²⁶⁹ There seemed little for anyone to do but wait. While they waited they reflected on the state of the nation, the options available to Mexico and speculated on the future of the country. There was little or no hope. Pessimism was the undercurrent in most if not all of the letters Otero received while in Toluca. The Mexican nation, which had been all but conquered, was a nation of cowards and many saw only two possible alternatives, either absorption by the north, or unification with a European power.²⁷⁰ Melchor Ocampo, writing from Morelia, saw a light in all the despair and argued that the war was showing them the obstacles that prevented them from becoming a great nation; be they the instability of the governments, or the military forces, this was the perfect time to remove those impediments that had brought the nation nothing but harm.²⁷¹ The war was a lesson, if their experiences were used correctly, “México puede ser, México será una nación grande.”²⁷²

On 9 September 1847, congress finally agreed to disband and regroup in Querétaro. Only twenty-odd members made it to the final meeting in the capital and a statement was issued that they would not meet again until the skirmishes in the city were over, and then it would need to be outside the capital. They would not have the freedom to make the necessary deliberations were they to meet in the occupied capital. The waiting was over; once again, the political class had a task to perform, to re-assemble congress in Querétaro. Otero had not returned to the capital. He had chosen to

²⁶⁸ Manuel Gómez Pedraza to Mariano Otero, 30 August 1847. *Ibid.*, pp. 125-127.

²⁶⁹ José María Lafragua to Mariano Otero, 2 September 1847. *Ibid.*, pp. 129-130.

²⁷⁰ Unsigned letter, to Mariano Otero, 3 September 1847. *Ibid.*, pp. 130-132 and letter from Melchor Ocampo to Mariano Otero, 6 September 1847. *Ibid.*, pp. 133-137.

²⁷¹ *Ibid.*

²⁷² *Ibid.*

remain with his family in Toluca, but he firmly believed it was essential for congress to meet so that at the very least a *Consejo de Gobierno* could be formed in order to preserve national unity. By the end of September he had made his mind up to make his way to Querétaro.²⁷³ Melchor Ocampo felt that Otero's presence there would help convince other deputies to go too, and argued that he was desperately needed there and should not let anything detain him.²⁷⁴ In the meantime, the government of Peña y Peña was also being established, but few people had much hope. Mexico had been left "sin la más remota posibilidad de triunfar... nos conviene hacer un sacrificio a tiempo para salvar la nacionalidad."²⁷⁵ This sacrifice was to agree a peace with the United States. Winning was no longer an option. The arrival of the deputies in Querétaro was a very slow process, and a circular was sent to all those who had not arrived requesting their immediate presence as, in view of the dire circumstances in which the country found itself, it was essential that the legislative power resume its functions, setting the date as 5 October.²⁷⁶ Otero was busy organising his election in Toluca and wrote to Mariano Riva Palacio to let him know that he would be unable to leave before the 4th. He was networking with electors and was worried that he might not have a majority although he did not feel this would be a problem, "con los que haya y la ley de las minorías los sacaré tales que por la calidad compense el número."²⁷⁷ It is from this election that Manuel Gómez Pedraza and Otero himself emerge as Senators for the Estado de México.²⁷⁸ On 4 October Otero left his family in Toluca and headed for Mexico City. From there, he made his way to Querétaro, leaving his business behind and paying his

²⁷³ Melchor Ocampo to Mariano Otero, 24 September 1847. Ibid. p. 153.

²⁷⁴ Ibid., and Melchor Ocampo to Mariano Otero, 30 September, pp. 154-155.

²⁷⁵ 'P.M.R.' to Mariano Otero, 30 September 1847. Ibid., pp. 155-157.

²⁷⁶ Circular from Congress to Mariano Otero, 30 September 1847. Flores Clair, *El Buzón*, pp. 157-158. Secretaría del Soberano Congreso Constituyente to Mariano Riva Palacio, 20 Septiembre 1847, MRPA, 2410.

²⁷⁷ Mariano Otero to Mariano Riva Palacio, 21 September 1847, MRPA 2412.

²⁷⁸ A list detailing the results of the election is included in an unsigned letter from Toluca, to Mariano Riva Palacio, 18 October 1847, MRPA, 2439.

own way, though he later received notification that he could count on 100 pesos a month from the State Government in Guadalajara.²⁷⁹ Later, he complained to his uncle in Guadalajara that he was being paid less than other deputies and asked him to look into the matter. His uncle insisted he must claim the money owed to him for travel expenses, “¿por qué tú has de ser el menos, cuando todos se van a pasear, y tu trabajas como nadie?”²⁸⁰

In Querétaro, the problems between political factions continued and the only real task congress undertook before its dissolution was to hold elections. The deputies were fairly safe in Querétaro, the United States had no wish to march upon the temporary seat of government in case it should dissolve again, rendering any chance of a swift peace negotiation impossible. They did not appear interested in crushing the country, merely in having it in such a position whereby it would be forced to sign a peace treaty.²⁸¹ In January, Otero returned to Mexico City in order to help his family settle in on their return to the capital. On the night of 11 January 1848, Otero was arrested for disorderly conduct. He was accused of publicly delivering subversive speeches against the US army, and was placed under arrest by the Governor. He was released the next day but it took the intervention of Francisco Suarez Iriarte, who was able to use his influence in the capital, to ensure charges were dropped.²⁸² He returned to Querétaro in order to take up his seat in the Senate. Shortly after his arrival he was notified that he was to be chosen to act as a consultant at talks on an armistice. In mid-September 1847 Otero had been present at the initial failed peace negotiation arranged by Santa Anna. At that time he had written to the Governor of Jalisco, as the State's deputy, arguing that there would

²⁷⁹ His election as Senator for the State of Mexico did not come into effect until January and, as such, he was still Deputy for Jalisco. Letter from Joaquín Angulo to Mariano Otero, 4 October 1847, Flores Clair, *El Buzón*, pp. 159-163.

²⁸⁰ José María Mestas to Mariano Otero, 22 October 1847. *Ibid.*, pp. 169-172.

²⁸¹ Eulalio María Ortega to Mariano Otero, 26 December 1847. *Ibid.*, pp. 212-213.

²⁸² José María Roa Barcena, *Recuerdos de la invasión Norteamericana (1846 – 1848)* (Mexico City: Editorial Porrúa, 1947) III, p. 222, and letter from Rodríguez Puebla to Mariano Riva Palacio, 12 January 1848, MRPA, 2509.

be no honourable peace for Mexico if any territory other than Texas were to be included in the terms, or, indeed discussed. He maintained his position against the war until the very end but, on more than one occasion, found himself working in support of it. He separated his personal and political feelings from his duties. The peace treaty had been concluded at the beginning of February, any objection he might have to the terms would have to be aired when it was ratified. Otero's main concern was to bring the country back from the brink of the abyss and to do whatever could be done to ensure a smooth transition back to peacetime government. At the end of February, President Peña y Peña notified the commissioners, Generals Mora y Villamil and Quijano, that they were to deal with Otero.²⁸³ Gómez Pedraza gave him the news, informing him he would be an advisor.²⁸⁴ The generals had been given the task of signing an armistice, and discussing other issues with the invader, in the hope of enabling the government to administer the occupied territories. They were to consult with Otero on any subject that touched upon civil or administrative matters. These included elections where they had not yet taken place, reinstatement of the capital's Ayuntamiento and the naming of a government there. Despite working towards ensuring a better armistice for Mexico, this did not change Otero's views on the terms of the Peace Treaty. Committed to constitutionalism, he understood however, as with the *Acta de Reformas* of 1847, that if Mexico emerged from the war without being a consolidated state, it would be unlikely to survive for long. It was essential for elections to go ahead to preserve the country and when José Joaquín de Herrera did emerge as president it was this legitimacy that allowed him to concentrate all his efforts on rebuilding the nation. The armistice was ratified on 5 May

²⁸³ Roa Barcena, *Recuerdos de la invasión*, III, 312 - 313

²⁸⁴ Manuel Gómez Pedraza to Mariano Otero, 26 February 1848. Flores Clair, *El Buzón*, p. 240.

by the United States and by the Mexicans on the 9th, and immediately afterwards, elections were carried out where they had not yet taken place.²⁸⁵

On 25 May, the Mexican Senate voted on a motion passed by congress on the ratification of the Peace Treaty, signed in February. Only four people voted against it, Fernando Ramírez Morales, Bernando Flores, Robredo and Otero. Throughout the war Otero had made it clear that he was opposed to an unjust peace, which he interpreted as any treaty in which the terms included Mexican territory other than Texas. He spoke against the peace on the senate floor in Querétaro. He had written to his wife a few days earlier stating that he had made up his mind, he would set out his motives for his negative vote one last time, and then would speak of it no more, no matter what was said.²⁸⁶ He was looking forward to leaving Querétaro and going home on leave which he had requested a few days earlier. He already knew he would lose the vote and told Andrea that part of the reason he was asking for leave in advance, was that he did not want his colleagues to think he was sulking after suffering a defeat in the Senate.²⁸⁷ The letters he wrote in those weeks to Andrea were filled with promises of his return to the capital but his request for permission to be with his wife and children in the city was to be denied. On 3 June José Joaquín de Herrera was, once again, elected president and he chose his cabinet, José María Jimenez as his Justice Minister, General Arista in the War Ministry, Mariano Riva Palacio in Treasury, and Mariano Otero as his Minister of Internal and Foreign Affairs. He would indeed return to Mexico City a few days later, on leave from the Senate, not to spend time with his wife and children, but to carry out his duties as minister. He would be faced with finding a solution to problems in Yucatán, would establish an enduring correspondence with José María Luis Mora and above all, he would work towards enforcing the treaty he had been so vehemently against. He

²⁸⁵ Alcaraz, *Apuntes*, 621

²⁸⁶ Mariano Otero to Andrea Arce de Otero, 21 May 1848. Flores Clair, *El Buzón*, pp. 274-275.

²⁸⁷ Mariano Otero to Andrea Arce de Otero, 19 May 1848, in Reyes Heróles, *Obras*, II, p. 608.

entered into Mexico City with the Herrera government, determined to serve his country but would remain in the position for less than six months.

Otero was stepping into the Ministry at a time when the country was in a lamentable state. The peace treaty had been signed and ratified and the US army was withdrawing, leaving behind a defeated nation. The first task for the Herrera government was that of ensuring that Mexico made the transition from a country at war back to normality as quickly as possible. A near-empty treasury and the pessimism of the political classes meant that there was no simple solution. His duties included arranging the reoccupation of buildings seized by the North Americans, so that the last traces of the influence exerted by the United States began to be erased.²⁸⁸ Otero was also in charge of transferring controls over customs at Veracruz from the United States back to Mexican officials. This would allow much needed revenue to start to flow into the treasury as well as symbolically demonstrate that the US forces were really moving out of Mexico. This turned out to be no easy task and his correspondence with Nathan Clifford, plenipotentiary minister for the United States deals with the constant setbacks which meant that Otero was unable to resolve the matter fully, bequeathing it to Luis G. Cuevas who replaced him.²⁸⁹ In addition, as soon as peace was signed Otero came under great pressure from British creditors demanding payment due to them for past loans to the government. Finally, despite the fact that many believed that the army had been discredited by their utter incompetence during the war, Otero was still faced with unrest

²⁸⁸ “Instrucción del Secretario de Relaciones al Gobernador de Veracruz para que proceda a arreglar la desocupación de los edificios públicos tomados por los norteamericanos, 1848,” 1-1 80, f.17, Archivo de la Secretaría de Relaciones Exteriores (henceforth referred to as ASRE), México.

²⁸⁹ “Comunicaciones al Ministro Plenipotenciario del Gobierno de los Estados de los Estados Unidos de Norteamérica, sobre la entrega de las Aduanas de Veracruz, Mazatlán y Tampico,” H/200 (72:73) / 1, Exp. I-2-537, ASRE, México.

and military *pronunciamientos* erupting across the country, providing a further setback on the road to stabilising the nation.²⁹⁰

Much of Otero's time would have been taken up by these problems, unexpected and requiring immediate attention in most cases. However, he was determined despite the importance of these issues to work towards fulfilling the *Plan de Gobierno*. This document, which had been circulated to all State Governors during the first days of the Herrera ministry, outlined the goals of the government and outlined those areas Otero believed, for it was he who wrote it, most required attention.²⁹¹ In it, he listed the principal issues faced by Mexico in 1848 and proposed possible solutions to deal with them. Aware that many of the immediate, urgent, problems he was facing as minister – *pronunciamientos*, the empty treasury, high national debt– all had deeper roots, Otero sought to find deeper solutions. As he had established in his 1842 *Ensayo*, and despite his profound pessimism regarding the future after the defeat, he knew that unless these were rooted out, revolts and debts would continue to plague the nation. The principal problems he identified were unstable governance, revolutions and the abysmal conditions within government administration. He struck out against excessive government spending, and attacked the chaotic state of book-keeping and accountancy even mentioning corruption by individuals. Once again, he stressed the importance of the constitution as the cornerstone of a strong nation, and emphasised the need for reform to the judiciary. In addition he stated that it was the government's responsibility

²⁹⁰ A few days after taking up the position of Minister, Otero had to confront a revolt in Guanajuato, led by General Paredes y Arrillaga, who had pronounced against the government and against the peace treaty, "Proclama del general Paredes y Arrillaga, al levantarse en armas contra el gobierno de la república, protestando contra la aprobación de los tratados de paz con los Estados Unidos," 15 June 1848, reproduced in

<http://arts.st-andrews.ac.uk/pronunciamientos/database/index.php?f=y&id=642&m=06&y=1848>. During his ministry Otero was also faced with a pronunciamiento to bring back Santa Anna, "Plan de Guanajuato, resultado de la fracasada conspiración del teniente D. Eligio Ortiz, desconociendo al gobierno del general Herrera llamando al general Santa Anna," 9 July 1848, reproduced in <http://arts.st-andrews.ac.uk/pronunciamientos/database/index.php?f=y&id=642&m=06&y=1848>.

²⁹¹ "Circular del Ministerio de Relaciones Interiores y Exteriores a los Gobernadores de los Estados," published in *El Siglo XIX*, 8 June 1848.

to guarantee the rights of the individual, an issue which he believed to be intrinsically linked to the betterment of man, and through man the nation as a whole.²⁹²

In order to begin to target these problems the Herrera government passed a series of laws and sent out circulars that encouraged the states to work towards the goals they had set. These included the *Ley de Garantías Individuales*, the *Ley de la Guardia Nacional* and the *Ley de Imprenta*.²⁹³ In addition he tackled problems of infrastructure within the capital, as well as the road system connecting the capital with the states. He produced a plan for the Ciudadela to become a civic centre, thus becoming a place of public service.²⁹⁴ The Ciudadela housed a garrison, well known for having the power to topple or maintain the executive seat of power in the capital, often deciding, seemingly on a whim, which side they would support. If Otero had been able to implement this change, it would have removed a very latent military threat to the legitimate political powers. His position as minister meant that he also oversaw work, less glamorous but equally important, in the day to day running of a country. He worked on projects for clearing and draining waterways and canals as well as issuing decrees and proposals in October which sought to address the problems of city hospitals and asylums.²⁹⁵ These he combined with issues of great national import, including education, road reform, colonization and economics.

He worked tirelessly as a Minister, though it appears that his heart was not in it. He had accepted the ministry to oblige his close friend and political ally Mariano Riva Palacio, who had been appointed to the Treasury. When Riva Palacio resigned his

²⁹² Ibid.

²⁹³ The *Proyecto de Ley* and the *dictamen* are available in Barragán Barragán, Jose (compiler), *Mariano Otero*, Serie los Senadores (Mexico City: LIII Legistatura, Senado de la República, 1987). "*Ley orgánica de la Guardia Nacional*" (Mexico City: Imprenta de Ignacio Cumplido, 1848). *Colección de Leyes y Decretos publicados en 1848*, No. 65, Colección del Constitucional (Mexico City, Imprenta en Palacio, 1852).

²⁹⁴ *El Siglo XIX*, 13 June 1848.

²⁹⁵ Ibid, 14 October 1848 and *Colección*, No. 34 and *El Siglo XIX*, 27 October 1848.

position Otero wrote to him, indicating his displeasure.²⁹⁶ Otero pointed out that without him, he had lost the opportunity of carrying out essential reforms, making it clear that as far as he was concerned, nothing could be done without the support of close political allies, even at such heights of power. Indeed he went so far as to say that all he had done was to waste his time and acquire unsavoury commitments and hatred. In fact, he said, they had done nothing more than pass fleetingly across the stage with time only to demonstrate that they were unequal to the circumstances with which they had been presented. As far as Otero was concerned, all that was left for him to do was to follow his colleague's example and resign as a minister. He did this on 14 November, citing the need to return to his business as a lawyer.

Immediately Otero returned to take up his position in the Senate, from which he had received permission to take a leave of absence to take up his position in the ministry and was back there by the time the new session began in December 1848, issuing a call for those senators who had not yet appeared to present themselves with haste and do their duty.²⁹⁷ As had been the case in congress in both 1842 and 1846, his reputation preceded him. He was nominated to sit on the Segunda Junta Directiva de Cárceles, which would lead to a greater interest in prison reform.²⁹⁸ In addition he was voted onto a number of committees, including the Comisión de Puntos Constitucionales and the Comisión Segunda de Justicia del Senado, neither of which were new to him; as a deputy he had gained a great deal of experience in both areas. A joint report was issued by these committees on reforms to the judiciary, including how the *ministros* of the Supreme Court should be elected, as well as how many should sit at any one time.²⁹⁹ In December 1848, he presented a report co-signed by Manuel Gómez Pedraza from the

²⁹⁶ Letter from Mariano Otero to Mariano Riva Palacio, 24 August 1848, 2905, MRPA.

²⁹⁷ 1ª Junta Preparatoria del Senado, 26 December 1848, Actas del Senado, 1848 – 1852. Archivo Histórico del Senado de la República.

²⁹⁸ *El Siglo XIX*, 18 November 1848.

²⁹⁹ Available in Reyes Heróles, *Mariano Otero, Obras*, II, p 813 - 851

Treasury Committee of the Consejo de Gobierno, on the settlement of five hundred thousand pounds sterling from the compensations due to Mexico under the terms of the peace treaty and claimed by G. Musson and Co, New Orleans.³⁰⁰ Once again, Otero was faced with working within the constraints placed by the peace treaty which he had been so strongly against. And, although no longer in the ministry, Otero was still involved with the issues he had faced there and could continue to work towards the goals he had outlined when taking up his ministerial position. Although there was no important vote or motion as there had been in 1842 or 1847, Otero worked tirelessly on reshaping the nation by tackling the essential legislative and administrative issues. It would be easy to argue, as Reyes Heróles did, that he had retired from politics but he was only too aware that if he wanted to further his political career the country needed the necessary reforms that would enable it to function properly and efficiently. He was only thirty-three years old. He had his whole life before him in which to forge a great political position. But it was not to be.

On the afternoon of 31 May 1850, Otero left a senate committee meeting, where they had been discussing public debt. He greeted his children cheerfully when they ran out, as they always did, to meet their father but was attacked by some form of discomfort. He made his way inside and Prieto recalled that he exclaimed, “tengo el cólera y me muero” and called for a priest.³⁰¹ He had become a victim of the 1850 cholera epidemic. The first documented cases of cholera victims within Mexico City dated from the first days of May though the disease had been advancing on the city for some weeks and it was thought to have originated in the north.³⁰² It was not until 19

³⁰⁰ *El Siglo XIX*, 4 January 1849.

³⁰¹ Prieto, *Memorias*, p. 499.

³⁰² All the information given on the 1850 cholera epidemic has been taken from, Ana Cecilia Rodríguez de Romo, “Epidemia de cólera en 1850. Análisis histórico-médico de un curioso manuscrito,” *Archivalia Médica*, Nueva Epoca, No. 4, Departamento de Historia y Filosofía de la Medicina, Facultad de Medicina, UNAM: México, 1994.

May that cholera was officially declared present in the capital by which time containment measures were basically useless. Described by a doctor in Mexico City in 1850, the illness developed with astounding speed, and the initial symptoms were headaches, nausea, fainting, diarrhoea, stomach pains and cramps. The patient would then begin to vomit, their body temperature would drop, skin would become clammy, sweat viscous and they would present a sepulchral voice. In some cases, there would be no detectable pulse, and yet the patient would sweat profusely. In addition, the illness appeared to last between four and 48 hours, the patient either recovering or dying in that time.³⁰³

Otero had been correct in his self-diagnosis. Little information is available on how he was treated, though it seems that teas and infusions were used to no avail.³⁰⁴ He was in pain for eight hours, and lay in bed, surrounded by his wife, children and friends. Through it all, he was awake and aware of his surroundings; lucid enough to confess to a priest and to draw up his will, naming its executors to ensure his family's future was secured. He watched as his family wept and was able to say his farewells. Though his physical situation worsened, he remained mentally alert, telling doctors it was useless of them to look for a pulse as none was to be found. In the early hours of the morning of 1 June he asked Bernardo, who remained with him to the end, what the time was, and on hearing that it was 1 o'clock exclaimed that time passed too fast. A little over half an hour later, he died.³⁰⁵

He was only 33, and left little in the way of inheritance or security for his family. Testament of his nature, his friends rallied round the widow and orphans and, in the

³⁰³ Ibid., p. 1-22.

³⁰⁴ In a letter to Mariano Riva Palacio, Antonio Haro y Tamariz stated that he was unsurprised by Otero's death given his lifestyle, which consisted of food in quantity and not quality, and given the uselessness of the treatment he received, teas and waters being insufficient. Antonio Haro y Tamariz to Mariano Riva Palacio, June 1850, 4250, MRPA.

³⁰⁵ Letter from Bernardo Flores to Mariano Riva Palacio, 5 June 1850, 4252, MRPA.

same way that Otero had on more than one occasion, worked tirelessly towards ensuring a future, albeit a modest one, for Andrea and the children.³⁰⁶ They moved to a smaller house, Otero's library was sold, and the family retained only a small number of manuscripts and copies of his work.³⁰⁷ His literary, judicial, journalistic and ideological legacy was more substantial, and Otero's legacy to his family and his country was his ideas and works. Ignacio Otero, his eldest son would publish his father's works in 1859, paving the way for Reyes Heróles' compendium just over one hundred years later. It is these works, the speeches, the letters, the articles, the votes which will enable us, in the second part of this thesis, to outline some of the key areas of his political thought and ideological standpoint.

³⁰⁶ See, for example, correspondence between Mariano Otero and Mariano Riva Palacio regarding the execution of a testament. Only a few weeks before his death, Otero had argued and haggled over the prices of books in order to ensure that a fair price would be achieved to pass to the widow. Mariano Otero to Mariano Riva Palacio, 29 April 1850, 4112, MRPA.

³⁰⁷ Letter from Pedro Escudero to Mariano Riva Palacio, 10 June 1850, 4285, MRPA and D. Revilla to Mariano Riva Palacio, 24 July 1850, 4491, MRPA.

Part II.

Mariano Otero's Political Ideology.

3.

Ideology

The Mariano Otero that emerges from the biographical sketch is a man shaped by the events of the early national period. His earliest political stances were influenced by local and national politics and during the decade of the 1840s his position in parliament, his journalistic career and even his personal freedom were dependent on the state of affairs. The statesmen of the early national period were forced to mould their actions and goals in accordance with who was in power, the state of the economy, or the constitution in force. The ideology of these men was equally reactive, and as Mexico's situation altered, the way they thought and their political priorities also shifted; the opinions of these men "were likely to be fluid, changing to some extent in accordance with experience and the prevailing circumstances."³⁰⁸

This second part of the thesis will therefore explore Mariano Otero's political ideology, comprising a general introduction to his political thought in this chapter, and three further chapters, 4, 5, and 6, which will explore his views in detail on three key issues of the decade; the army, the Church and constitutionalism/federalism. Before approaching his political thought and an in-depth analysis of his political stance on these, it is essential to ascertain just who the moderates were, what their beliefs were and how they were seen by the other political factions in the ongoing struggle for power. The monochrome liberal tradition that pitched conservatives against liberals during the early national period has been discredited, and it is now widely accepted that the struggle was between "monarquistas y republicanos, centralistas y federalistas, yorquinos y escoceses, imparciales, hombres de bien y progresistas" among others and,

³⁰⁸ Costeloe, *The Central Republic*, p. 21.

furthermore, that “antes de 1846 no existían partidos políticos, es decir, grupos coherentes que conjugaban intereses concretos, en base a una serie definida de principios.”³⁰⁹ Fowler narrows this down to four prominent political currents; “a variety of heterogeneous traditionalist, moderate, radical and *santanista* factions all of which changed and evolved as the hopes of the 1820s degenerated into the despair of the 1840s.”³¹⁰ The term “moderate” was not used of a specific political faction until 1838, when it emerged to define the group led by Manuel Gómez Pedraza.³¹¹ Many of the men who made up this group can be recognised from Otero’s earlier biographical sketch and yet others can be found in his correspondents: among the most prominent were José María Lafragua, Mariano Riva Palacio, Guillermo Prieto, José Joaquín de Herrera, Ignacio Comonfort, Octaviano Muñoz Ledo and José Espinosa de los Monteros.³¹² Shortly after his arrival in Mexico City, Otero was already considered as “el líder ideológico de los nuevos *moderados*.”³¹³ Accused by many of their contemporaries as being opportunist turncoats with no original ideas of their own, the *moderados* were often identified as sharing the political goals of the *puros*, but of holding a different view on how these should be achieved.³¹⁴ According to Fowler they wanted to exercise *moderate* reform, which, without riding roughshod over the country’s customs and traditions, would bring about a slow and gradual modernization of Mexico’s political life, avoiding any major or abrupt changes at any cost. Thus, it was not the ideas they held but the speed of implementation that distinguished the moderates from radicals and traditionalists.

³⁰⁹ Vázquez, “Los años olvidados,” p. 314.

³¹⁰ Fowler also dedicates a specific chapter to the proposals of Carlos María de Bustamante, but I have chosen to use the four main factions he identifies. See, Fowler, *Mexico in the Age of the Proposals*, p. 267.

³¹¹ For further information on Manuel Gómez Pedraza and the moderate faction see Solares Robles, *Una revolución pacífica*.

³¹² *Ibid.*, p. 135.

³¹³ Luis Medina Peña, *Invención del sistema político mexicano. Forma de gobierno y gobernabilidad en el siglo XIX* (Mexico City: Fondo de Cultura Económica, 2004), p. 259.

³¹⁴ Fowler, “El pensamiento político,” p. 275.

This second part of the thesis examines Otero as the “líder ideológico” of the moderate factions in the following decade. Chapter 3 will cover what it meant to be a moderate and the key points of Otero’s political thought in order to establish the central tenets of greatest relevance to it. These were; the colonial legacy and the importance of the struggle for independence, the social question, the issue of class divisions, the need for reform in all branches of government, the prominence of the Church and the army as political institutions, the problems caused by factional disputes, the debate on the correct system of government and, the need for constitutionalism, the rule of law and the importance of the rights of man.³¹⁵ In exploring Otero’s approach to each of these *grandes temas* we will begin to form a picture of his political standpoint, as well as an introduction to his ideology. François-Xavier Guerra took these *grandes temas* and narrowed them down to “a series of permanent problems,” created by “the precocious adoption of modern political principles and an imagined liberal nation by a society in which war had forced the strengthening of the corporate political structures.”³¹⁶ Guerra argued that “there were multiple conflicts between the builders of the modern state and the corporations of the old society; the army, the pueblos, and ecclesiastical bodies” and Otero’s views on the army and the church will be examined in greater depth in Chapters 4 and 5 respectively before addressing his version of federalism in Chapter 6.³¹⁷

³¹⁵ Fowler identifies the “grandes temas” as; “la política económica a seguir, el sistema político más apropiado, la posición de la Iglesia, el papel del Estado, la libertad de imprenta, la tolerancia religiosa, la reforma del ejército y la situación de Texas con relación al expansionismo estadounidense.” I have modified the list to show the specific issues that can be identified in Otero’s work and that will be the basis of this chapter. *Ibid.*, p. 282.

³¹⁶ François-Xavier Guerra, “Mexico from Independence to Revolution: The mutations of Liberalism,” in Elisa Servin, Leticia Reina, John Tutino, *Cycles of Conflict, Centuries of change. Crisis, reform, and revolution in Mexico* (Durham & London: Duke University Press, 2007), pp. 134.

³¹⁷ Guerra uses the word *pueblo* to incorporate the idea of “provinces/states, municipalities, or villages/communities”, for Otero, the problem of the *pueblo* can be identified in his call for federalism, and the need for adequate representation of the provinces/states on a national stage. *Ibid.*, pp. 134, 137.

Beginning in the decade immediately following independence, analysing the state of the nation “el estado de la nación or la situación actual” at particular points in time, as well as the historical events which shaped it, developed into a constant concern of the Mexican intelligentsia. Indeed, Luis G. Cuevas went so far as to state that “casi no hay discusión, conferencia privada ni escrito periódico en que no se hable de las causas de nuestros males, del remedio que debe aplicárseles y del peligro que amenaza nuestra nacionalidad.”³¹⁸ The country stood in disarray and the years following independence had been marked by constitutional failures, economic chaos, constant *pronunciamientos*, and external threats to its very independence. The situation of the nation, and the search for a better understanding of why the nation stood as it did at various points in time was, therefore, one of the most recurrent themes in all the writings of the early national period.³¹⁹ Mariano Otero was no exception. Through the drafting of two constitutions, one that remained theoretical, one eventually implemented, in his speeches in congress, his votes in the senate, during his term as Minister of Internal and Foreign Affairs, and even in the tender letters he wrote to his wife, the analysis of the state of the nation was always central to his work. Fortuitously this enables us to follow the changes in his visions and beliefs as these were shaped by the events of the 1840s, as well as clearly identify the themes running through his work.

³¹⁸ Luis G. Cuevas, *Porvenir de México* (Mexico City: Colección CIEN de México, Consejo Nacional para la Cultura y las Artes, 1992), I, p. 43.

³¹⁹ For examples of this phenomenon see Cuevas, *Porvenir*. 2 vols., Lilian Briceño Senosiáin, Laura Solares Robles, and Laura Suárez de la Torre, *José María Luis Mora. Obras Completas*. 8 vols., (Mexico City: Instituto Mora, Consejo Nacional para la Cultura y las Artes, 1986) and by the same authors *Valentín Gómez Farías y su lucha por el federalismo, 1822 – 1858* (Mexico City: Instituto Mora, Gobierno del Estado de Jalisco, 1991). Also, Lorenzo de Zavala. *Ensayo Histórico de las Revoluciones de México; desde 1808 hasta 1830* (Mexico City: SRA/CEHAM, 1981), Manuel Crescencio Rejón, *Pensamiento Político* (Mexico City: UNAM, 1996), Melchor Ocampo, *Textos Políticos* (Mexico City: Colección SepSentas, Sep, 1975), Laura Solares Robles, *La obra política de Manuel Gómez Pedraza 1813- 1851* (Mexico City: Instituto de Investigaciones Dr José María Luis Mora, Instituto Matías Romero, Acervo Histórico Diplomático de la Secretaría de Relaciones Exteriores, 1999), Galeana de Valdés, *José María Lafragua*, José María Gutiérrez de Estrada, “La monarquía como posibilidad,” in Álvaro Matute, *México en el siglo XIX. Fuentes e interpretaciones históricas* (Mexico City: UNAM, 1992). This is merely a sample of the vast information available, detailing the main works and individuals to be quoted in this chapter.

Before continuing with Otero's analysis of "la situación actual" it is important to note the peculiarities of Otero's methodology, particularly visible in the *Ensayo* but also apparent in many of his other contributions. As already touched upon in the historiographical analysis, Jesús Reyes Heróles noted a "concepción y método" in the way Otero wrote.³²⁰ Reyes Heróles' defined Otero's method as a move from a subjective analysis of events to an objective analysis of Mexico's past. This *método*, according to Reyes Heróles, is what distinguishes the *Ensayo* from many of its contemporary works. Lucas Alamán and his *Historia de México* or Lorenzo de Zavala in *Ensayo histórico de las revoluciones de México*, for example, are just that, histories. Whatever the reason for writing them –a justification of the author's actions or the construction of a timeline to support an ideological stance– they are a chronological retelling, covering the actions of individuals and the causes and outcomes of certain events. In Otero's *Ensayo*, on the other hand, we find less specificity. His aim, in his own words, was to

prescindir de los actores para examinar el drama [...] descendiendo al examen del origen de esta sociedad, y analizando sus partes constitutivas y las revoluciones que ha sufrido, nos es dado conocer su verdadera situación actual. Dejemos por un momento las pasiones fugaces del día, para examinar la larga obra de los siglos; y entrando en ese análisis indagemos cuales son los males de esta sociedad, las causas por que esos males subsisten, y el modo de disminuirlos o aniquilarlos³²¹

The *Ensayo* was written in support of the Revolución de Jalisco, and many of the justifications he gave refer to revolts and revolutions as one of the causes of the *males* that Mexico suffered. However, he went beyond this to apply his system of analysis to all the issues he identified. There is little or no mention of individual actions, specific men or particular events. He sought to ascertain and analyse the general, underlying causes that had brought the nation to such a sorry state by 1842, standing a step away

³²⁰ The section by Reyes Heróles on Otero's methodology in the *Ensayo* can be found in Jesús Reyes Heróles, "Estudio Preliminar," I, p. 46-66.

³²¹ Otero, *Ensayo, Obras*, I, p. 23-24.

from a historical perspective and taking on a more sociological one –that is, the study of social problems. His *Ensayo* emphasised that the origins of Mexico’s problems had to be established and comprehensively understood before there could be any realistic hope of improving the state of the nation. He placed little or no emphasis on the actors or on specific events, preferring to focus on the general issues that permeated all levels of society. Only after pinpointing these problems, which coincided with the great themes of the decade as outlined above, and unravelling them could an adequate solution be proposed and instigated. For example, turning his attention to write about the revolt initiated by Mariano Paredes y Arrillaga in Jalisco in 1841, Otero argued that although the successful *pronunciamiento* had covered the immediate grievances it was nothing more than “las luchas de las ambiciones personales que se excitan en ellas, y que no forman sino la parte más secundaria y menos importante de esas revoluciones.”³²² Otero firmly believed that though an initial victory had been accomplished, it was essential that the “grandes cuestiones sociales” be identified and addressed, in order for the revolts and revolutions to cease completely. In the *Ensayo*, therefore Otero set out to discover and examine these causes, it can be seen how he developed and sought to construct solutions to these great social questions in the years that followed. It is these *cuestiones sociales* that provide us with the main themes of Otero’s political thought.

The first of these themes to emerge from Otero’s writing is that of the problems that arose from “la diversa situación de las clases,” class divisions and the unequal distribution of property.³²³ The importance of class divisions, particularly during the colonial period, was also highlighted by men such as Mora, Zavala and Alamán.³²⁴

³²² Ibid., p. 9.

³²³ Ibid., p. 39.

³²⁴ Zavala and Mora focus on the segregation of the Indian. Alamán, like Otero, on the hand focused on the division between *criollos* and the Spanish colonists. Zavala, *Ensayo histórico*, pp. 11-12. Jose María Luis Mora, *México y sus revoluciones, I*, in Briseño Senosiáin, Lilian, Solares Robles, Laura and Suárez de la Torre, Laura, *José María Luis Mora. Obras Completas* (Mexico City: Instituto Mora, Consejo

Otero argued that in order to reach a comprehensive understanding of the position of the nation in the 1840s, it was essential for him to examine the composition of the social classes within the colonies before Independence because he believed the problems the country faced in the early national period had its roots as far back as the conquest. He compared the North American settlers with the Spanish conquistadors, and concluded that the latter had come looking only for “el oro y los peligros,” and once in the New World were interested only in acquiring great swathes of land and, like Zavala and Mora, he argued that the result of this had been to force the native population into slave-like conditions.³²⁵ This view of the former Spanish America was by no means unique. Bolívar, writing in 1824, also highlighted this unfavourable aspect of their colonial past when he said

our being has the most impure of origins: everything that preceded us is covered with the black mantle of crime. We are the abominable product of these predatory tigers who came to America to shed its blood and to interbreed with their victims before sacrificing them —afterward mixing the dubious fruit of such unions with the offspring of slaves uprooted from Africa...³²⁶

Otero shared this view that the rapidly diminishing Indian population interbred with the conquerors, then with their slaves and, finally, with the Spanish settlers, saying

esa población abyecta y miserable que forma los cuatros quintos del total de la República, y que representa aquella parte que en todas las sociedades humanas está destinada a la miseria, por la escasez de los medios de llenar sus necesidades físicas y morales.³²⁷

Nacional para la Cultura y las Artes, 1986), IV: pp. 60-63. Lucas Alamán, *Historia de México desde los primeros movimientos que prepararon su independencia en el año de 1808 hasta la época presente* (Mexico City: Libros de bachiller Sansón Carrasco, 1986), I, p. 9, 13-16.

³²⁵ Otero, “Discurso, 1841”, II, p. 407 and *Ensayo*, I: p. 36. In his *Ensayo Histórico*, Zavala talked of the *indio* and described their situation after the conquest as one of slavery. Mora, in *México y sus revoluciones* maintained that the Spanish regime had reduced the *indio* to a state of abject misery, but argued that as soon as independence was achieved, their situation had changed drastically as independence had brought with it “la igualdad de derechos para todas las casta y razas”, though he did admit that this was a change that could not take effect immediately. Zavala, *Ensayo historic*, pp. 11-12, Mora, *México y sus revoluciones*, IV, pp. 60-63

³²⁶ Bolívar in a letter to Francisco de Santa Paula, 24 Feb. 1824, quoted in Simon Collier, “Nationality, Nationalism, and Supranationalism in the Writings of Simón Bolívar,” *The Hispanic American Historical Review*, Vol. 63, No. 1 (Feb. 1993), pp. 37-64. Quote reproduced on p. 44.

³²⁷ Otero, *Ensayo*, I, p. 36.

He argued that whereas the settlers of the greater part of what was to become the United States had founded their nation on equality, the Spaniards had from the very beginning founded theirs on inequality and the subjugation of one group of individuals by another, leading to many repercussions. He referred to these classes as the “proletario,” which he divided up between country and city, and mining and commerce. According to Otero, agriculture in Mexico was underdeveloped following independence, and those who worked in the sector, although they formed the most numerous segment of society, received derisory wages, and were hindered by their limited skills.³²⁸ In Otero’s eyes, these men were characteristically indolent, and cared only for satisfying their basic needs, without looking for betterment or participation in civil society.³²⁹ Those members of the proletarian classes who lived in cities, worked in the mines or engaged in commercial activities were, in addition, plagued by the backwardness of their respective industries although, Otero added, the latter were more fortunate than those not involved in industry and commerce because they, at least, received higher wages, though this did nothing to lessen their moral and intellectual degradation.³³⁰ Otero argued that it was not simply the living and working conditions of this class that was important. In his opinion even the geographical distribution of these people across Mexico was a reflection of their position within society, and this was an area of concern it was essential to address if there were to be any hope of prosperity for the nation. Where minerals or other resources could be found and towns emerged, the situation worsened across the republic. The most important cities contained on the one hand, the upper and middle classes, including the high clergy, men who worked in civil administration and those of a higher social position, which formed a group in which

³²⁸ Ibid., p. 36.

³²⁹ Ibid.

³³⁰ Ibid., p. 36-37.

could be seen “lo más adelantado de todos los elementos sociales.”³³¹ On the other hand, those members of the lower classes that lived and laboured there did so under the most terrible conditions. This, Otero argued, created a patent disparity of wealth. This situation, he believed, produced a nation where, under colonial rule, the state of social inequality was sustained only by the general backwardness of society.³³²

The origins of these class divisions, Otero added, had their roots in the colonial period. The organisation of the colonies had been such that those who lived under Spanish rule were simple people, submissive and blindly obedient, in awe of those who wielded any power, and who held the same intolerant fanaticism and stupid credulity that plagued the lower and middle classes in Spain.³³³ In addition, it was Otero’s belief that it was the firm intention of the Spanish monarchy to keep the colony in such a state, ensuring that none but the Spanish born had access to the colonial administration. The colonial administrators in turn set up a system of prohibitions and enforced a monopoly which led to branches of industry, agriculture and commerce, as well as more intellectual areas such as the arts, remaining underdeveloped. Otero believed that under Spanish rule, but particularly during the reign of Philip II, colonial administration was designed in such a way as to ensure that the Spanish colonies produced nothing more than gold, importing all essentials from Spain.³³⁴ Slowly, under Philip V and later Charles III, a move was made, in Otero’s opinion, towards the stimulation of the colonies; ports were opened and the manufacture and export of other articles, other than gold, was encouraged.³³⁵ Slowly, as the colonies grew, so did “la inteligencia” and,

³³¹ Ibid., p. 37.

³³² The idea that colonial society was generally “backward” was supported by Zavala, who argued that one of the main aspects of the colonial legacy was ignorance and superstition, caused mostly by the prevalence of religious education. Zavala, *Ensayo Histórico*, p. 21.

³³³ Otero, “Discurso, 1841,” II: p. 408. Otero, using similar language, was echoing Zavala who had argued that the Spanish colonial system was based upon “sobre la más ciega obediencia pasiva,” Zavala, *Ensayo Historico*, p. 21.

³³⁴ Ibid., II, p. 409.

³³⁵ Ibid.

Otero argued, it was this element that was to contribute greatly to the revolutionary movement.³³⁶ This happened despite the fact that the norm was ignorance and superstition, and despite the close hold of Inquisition on the information to be allowed unhindered access into the colonies.³³⁷

Mexico was not, however, made up only of simply one class. Otero argued that there was no “aristocracia de nacimiento, de propiedad, de juicio,” nor did there exist any other kind of aristocracy, the landed aristocracy being bankrupt and a merchant aristocracy non-existent.³³⁸ Otero favoured the middle class, describing them as distinguished by “el talento, la virtud o las luces”. This he believed had been the class that had chosen to embrace “la causa de la emancipación y de la mejora de la nación.”³³⁹ He did concede that this middle class was divided in its opinion of the best way to approach this national improvement and did not form a homogeneous group. In addition, Otero added, although the political power of the nation rested, for the most part, in the hands of these middle class men, they did not have the education or the political experience to deal with the changes that Independence had brought. Independence had completely altered the status quo in Mexico, and as such, the men responsible for the establishment of the new political system confronted a situation where “todo era nuevo y difícil.”³⁴⁰

The profound class divisions were, as far as Otero was concerned, only one aspect of the colonial legacy, a legacy which he tended to view unfavourably. Otero identified other sources of dissension in the years leading up to independence such as the hindrance of intellectual development caused by the Inquisition or the inequality

³³⁶ Ibid.

³³⁷ Otero, “Discurso, 1841”, *Obras*, I, p. 409.

³³⁸ Otero, *Ensayo*, *Obras*, I, p. 46. Mora also shared this view. He divided colonial society into three classes, military, ecclesiastical and “los paisanos” which he described as being “numerosa, rica, influyente e ilustrada”. He does not, however, see them as *nobleza* and, like Otero, argued that no such class could be found in Mexico, Mora, *Mexico y sus revoluciones*, p. 76, 77.

³³⁹ Ibid.

³⁴⁰ Otero, *Ensayo*, *Obras*, I, p. 47.

between the New Spain born *criollos* and the Spanish citizens, both of which would hasten the call, first for autonomy, and then independence from Spain.³⁴¹ For Otero the colonial legacy threw up great contradictions. The Spanish liberals, for example, maintained a duplicitous argument; they sought freedom for Spain from the invading French forces, but insisted on keeping the Americas in a state of slavery.³⁴² Despite the submission of the people and the control exerted by the Spanish crown, it was his opinion that parts of society were undermined by powerful causes constantly disrupting the established order, and it was these that would eventually lead to the initial outburst that began the struggle for Independence.³⁴³ For Otero, therefore, the legacy of the colonial period was mostly negative – the mainland had done nothing more than stand in the way of progress, creating class divisions and forcing the hand of the *criollo* Mexicans who, unable to effect change and progress had seen no alternative to revolution. Mariano Otero grew up in a nation whose very independence was under constant threat from Spain, a threat that became a reality in 1829.³⁴⁴ The generation before him had had a very different experience and as such, many of the intellectuals with whom he shared the national political stage saw things differently. For Alamán, the conquest led by Hernan Cortés was the real birth of the Mexican nation, and he spent decades highlighting the importance of the colonial legacy in his writings.³⁴⁵ Mora too accepted the importance of the colonial legacy, especially as pertaining to the Hispanic

³⁴¹ As noted above, Otero shared this opinion on education with Mora and Zavala, both of whom saw the Inquisition and the Church's hold over education as a hindrance to the enlightenment of the Mexican people. Even Alamán, who supported the colonial legacy as a positive influence, argued that "ella [la clase española] poseía casi toda la riqueza del país; en ella se hallaba la ilustración que se conocía; ella sola obtenía todos los empleos y podría tener armas, y ella sola disfrutaba de los derechos políticos y civiles", Alamán, *Historia*, I, p. 20.

³⁴² *Ibid.*, p. 412.

³⁴³ *Ibid.*, p. 408.

³⁴⁴ Despite the fact that Mexico achieved independence from Spain in 1821, Spain did not formally acknowledge this until December 1836 and in 1829 an expedition was launched against their former colony.

³⁴⁵ Hale, *El Liberalismo Mexicano*, p.124. For the writings by Lucas Alamán on the colonial period see his *Disertaciones*.

bond although, like Otero, he admitted it was a burden in the early years after the achievement of Mexican independence, often standing in the way of reform and progress.³⁴⁶ As Otero pointed out, in view of the state of the nation during colonial times, it was only natural that the heterogeneous elements to be seen in colonies and so precariously bound together, would undergo great upheavals and, it was only to be expected that the first of these arose from independence from the Spanish monarchy.³⁴⁷ As the sons of the colony, as Otero named them, absorbed the liberal ideas that were filtering through, they compared themselves with “los impuros y atrasados mandarines” that reigned over them, and became aware of their superiority of numbers, and it was from this that the possibility of independence emerged.³⁴⁸ In addition, Otero argued that insight also came via the United States. He believed that simply the “hecho capital y decisivo de la independencia” of the United States from the British crown, was enough to embolden and encourage those who sought independence from Spanish colonial rule.³⁴⁹ Otero did not believe that the leadership of the movement for independence was initially embodied in any one man; it had been “the people” that took up the standard of freedom and emancipation, combining it with a call for the rights of man and a representative system.³⁵⁰ The lower classes, those that had been crushed and kept in misery, slavery and ignorance by their Spanish overlords, were driven to “lanzarse en una lucha que su valor salvaje y la miseria de su vida no le hacían temer” driven by a need for emancipation.³⁵¹ These were soon joined by the middle classes, “donde residían las luces, la moralidad, el deseo del progreso y los sentimientos de

³⁴⁶ Ibid.

³⁴⁷ Ibid., I, p. 38.

³⁴⁸ Otero, “Discurso, 1842,” II, p. 410.

³⁴⁹ Ibid., p. 411.

³⁵⁰ Ibid., p. 412.

³⁵¹ Otero, *Ensayo*, I, p. 38.

humanidad.”³⁵² For Otero these two classes held the key –the lower for its great social importance, and the middle as a political class.³⁵³ In addition, he noted the participation of certain elements of the army and the clergy, usually from the lower ranks, embittered by the treatment of their Spanish overlords, and the inescapable awareness that they had no hope of advancement. On the other side, those struggling to keep control of the colonial territories, Otero found, were the members of the colonial administration, the higher clergy and the merchants, describing the subsequent struggle as “una lucha de los privilegios contra la libertad.”³⁵⁴ Otero conceded that the movement for independence was not a combined force, and that there had not always been a fixed plan or a calculated set of moves. He accepted that it was messy and improvised, which often meant that opportunities had been lost, and thus the struggle was lengthened. Otero also believed that many of the actors and actions of those eleven years helped to discredit the cause, but that it was pointless wishing it had been any other way.³⁵⁵

Though the situation in colonial Mexico was abhorrent to Otero, he was convinced that the causes of the War of Independence were long standing, and that there had been no specific trigger. On the contrary, he argued, the colony had been experiencing a particularly good interval, with improvements taking place in the arts, in material prosperity and in other areas. However, he believed that the mere fact of being a colony combined with centuries of oppression were the only necessary factors for independence to be craved by the colonies. This meant that it was inevitable that Mexico and the other colonies would seek their independence.³⁵⁶ The men that would go on to form the political classes in independent Mexico did so not in response to any one attack on their liberties, but, according to Otero, because they believed it was their

³⁵² Otero, “Discurso, 1841,” *Obras*, II, p. 413.

³⁵³ *Ibid.*

³⁵⁴ Otero, *Ensayo, Obras*, I, p. 39.

³⁵⁵ Otero, “Discurso, 1841,” *Obras*, II, p. 412.

³⁵⁶ *Ibid.*, pp. 469-70.

right to a political organisation that suited their needs, and because they sought to establish the rights of every man across the nation. Furthermore, he argued, in doing so, they sought to erase the great division that had caused colonial Mexico to be divided into two races; “la una de señores y la otra de esclavos.”³⁵⁷ The freedom they claimed was not simply freedom from Spanish rule; Otero believed they sought civil, political and religious freedom, what he called “la libertad radical.”³⁵⁸

For Otero, the independence movement that ensued had been more than a simple struggle for freedom; “era un espectáculo único por su grandeza y su magnificencia, por lo inesperado de los sucesos, por la simplicidad de sus causas, y por la prodigiosa fecundidad de sus resultados.”³⁵⁹ As he also pointed out, those who had hoped that once independence had been achieved, the momentum gained by new social theories would be lost, were wrong. It was Otero’s opinion that those who believed that a monarchy could be installed in Mexico were also wrong; a stance he maintained throughout his lifetime. Otero argued that there were no foundations in Mexico on which to set a throne and therefore the fall of Iturbide should have been seen as the natural outcome of the conflagration of circumstances that had led to Independence and which could not be swept aside once it had been achieved.³⁶⁰ Moreover, Otero reasoned that the state of Mexico was such that “el despotismo verdadero” could never be established, as the circumstances that were needed for it to work, could not be found in the newly independent nation.

Otero was of the opinion that the existing issues of class divisions, with roots in Mexico’s colonial past, still existed after independence. However, the state of slavery under a colonial overlord was no longer an issue, and Otero argued that in the newly

³⁵⁷ Ibid., p. 470.

³⁵⁸ Ibid.

³⁵⁹ Ibid., p. 405

³⁶⁰ Ibid., pp. 415-16.

independent nations, the remaining class divisions were further exacerbated by the issue of the unequal distribution of property. Indeed, Otero maintained that

Son sin duda muchos y numerosos los elementos que constituyen las sociedades; pero si entre ellos se buscara un principio generador, un hecho que modifique y comprenda a todos los otros y del que salgan como de un origen común todos los fenómenos sociales que parecen aislados, éste no puede ser otro que la organización de la propiedad³⁶¹

The issue of property had also been touched upon by Zavala who noted the Spanish land distribution, and who also believed its effects had lasted until the present day. The conquerors had chosen the best and most fertile lands, the Church and prominent families followed closely, leaving very little to small property-owners.³⁶²

As far as Otero was concerned property division was directly linked to the backward conditions in most agricultural, commercial and industrial sectors. The war of independence had all but paralysed the mining sector; mostly British, what few investors there were had withdrawn their support.³⁶³ Similarly agriculture had also ground to a halt, with no progress possible until the backward methods in use could be modernised, agriculturally viable areas colonised and transport between sectors improved.³⁶⁴ His liberal stance led him to conclude that once there was progress, the propertied classes, who left the large swathes of property they owned abandoned and unattended, would be willing to remedy the situation. Once agriculture and commerce became more advanced, he believed it would be these property owners who would see that it was in their own interest to transfer these properties to others.³⁶⁵ As a result, these new owners would be taking the first steps towards personal advancement and move into the middle class which, as already mentioned, Otero saw as the only class that embodied the necessary attributes to govern the country successfully. Although Otero

³⁶¹ Otero, *Ensayo, Obras*, I, p. 27.

³⁶² Zavala, *Ensayo histórico*, p. 17.

³⁶³ Otero, *Ensayo, Obras*, I, p. 26-27.

³⁶⁴ *Ibid.*, p. 26.

³⁶⁵ *Ibid.*, p. 57.

made an in depth examination of property ownership and stressed its importance, particularly in the *Ensayo*, he never suggested a specific solution to the problems he found. Therefore, though clearly a subject of great importance to him, he appears to have believed that only once other, more pressing, issues had been addressed would this issue come to the forefront and indeed, that once this did happen, the selflessness of the property owners would lead the problem resolving itself. This, in turn, would ensure that the class divisions which he saw as being so detrimental to the state of the nation would slowly recede, thus solving one of the great problems that the nation faced.

Factional politics were another of Otero's *grandes temas*. Having destroyed the old order, the "elementos sociales" which made up the nation, it was essential to band together and agree upon the shape of the new order. To do so, the disparate political elements which had emerged after independence needed to unite but, as he saw it, having defeated a common enemy during the struggle for independence, there was no longer anything to unite them and this was the root cause of the problems that arose in Mexico in the following decades; those who had united for independence became divided on the best form of government, the appropriate institutions, grouping and regrouping into factions to support one cause or another. These opposing factions, Otero maintained, had kept the nation in a state of unrest, one which still unchanged in 1842.³⁶⁶ He described Mexico as

una nación donde por tantos años los bandos políticos que la dividieran habían lidiado clara y decididamente ya por principios determinados, ora constitucionales ora administrativos, o bien por ciertas personas consideradas como jefes o candidatos de los bandos que profesaban esos principios, después de las desastrosas luchas que se habían empeñado alternativamente para obtener la dominación de los unos y la ruina de los otros...³⁶⁷

He depicted these factions as siding with the army, the clergy or even the masses, as necessary to achieve their individual goals, more often than not with no regard for the

³⁶⁶ Ibid., p. 39.

³⁶⁷ Ibid., p. 11.

rule of law. This is why division and anarchy were such a constant in Otero's writing. As he saw it, this problem of factional politics, flaring up immediately after independence, was one that would plague the nation for decades to follow. He associated this closely with the influence of the military and the Church in politics, as will be shown in Chapters 5 and 6, when political factions, struggling for power, turned to these bodies for military or monetary aid to underwrite the revolts and rebellions that were to cause so much division and strife.³⁶⁸ During initial peace negotiations with the United States in 1847 he accused the political factions of using the Texas issue only as a means of garnering support with no real plan or any intention of solving it.³⁶⁹ However, it must also be said that Otero himself was not above engaging in party politics when it suited him; during the war with the United States for example, when he betrayed his own party to side with Oaxaca delegation in order to enlist their support for his *Acta de Reformas*.

Closely tied to factional friction was the role played by the army and the Church in affairs of the state, often dragged into disputes to give weight to one faction against another. *Pronunciamientos* were often initiated by the army and sometimes funded by the Church. However, in order to understand Otero's viewpoint fully and explore the solutions he proposed to these problems, the Church and the army will be examined separately in chapters 4 and 5.

Central to the dissent between political elements was that of governance. When Otero stepped onto the national stage in the early 1840s this issue was still engaging the political classes. The struggles of previous decades had only underlined the fact that no one system had been successful. Discussion on which system of government best suited

³⁶⁸ Otero, "Discurso de 11 de Octubre de 1842," *Obras*, I, p. 304.

³⁶⁹ Otero, "Comunicación que sobre las negociaciones diplomáticas habidas en la Casa de Alfaro, entre los plenipotenciarios de los Estados Unidos y México, dirigió al Excmo. Sr. Gobernador de Jalisco el ciudadano Lic. M. Otero, diputado por aquel estado," *Obras*, II, p. 540.

Mexico was widespread. It was not merely the intelligentsia that considered the issue, nor was it a debate that only held sway in the 1840s. In 1835, following the repudiation of federalism by an important section of society, there was a flurry of *pronunciamientos*, *actas* and initiatives, no less than 47 in June alone, discussing the pros and cons of the system each supported or rejected.³⁷⁰ In the months between the 1841 Revolución de Jalisco and dissolution of the 1842 congress, every newspaper editorial defended its chosen position while launching vitriolic attacks on any with whom they disagreed. Otero himself was particularly partial to the 1824 constitution, and hailed it as an example of a successful point in the history of Mexico. He had no doubt that federalism was the only system that would suit Mexico and his proposals and arguments and lifelong defence of federalism will be explored in greater depth in Chapter 6.

One other major theme visible in Otero's political thought throughout the decade was that of constitutionalism. As far as Otero was concerned this was tied in with the disruption caused by party politics, and the involvement of the army and the Church in political processes. As a lawyer, Otero believed constitutionalism was synonymous with the rule of law. Otero opined that a federalist constitution was the only system which would allow Mexico to enjoy stability and provide an environment in which it would be possible to guarantee the rule of law, creating in this way an atmosphere in which the nation's great problems could be solved. This constitution should be inviolable and it would be set out the essential laws to govern the nation. Such laws would not only guarantee federalism, they would also delineate the responsibilities of individuals and outline their rights. In the *Ensayo* and in congress in the months that followed its publication, we see an Otero preoccupied, not merely with the reintroduction of federalism but with writing and enacting a constitution to reassert the rule of law across

³⁷⁰ See the Pronunciamiento in the Independent Mexico Database for a full transcriptions of the plans and *actas* that followed the initial dismissal of Federalism, available online at <http://arts.st-andrews.ac.uk/pronunciamientos/>

the country. The involvement of political factions, the Church and the army in political affairs needed to be curbed but this would serve no purpose unless a constitution was in place whose legitimacy was not to be doubted, and it was this that Otero was aiming for in 1842. Otero's optimistic appraisal of the *Revolución de Jalisco* as the *pronunciamiento* to end all *pronunciamientos* was quickly proved groundless. The 1842 congress was disbanded by force, and replaced by a new junta nominated by Santa Anna.

In the year that followed the dissolution of congress, Otero lost much of the youthful idealism he displayed in the *Ensayo* and which had translated into great hopes for a better future. He had experienced the failure of his proposed constitution with the forced closure of congress, and had spent weeks in prison on a trumped up charge. These experiences reaffirmed his belief that the rule of law was non-existent in Mexico and that without it there could be no hope for a better future. Less than three years later, the national situation had altered radically. Otero, despaired, describing Mexico as a country in which the social edifice had collapsed and in which the most pressing concern was the restoration of the rule of law, so essential to the construction of a true democracy.³⁷¹ The threat, however, of disintegration no longer came only from internal problems and historical issues; the nation now faced an invading force and could not afford any delay in finding a solution. This was why Otero saw it as his duty to Mexico to provide the country with the only means he believed would enable it to survive an attack on its independence –a strengthened constitution– arguing that “la república demanda con urgencia el establecimiento definitivo del orden constitucional.”³⁷² The war had progressed in such a way that it was obvious to Otero that Mexico was embroiled in another struggle for its independence, and the only way it could survive

³⁷¹ Otero et al, “Manifestación de los Electores Primarios del Distrito Federal”, *Obras*, I, p. 343.

³⁷² *Ibid.*, p. 356.

was buttressed by a solid constitution that would regulate, and direct a combined national strategy.³⁷³ Despite his steadfast defence of the 1824 constitution he agreed that it was flawed which is why he fought hard to pass the *Acta de Reformas*, reforming the 1824 constitution. Passed in 1847, it served its purpose; the *Acta* ensured that despite the capital having been seized by the Americans, there were still provisions in place for elections to be carried out, providing the nation with the tools to elect a new president.³⁷⁴ As Minister of Home and Foreign Affairs for the Herrera Government in 1848 it was in Otero's power to address the shortcomings of the nation and he constantly underlined the importance of the inviolability of the constitution and of the laws of the country, calling for strict compliance with both.³⁷⁵ Constitutionalism preoccupied him throughout the decade and is closely intertwined with the aspects to be explored in the following chapters. Without addressing the position of the army, the Church and the states, it would be impossible to write a constitution that could withstand the attacks faced by the constitutions of the early national period.

It was the political and intellectual classes, of which Otero was a member, which decided the principal topics of their era. For Otero these *grandes cuestiones*, those that rose to the forefront, those that demanded an immediate attention and those that he felt it essential to address to enable the nation to progress were class divisions, property distribution, the separation of Church and state, counteracting military intervention in politics, political factions. Underlying these, and without which they would not prosper, was the necessity for federalism, the reestablishment of the rule of law, and the importance of a strong unchallengeable constitution.

³⁷³ Ibid.

³⁷⁴ Otero, "Programa de Gobierno, circular del Ministerio de Relaciones Interiores y Exteriores a los Gobernadores de los Estados, 4 Junio 1848", *Obras*, I, p. 734.

³⁷⁵ Otero, "Programa de Gobierno", II, p. 734.

The three chapters that follow will expand on Otero's views on the army and the church and the federalism he espoused so fervently. Chapter 4 will look at the military, which Otero abhorred as being the principal cause of the dire situation the nation faced in the 1840s. It is in this that particularly defines him as a moderate; he was willing to compromise on *fueros* in order to avoid a backlash, delay reforms for better times and seek a balance between a standing army and the militias. Chapter 5 will look at the separation of Church and state –again central to Otero’s ideology but despite strong and clear feelings on the subject –the Church needed to be removed from the political sphere of influence– Otero was unwilling to fight openly, perhaps fearing a backlash, perhaps feeling that laicisation of politics had, by the 1840s, become inevitable and as such could be allowed to run its course. The final issue, discussed in chapter 6, is the debate surrounding the best system of government. Here Otero emerges as being radical insofar as he maintained that federalism was the only viable system for Mexico, and was willing to fight for the re-institution of federalism regardless of the consequences. However, his radicalism was tempered by his insistence that Mexico learn from the mistakes of the 1824 constitution, and from those of the centralist projects that followed, calling for reforms to produce a federalist charter that best suited the nation.

4.

The Army

The role of the army is central to any discussion or study of the Americas of the nineteenth century. Despite the fact that military presence in the Spanish colonies was scarce up until the second half of the eighteenth century, once it did become established, it developed into one of the key institutions across what came to be known as Latin America.³⁷⁶ With the introduction of the Bourbon reforms of Kings Charles III and Charles IV in the last decades of the eighteenth century, service in the military in the colonies ceased to be the prerogative of the Spaniards, and the previously excluded *criollos* were admitted into the officer ranks.³⁷⁷ As the struggle for independence erupted across Spanish America, the army splintered and royalists faced insurgents. With independence, insurgent armies triumphed across the continent, rising to prominence as nations gradually emerged from former colonies. The military came to be seen as the heroes of independence and they became a power to be reckoned with, subject to its own law, protected by the *fueros*, and eager to take up its role in the new nations. As Alain Rouquié remarked; “the new republics had an army even when they did not have a state.”³⁷⁸ No two nations had the same experience; Bolivia was ruled by a “sinister series of ‘barbarian caudillos,’” in Peru the army maintained power from 1821 without interruption, well into the second half of the century, whereas in Chile, the

³⁷⁶ For an introduction to the role and actions of the military in Latin America see; Edwin Lieuwen, *Arms and Politics in Latin America* (New York/London; Praeger Paperbacks, 1963), Alain Rouquié, *The Military and the State in Latin America* (US: University of California Press, 1987), as well as Christon I. Archer, “The Role of the Military in Colonial Latin America,” *The History Teacher*, Vol. 14, No. 3, (May, 1981), pp. 413-421, which includes an extensive bibliography directing further study. Also, James Mahoney, *The legacies of Liberalism; Path Dependence and Political Regimes in Central America* (US, UK: The Johns Hopkins University Press, 2001), Brian Loveman, *Por la Patria; Politics and the armed forces in Latin America* (US: SR Books, 1999).

³⁷⁷ Rouquié. *The Military*, p. 44. For a study that espouses this view see Robert H. Holden, *Armies without Nations. Public Violence and State Formation in Central America, 1821-1960* (Oxford: Oxford University Press, 2004).

³⁷⁸ *Ibid.*, p. 47.

military were placed firmly under the control of a civilian, centralist government from the late 1830s.³⁷⁹ In Spanish America, emerging from years of strife and turmoil where a military presence had been essential in waging the fight for independence, the key role adopted by the armed forces in the nascent nations was hardly surprising. In the United States, the role the military should take in the young republic was also under discussion. From the outset, the Framers of the Constitution held it to be central to constituting the nation but they firmly believed “the military should be subordinated to the civil power.”³⁸⁰ Failure to do so meant the military could become a threat to liberty, democracy, economic prosperity and peace.³⁸¹

Like the other Spanish colonies, New Spain had no standing army, and relied mainly on temporary militias scattered far and wide.³⁸² With the seizure of Havana by the British in 1762, and the Bourbon reforms, this changed somewhat but it was only during the struggle for independence from Spain that the army really established itself and, with the entry of the Ejército Trigarante into Mexico City in September 1821, it cemented its reputation as liberator and defender of the nation’s sovereignty. In fact, it was commonly posited that the army was “the group most favoured by the War of Independence.”³⁸³ However, once the unifying cause of independence was made obsolete by victory, it soon became apparent that “the Mexican army was split, both by its origins into royalists or insurgents and by its organisation into a permanent army and militias. It was also affected by ideological tendencies, since it was far from being

³⁷⁹ Ibid., pp. 49-53.

³⁸⁰ For information on the military/state debate in the United States see, Samuel P. Huntington. *The Soldier and the State. The theory and politics of Civil-Military Relations* (US/UK: Harvard University Press, 2002, 19th Ed). The quote is from p. 164.

³⁸¹ Ibid. p. 156.

³⁸² For a more region-specific and detailed study on the role of the Army in pre-independent Mexico, see Christon Archer, *The Army in Bourbon Mexico, 1760 - 1810* (Albuquerque, NM: University of New Mexico Press, 1977), Josefina Z. Vázquez “Iglesia, ejército y centralismo,” *Historia Mexicana*, Vol. 39, No. 1, Homenaje a Silvio Zavala II (Jul. - Sep. 1989), and William A. DePalo, *The Mexican National Army, 1822 - 1852* (US: Texas A&M University Press, 1997).

³⁸³ Josefina Z. Vázquez, “Political Plans and Collaboration Between Civilians and the Military, 1821 - 1846,” *Bulletin of Latin American Research*, Vol. 15, No. 1, 1996, p. 19.

monolithic.”³⁸⁴ The army rarely backed one man, faction or cause with any regularity, making it an essential factor to be taken into account by all members of the political classes. It participated at all levels in the new nation; from the presidential chair to state governorships, from congress to the *logias*. It was equally hated and venerated, courted and rejected. Consequently, it was at the centre of any discussion on improving the state of the nation.

The aim of this chapter is to present the reader with Otero’s historical analysis of the armed forces; focusing on their position in the final years of the colony and during the struggle for independence up until the army surfaced as the heroes of independence. This will serve to highlight his assessment of the importance of the historical events of the early national period in understanding why the army enjoyed the influential position it did in the 1840s. This will be followed by an examination of the 1840s, paying close attention to Otero’s views on the failure of the military during the United States War 1846 – 1848. The chapter will then analyse his proposals to redress the situation. He bemoaned the fact that no way had been found of ensuring that the military returned to a purely defensive position following independence. A further opportunity was lost with the 1824 Constitution. This could have curtailed the increasing military involvement in political realms that should have remained the exclusive prerogative of the state but it failed to do so and no subsequent constitution had attempted it either. He highlighted the fragmentation caused by the army’s participation in party politics and believed the disruption and distress caused by the *pronunciamientos* and revolts, so common in the decades following independence, could all be blamed on the military. The final section of this chapter will look at the actual legislation he wrote and how his ideological beliefs were tempered by different circumstances and issues, such as the *fueros*, and

³⁸⁴ Ibid., p. 21.

were finally crushed by the apathy of the very middle class he called upon for help in reforming the nation. It will also look at his proposals for the professionalisation of the military into three sections, each with a different composition and competencies; a police force, national militias and a professional army. As a result, it traces Mariano Otero's political ideology as it shifts from the eagerness of 1842, when as a new legislator he was commissioned to write a constitution, and thereby put his ideology into practice, through the travails of a nation at war, and concludes with his despair and hopelessness near his death in 1850, faced with the reality that the military would not be so easily reformed.

When Otero first wrote on the subject of the armed forces in 1842, Mexico had just experienced a wave of *pronunciamientos* that began in Jalisco, his home state, spread rapidly to the capital, and toppled the government.³⁸⁵ For Otero, 25 years old and optimistic, engaged in national politics for the very first time, the meeting of the deputies in 1842 signalled the start of a new era. He interpreted the Revolución de Jalisco, and associated military-backed plans and *actas*, as a sign that the nation was ready for political change, and that “nada cierto hay en nuestro próximo porvenir: [...] que el destino futuro de su patria depende casi absolutamente de lo que hoy se haga.”³⁸⁶ However, at the same time as he was openly declaring his support for the Revolución, Otero, and those around him, were well aware that a little less than a year after its proclamation, this Plan had turned out to be just another plan that declared itself to represent the “will of the nation” but was no other than a stepping stone to power for those proclaiming it.

³⁸⁵ For more information on the Revolución de Jalisco, named the Triangular Revolt by Michael Costeloe, see, Costeloe Michael, “The Triangular Revolt,” and Melissa Boyd, “A Reluctant Advocate: Mariano Otero and the Revolución de Jalisco,” in Will Fowler (Ed.), *Forceful Negotiations, The Origins of the Pronunciamiento in Nineteenth-Century Mexico* (US: University of Nebraska Press, 2010).

³⁸⁶ Otero, *Ensayo, Obras*, I, p. 8.

It was in the midst of this charged climate that Otero's *Ensayo* appeared, containing the first of Otero's references to the army and his analysis of its function. The ideological base which can be extracted from the *Ensayo* did not change greatly over the following decade but, at times, prevailing circumstances made it appear so. Otero knew future prosperity depended on addressing the army's role in Mexican politics and everyday life. It must be noted, however, that his views in 1842, shaped by a recent military success, would be altered profoundly by the events of the years that followed. Otero's hopes, which rested on the constitution taking shape in the 1842 congress, were dashed when a series of *pronunciamientos*, once again with military backing, led to congress being dissolved in December 1842. Less than a year later he would find himself a prisoner and in solitary confinement, held illegally under military authority, and accused of conspiracy. The failure of the army in the war with the United States was also a further disillusionment, though perhaps no surprise to him. This defeat of the Mexican troops and subsequent humiliating loss of territory, so often blamed on the military's poor showing, suggested that the time was ripe for army reform. Much of its support had ebbed away following such a lacklustre performance and Otero seized this change in perception to revive his proposals for a strong National Guard and a smaller standing army, in addition to pushing for the introduction of a specialised police force at state level. Though he was instrumental in passing a law making the National Guard a reality, the pessimism, apathy and political inaction of the middle classes meant that it never flourished. In Otero's eyes, he had failed and there was little room for optimism.

Otero was not alone in stressing the importance of the military.³⁸⁷ Everyone, from politicians to generals, from presidents to clergymen, at some time or another,

³⁸⁷ As with the state of the nation, commentary was widespread on the army in the writings, speeches and correspondence of Otero's contemporaries. In the decade following independence and the fall of Iturbide,

either privately or publicly, proffered a plan or proposal to deal with the armed forces, or to its reform. Whereas the army was unanimously accepted as the author of independence, consensus ended there. The conservative liberals, or traditionalists, believed that for Mexico to prosper it was essential that the institutions upholding traditional values, such as the Church or the army, must be supported at all costs. They, therefore, advocated a large and well maintained defensive army that maintained the rule of law.³⁸⁸ In addition, the conservatives feared the threat of social dissolution and often equated the militias with “arming the ‘rabble’.”³⁸⁹ Alamán, writing in 1853, suggested a large standing army, “albeit proportionate in times of peace” and, contrary to the traditional conservative view, accepted the benefit of militias, but only if these were “made up of property-owning citizens like those formed under the colony.”³⁹⁰ The radicals, or *puros*, for their part, saw the army as a source of instability and favoured militias in the hope of strengthening these until eventually strong enough to replace a standing army.³⁹¹ The *santanistas* were opposed to this. They were openly militaristic and sought to strengthen and increase the army while slowly reducing the militia, with a view to the latter’s eventual elimination. At the same time, *santanistas* like Tornel highlighted the need to discipline the military, introduce medical and engineer corps and educate all ranks.³⁹² And then there were the moderates, who agreed that the military was an essential tool at a national level, to be used exclusively as a defence tool against foreign invaders, leaving the regional militias to resolve internal issues. Otero was a

José Maria Luis Mora and Lorenzo de Zavala devoted page after page to describing, analysing and criticising the armed forces. They were not alone; references to the military and discussions of the role of the army can also be found in the works of José María Bocanegra and Carlos María de Bustamante. At different points in their political careers, Valentín Gómez Farías, as one of the political leaders of the radicals, Gómez Pedraza as the head of the moderates, José María Tornel in his role as ideologue of the *santanistas* and Lucas Alamán from a more conservative standpoint, all focused on the military and military-state relations.

³⁸⁸ Fowler, *Mexico in the age of the proposals*, p. 57.

³⁸⁹ *Ibid.*, pp. 43, 58.

³⁹⁰ *Ibid.*, p. 84.

³⁹¹ *Ibid.*, p. 170.

³⁹² *Ibid.*, p. 237.

keen advocate of this moderate search for balance and, in addition, called for the establishment of a police force to ensure that an entirely civilian force dealt with the people.

Otero's historical analysis of the role of army starts with the colonial period. According to Christon Archer, many of Otero's contemporaries described the army in terms that "blamed the Spanish regime for the problems of the Republic."³⁹³ He singled out Lucas Alamán and José María Luis Mora as pinpointing the emergence of an "espíritu militar" in the colonial period. However, both these men belonged to a generation born in the early 1790s, growing up during the last years of Spanish colonial rule and deeply affected by the independence movement. Their ties with the colonial system were close and they wanted to establish a sense of continuity in their work; Mora in order to criticise the rot and decay the old system represented, Alamán to highlight the importance of colonial history in the construction of a new Mexico. Born in the last years of the struggle for independence, Otero never experienced colonial rule so he believed less blame should be laid on the Spaniards and more emphasis put on the consequences of the movement for independence and the ensuing struggle to build a nation.

Otero's analysis of the situation of the army in New Spain was distanced by time from those views written in the years following independence, nor did he ever write a great work which would crystallise his political views in the way that Alamán did. Otero's description of the army in the colony was nothing more than an essential part of his historical analysis, a convenient stepping-off point to investigating the ills of the nation. He argued that despite the strength of its position in early independent Mexico,

³⁹³ Archer, *The Army*, p. xi.

the military was a nonentity during the colonial period.³⁹⁴ In fact, the Spanish government ensured that all *colonos* were treated equally under the tight fist of tyranny, without any special consideration for those classes —the clergy and the military— it used as tools of suppression, ensuring that they were only ever given a secondary, passive role, inevitably subordinate to Spanish administrators.³⁹⁵ The power the Spaniards held over the inhabitants of its colonies was never dependent on the military.³⁹⁶ Otero did admit that the military had enjoyed a number of civil privileges or exemptions from certain civil laws but that these never included political privileges.³⁹⁷ To acquire them, the military would have had to participate in public power and this was never ever contemplated in the colonies.³⁹⁸ Furthermore, said Otero, it could never be a “poder político;” it was dispersed throughout the colonies, and its organisation, where any existed, was that of a peace time force, charged more with policing than fighting.³⁹⁹ Under colonial rule, the military was never called upon to engage in warfare with foreign powers, and its duties were restricted to border protection and police work.⁴⁰⁰ Small in number, it was entirely subjected to the dominance of its Spanish overlords.⁴⁰¹ *Criollos* were restricted to the lower ranks under the command of royalist officers; an

³⁹⁴ Archer provides an in-depth analysis of the position of the military during the colonial period, in which the position of the army is seen as one of disorganization and confusion, due to the fact that the reconstruction and organization of a military force in New Spain only took shape during the last years of the eighteenth century.

³⁹⁵ Otero, “Discurso, 11 de Octubre de 1842”, *Obras*, I: p. 273.

³⁹⁶ *Ibid.*

³⁹⁷ *Ibid.*

³⁹⁸ *Ibid.*

³⁹⁹ Otero, *Ensayo*, I: p. 51.

⁴⁰⁰ Archer relates that in spite of the acknowledged disorganisation in the military in New Spain, it was not until the British attack and capture of Havana, in 1862, that the army was seen as being in need of reform, and only then to act as a tool of the Spanish Crown in the colony. In addition, Archer points out the reluctance of the Spanish Viceroy and commanders general to allow too much power to pass to those who were not Spanish, to the extent that it was planned to ship whole garrisons in from Spain. In many cases, the powers-that-be went to great lengths to ensure that no attachments were formed with the colonies where the military were stationed. See, Archer, *The Army*.

⁴⁰¹ Otero is not the only one to make such a claim. Lorenzo de Zavala, writing in 1837 also argued that “La clase militar era esclava de sus jefes, todos españoles o enteramente adictos al régimen que conservaba sus fueros y su dominio.” Zavala, *Ensayo*, p. 25.

obvious cause of resentment.⁴⁰² In Otero's opinion, this was one of the more detrimental legacies of colonial rule that would affect relations between the army and its fellow countrymen for generations to come.⁴⁰³

It was during the struggle for independence that the army assumed greater significance.⁴⁰⁴ As royalist soldiers turned against their king and fought side by side with the rebels, an alliance was forged and old resentments, though not forgotten, were put aside as they united under the tricolour flag and the call for independence in an eleven-year struggle from 1810-1821. It was then, Otero thought, that the military acquired a new niche in a society, one where the armed struggle was seen by many as the only viable means of success. Military chiefs gradually became more influential figures and, by independence, the army had seized control of civil administration. Hailed as the heroes of the independence movement, those who fought in the war soon moved into positions of power usually reserved for civilians, moving up through higher echelons of the nation, eventually to the presidency itself.⁴⁰⁵

Otero differentiated between this move by the military men of the 1820s into the political arena and the one that took place during the struggle for independence from Spain. According to him, the motives of the latter were pure, their positions forged by necessity; it was, after all, a time of war and, therefore, understandable that the army should become involved in political debates. He saw these men as true patriots who had not chased after the honours lavished upon them, nor selfishly pursued the position of powers or the high commands bestowed upon them. Unlike those that followed, who sought only their personal gain under pretexts of liberty or compliance with the will of the nation, these were not puffed up with misguided patriotism, "Los grandes hombres

⁴⁰² Otero, *Ensayo, Obras*, I, p. 38. "El mismo celo existía en los mexicanos que servían en el ejército, siempre en los rangos inferiores, y a las ordenes de los jefes españoles."

⁴⁰³ Otero, "Discurso, 11 de Octubre de 1842," *Obras*, I, p. 273.

⁴⁰⁴ Otero, *Ensayo, Obras*, I, p. 51

⁴⁰⁵ *Ibid.*

de la Independencia que hoy celebramos, no corrieron tras de los honores ni el mando: su participación nada tenía de equívoco.”⁴⁰⁶ How could Otero reach such a conclusion when so many of those who engaged in the struggle for independence went on to participate actively in high office and in politics? Agustín de Iturbide became emperor, Guadalupe Victoria and Vicente Guerrero became presidents, and Manuel Gómez Pedraza, former president, had become the leader of Otero’s own political faction. He could only justify the contradictions by basing his argument on different times and circumstances. The heroes of the struggle and the years that immediately followed, were acting in a wartime environment and only during wartime could the army, a military organisation, be accepted as a “principio constitutivo,” so that military rule was seen as not only necessary but actively encouraged until 1824.⁴⁰⁷ It was thanks to the army that independence was achieved and that Mexico was able to start on its long road towards nationhood.

For Otero this was where the crucial divide should have emerged. Once Independence was consolidated, the military should have reverted to a subservient position, and Otero lamented “que en nuestros primeros días no se haya organizado la fuerza pública sobre las bases de una disciplina severa, y de una obediencia absoluta a las leyes y a las autoridades constitutivas.”⁴⁰⁸ It was right and proper that the military be honoured and admired for its role in independence and the nation should be grateful for the service it had rendered but Otero believed that “Una organización militar en cualquier estado de la sociedad, no puede venir a ser su principio constitutivo, sino cuando la guerra es la primera necesidad, y la principal forma de vida de esa nación.”⁴⁰⁹ Once peace had been declared and political rule re-established, a Constituent Congress

⁴⁰⁶ Otero, “Discurso, 1843,” *Obras*, I, p. 471.

⁴⁰⁷ Otero, *Ensayo*, *Obras*, I, p. 51.

⁴⁰⁸ *Ibid.*, p. 52.

⁴⁰⁹ Italics in the original. *Ibid.*, p. 51.

convened and the eventual promulgation of the 1824 constitution, military involvement should have ceased.⁴¹⁰ At this point, the most suitable class —the middle class, of which Otero was a member— should then have taken over and a system established in tune with the ideas of liberty and civilisation.⁴¹¹ This never came to pass, and despite a brief interval of peace under the Guadalupe Victoria administration between October 1824 and April 1829, it was to be less than four years before the political scenario re-erupted and military involvement in politics continued and became consolidated.

Otero was not alone in underlining the struggle for independence and its aftermath as crucial to understanding and explaining the role of the army in later years. Manuel Gómez Pedraza, who had fought in the royalist army, also argued that it was in the years following independence that the military became corrupt. Gómez Pedraza was of the opinion that it was the revolts and revolutions of 1822 and 1823 that had demoralised and perverted the army, leading to the unrest of the years that followed, because “no hay nada más propio para corromper un ejército que las revoluciones.”⁴¹² It was not just the moderates who identified these years as crucial. Conservative leader, Lucas Alamán, in the fifth and final volume of his *Historia de Mexico*, published between 1849 and 1852, argued that it was during Iturbide’s reign that the military’s ruin began.⁴¹³ The reforms carried out by Iturbide and his ministers, in which the infantry was reshaped along the lines established by the 1815 Spanish regulations meant that the army no longer associated itself closely with what it had been; “con los antiguos nombres desaparecieron los recuerdos de Gloria que cada cuerpo tenía.”⁴¹⁴ Alamán used this point to emphasise his conservative opinion that the legacy of the colonial order

⁴¹⁰ Ibid., pp. 52, 72.

⁴¹¹ Ibid., pp. 51-52.

⁴¹² Gómez Pedraza, “Memoria del secretario de Estado y del despacho de la Guerra presentada a las cámaras en enero de 1827,” in Solares Robles, *La obra política*, p. 126.

⁴¹³ Alamán, *Historia de México*, V, p. 508.

⁴¹⁴ Ibid., V, p. 261.

could have been maintained with independence, and that this would have ensured stability and continuity; both of which had been lost with the ascent of new regimes, one after another, attempting and failing to reshape independent Mexico. However, it should not be forgotten that, like his contemporaries, Alamán was very much concerned with justifying his actions, and he went on to argue that during Bustamante's first government —known to many as the Alamán administration— the army had been reorganised and its discipline corrected. Obviously this could only have occurred if Alamán were able to prove that the army was in disarray after independence and this situation could be blamed on his political rivals.⁴¹⁵ José María Tornel, in his turn, blamed Iturbide and his advisers for their action, or inaction, in the early 1820s. He went so far as to argue that this was when all the revolutions that were to damage Mexico could have been curtailed “desaprovechando los momentos en que pudo trabajarse con suceso para restaurar el respeto a las leyes, para fortificar la disciplina del ejército; para cerrar en fin, el abismo inmensurable de las revoluciones.”⁴¹⁶ In his 1851 book, *Porvenir de México*,⁴¹⁷ Luis Gonzaga Cuevas also believed it was the war for independence that had given the military its influence, springing from the twofold glory of saving the kingdom for the royalists, and the triumph of independence for the rebels. But these noble motives were quickly put aside and a military career soon seen by many as a means to an end, to a quick fortune which could not be achieved so easily elsewhere. Cuevas, like Otero, distinguished between military acts in wartime and the situation that should have been established as soon as peace was won and independence achieved. He too argued that the military role should have shifted accordingly

⁴¹⁵ Ibid., V, p. 491.

⁴¹⁶ It must be noted that José María Tornel, as one of the leaders of the *santanistas* had believed in a strong and numerous army, however, his *Reseña Histórica*, from which this quote was taken, was written in the years leading up to his death, and as such, represents a much more conservative facet of the man. José María Tornel y Mendivil, *Breve reseña histórica*, p.7.

⁴¹⁷ Cuevas, *Porvenir*, p. 64.

que durante la Guerra, la profesión militar es la más brillante y la de una perspectiva más halagüeña. Pero entre nosotros la influencia de esa clase iba a ser funestísima y hacer imposible toda administración que no contase con ella como su principal apoyo.⁴¹⁸

He also agreed with Otero that recognition of this point in time, as crucial to any interpretation of the position of the military in independent Mexico, was essential in tackling any change or improvement to the current situation.

The period that followed the achievement of independence was just as important. As the military slowly tightened its hold on Mexican politics, it became an influential factor in every facet of national life through *pronunciamientos* and *planes*, revolts and revolutions, intrigue in the Masonic lodges, and even the legitimate route of elections, to the extent that Otero felt it too had become a social class in much the same way as the clergy or the middle classes.⁴¹⁹

As the army stranglehold increased, the line between political and military involvement blurred. Otero argued that the military was no longer seen as a separate force and its influence permeated all aspects of the political landscape; “los jefes militares adquirieron importancia en el orden social.”⁴²⁰ Moreover, party politics with their various factions sprang up among the rank and file, so that soon each political faction could count on the backing of this or that regiment or garrison. In Otero’s opinion, armed conflict had become indissolubly intertwined with political ambition. It constantly fractured and divided, each part supporting the political trend or faction that best suited its interests and advancement. Mora supported this view, arguing that when it came to achieving their personal aims, all factions looked to the army for support, but pointed out that “todas a su vez lo detestan cuando llega la hora de levantar el edificio o de consolidar lo edificado,” adding that this indicated the army was tolerated as a

⁴¹⁸ Ibid., pp. 65-66.

⁴¹⁹ Otero, *Ensayo, Obras*, I, p. 51

⁴²⁰ Ibid.

necessary evil.⁴²¹ This, Otero opined, led to its corruption. Whereas in civilised nations the military would have been disciplined and subdued by the legitimate constitutional power, this army had lost all respect for the rule of law in early independent Mexico, and become nothing more than the pursuer of its own excessive ambitions.⁴²²

Otero used the Plan de Jalisco, issued by Paredes y Arrillaga, to illustrate his assessment of the state of the military in 1841. In this Plan, the army was also presented, not as the powerful political class that Otero denounced, but as a miserable and crumbling force unable to muster the strength to stand up to miniscule bands of adventurers; “el ejército en la miseria y precisado a vivir sobre el pueblo,” the army was feared instead of revered, disdained instead of acclaimed.⁴²³ And there was no contradiction here. The Revolución de Jalisco is a prime example. Paredes y Arrillaga’s initial *pronunciamiento* could easily have fallen upon deaf ears, or been crushed by the government. However, although the first call for political change was made by Paredes, it was seconded by Valencia’s garrison in Mexico City, and soon gathered momentum and support from a variety of sources. The army, therefore, could well be poorly equipped, barely organised and in a state of undress and disarray, and yet, military commanders were able to make key moves with little more than a threat of violence, or control the destiny of the nation often with no more than a single garrison.⁴²⁴

⁴²¹ Hale, *El liberalismo Mexicano*, p. 146.

⁴²² Otero, *Ensayo, Obras*, I, p. 52.

⁴²³ *Ibid.*, p. 11, and Otero, “Examen analítico del sistema constitucional contenido en el proyecto presentado al congreso por la mayoría de su comisión constitucional,” *Obras*, I, pp. 247-248.

⁴²⁴ The phenomenon on the *pronunciamiento*, the legitimacy of the use of violence and the *pronunciamiento* as the expression of the will of the people has been studied in great depth by Will Fowler. See; “El *pronunciamiento* mexicano del siglo XIX. Hacia una nueva tipología,” *Estudios de Historia Moderna y Contemporánea de México* 38 (julio-diciembre 2009), pp. 5-34, *Forceful Negotiations: The Origins of the Pronunciamiento in Nineteenth-Century Mexico* (Lincoln, NE: University of Nebraska Press, 2010), *Malcontents, Rebels, and Pronunciados: The Politics of Insurrection in Nineteenth-Century Mexico* (Lincoln, NE: University of Nebraska Press, in press) and *Celebrating Insurrection. The Commemoration and Representation of the Nineteenth-Century Mexican Pronunciamiento* (Lincoln, NE: University of Nebraska Press, in press).

When Tornel blamed the Iturbide government for not putting an end to revolts and revolutions, he argued that the decades following independence only served to worsen the situation. Soldiers no longer felt under any obligation to accept discipline and obedience and, therefore, “el ejército, lejos de mantener el orden y de corresponder a los nobles fines de su institución, fue el que tomó sobre si, por entonces la inmensa responsabilidad de iniciar las revueltas domesticas.”⁴²⁵ Involved with men, such as Mariano Paredes y Arrillaga and Antonio López de Santa Anna, in many revolts and *pronunciamientos*, he understood how the army worked.

Despite Otero’s optimism that the Revolución de Jalisco was to be the one revolution that truly altered the state of the nation, it scarcely affected the armed forces. If 1842 had signalled a moment of hope and anticipation, when Otero might have readily believed that the perfect moment for change had arrived, the events of the years that followed disillusioned him. Slowly his hope for military reform and the betterment of this section of Mexican society ebbed away, one crucial event transforming disappointment into despair, not only for Otero, but for many other Mexicans too, the war with the United States, 1846–1848.

The heroes of independence were now plunged into a war with their neighbours, whose soldiers were fewer, but better trained, and much better organised than their Mexican counterparts. Mexican forces had won independence in 1821, rebuffed a Spanish attempt at re-conquest in 1829, and kept the French at bay in 1838. This, however would be the ultimate test for the Mexican army and, in Otero’s eyes, they failed it. During the months that followed, with the threat to close congress at the forefront of every deputy’s mind, it became abundantly clear that any criticism in any speech, any vote against the established order, was a new nail in congress’s coffin.

⁴²⁵ Tornel y Mendivil, *Breve reseña*, p.8, 11

However, the situation in 1847 was radically different. Otero was an experienced politician who had had years to establish his position among his fellow deputies and, as the war with the United States progressed and the army's failure became increasingly evident, Otero lost all his reticence. In addition, the military constraints that had influenced him in 1842, when his positions as a member of the Consejo de los Departamentos and later as a deputy in congress were largely the result of military backed revolts originating in his home town, no longer applied. Secondly, by the time his *Ensayo* had been published in June, it had become apparent to many that any move that even hinted at radicalism or at the reestablishment of federalism would be stamped out.⁴²⁶ Following his attendance at the initial peace negotiations between the two nations, which took place in the second half of 1847, Otero, who was still officially the deputy for Jalisco, sent a communiqué to the Governor of Jalisco which was printed and widely discussed in the newspapers of the time, as well as being published in pamphlet form.⁴²⁷ Otero's anger at the poor performance of the military was patent, and he was able to vent his frustration in a way that would have been impossible in the years leading up to its failures in the US-Mexican conflict, after which the reality of the army's position became clear to many.⁴²⁸

He pointed to the plight of the nation, and emphasised the role that individual people had played in the war;

⁴²⁶ The correspondence of Mariano Paredes y Arrillaga, exchanged with men such as Santa Anna and Tornel, also sheds some light on the thoughts and stances of those who had brought about the 1841 Revolución de Jalisco, but were unwilling to stand idly by as federalism was openly discussed and voted on by the deputies in congress. Some of the correspondence relating to these months can be found in *El General Paredes y Arrillaga, su gobierno en Jalisco, sus movimientos revolucionarios; sus relaciones con el general Santa Anna, etc., etc., según su propio archivo*, in García y Pereya, *Documentos para la historia de México. Tomo 31 – 33* (Mexico City: Librería de la Viuda de Ch. Bouret, 1910).

⁴²⁷ An advert for the sale of the booklet can be found, among others, in the *Monitor Republicano* on 10 October 1847. In addition the communiqué was published, in full, in the *Monitor Republicano* in October and November, and serialised in *The American Star*, with comments and discussions, during the last weeks of October and into November of 1847.

⁴²⁸ Otero, "Réplica a la defensa que el ex-ministro de Relaciones, D. José Ramón Pacheco, ha publicado a favor de la política del gobierno del General Santa Anna, por lo relativo a las negociaciones diplomáticas de la casa de Alfaró," *Obras*, II, p. 559.

En menos de un año cuarenta mil hombres han ido a los campos de batalla: desde el proletario infeliz que apenas tiene idea de la patria hasta el hombre estudioso, y el propietario cuyos hábitos eran los menos conformes con las ocupaciones militares.⁴²⁹

Not only had entire battalions been wiped out but civilians, too, had been involved in the fighting and in the war effort. Enumerating the failures of the Mexican army during the war with the United States, Otero found that one single factor was the most culpable; the impunity of those in command. It was their incompetence and inability to form a cohesive stratagem enabling Mexico to repel the invading forces that had led to the country being faced with the unfavourable terms being offered by the United States.⁴³⁰ To illustrate his point, Otero listed the defeats suffered by the Mexican military and emphasised that it was obvious that these were not the fault of the soldiers but of their leaders.⁴³¹

He later stated that the intention of the communiqué was nothing other than an attempt to answer “¿en qué términos y bajo qué condiciones sería posible celebrar una paz honrosa y conveniente?”, but that he had been aware at the time that his arguments and analysis would cause controversy.⁴³² Indeed they did, and his criticism of the army did not go unchallenged. José Ramón Pacheco, Foreign Secretary at the time of the initial peace negotiations, published a reply, a defence in fact, of his position when in government attacking Otero’s communiqué to Jalisco. Unable to remain silent, Otero lashed out at Pacheco in a reply published in 1848 by Ignacio Cumplido, printer-editor and a close colleague of Otero.⁴³³ He vehemently opposed Pacheco’s defence, arguing that the successes he enumerated were nothing more than anomalies and stated that

El mundo juzga no por las excepciones, por la regla general y las fáciles y casi fabulosas victorias de Monterrey, de Cerro Gordo y Padierna, y el resultado

⁴²⁹ Ibid., p. 552.

⁴³⁰ Ibid.

⁴³¹ Ibid., pp. 552-556.

⁴³² Italics in the original. Ibid., p. 559.

⁴³³ Ibid., pp. 559-591.

mismo de la campaña de la Angostura, y el abandono en que se dejó a los de Churubusco, así como la conducta de la mayor parte de los cuerpos que debieron estar en Molino del Rey, y las mutuas acusaciones de cobardía e ineptitud que unos a otros se han hecho nuestros jefes sobre cada batalla, desde Palo Alto hasta Huamantla, no pudiendo ninguno negar la vergüenza de la derrota.⁴³⁴

The army leaders had failed, not only because they lacked a plan, but because they abandoned those in desperate need of aid and failed to send backup, proving that they were at best inept and at worst negligent. Furthermore, Otero argued that these leaders, and the men under their command, were not even focused on finding a solution. They bickered incessantly, accusing each other of cowardice and ineptitude, constantly attempting to shift the blame onto their supposed brothers-in-arms. In Otero's eyes, each and every one was to blame for the failures of the country during the war. They had disgraced themselves, the men they led and the country they represented. Military chiefs who directly caused some of the defeats, who had officially been branded cowards, not only went unpunished, but were allowed to continue in command.⁴³⁵ He broadened his attack to encompass not only those in command, but the soldiers themselves. He accused them of cowardice, of having fled from countless battlefields, of a lack of discipline, for contravening the orders of their superiors, for treason, for handing over entire towns without even a minimal attempt at defending them.⁴³⁶ Furthermore, Otero was outraged by the fact that the military was unable to face its defeat honourably by admitting its error. The attitude of the armed forces towards their fellow countrymen was one of disdain; there could be no other explanation for their attempting to defend their position, stating that "el soldado cumple con pelear" and "la victoria depende de la caprichosa fortuna," without accepting their responsibility for the defeat of the nation.⁴³⁷

⁴³⁴ Ibid., p. 568.

⁴³⁵ Ibid., p. 584-586.

⁴³⁶ Ibid., p. 568.

⁴³⁷ Ibid.

In Otero's view, this should have been a moment of truth. However, even after the war with the United States ended, the army was unwilling to accept that its position at the head of the nation had been lost along with the war. As the months passed, Otero complained in his private correspondence that the last vestiges of the defeated force were still insistent on playing a role in politics. While he was Minister of Home and Foreign Affairs in 1848, Otero was faced with a revolt, orchestrated by Paredes y Arrillaga, where over one hundred men from the 14th Infantry division in San Juan de Lagos pronounced in favour of the plan by Father Jarauta.⁴³⁸ This was the final straw for Otero. He had thought that the war would finally reveal the incompetence of the army, and it could be reformed. However, this showed that nothing had really changed, and that the military were still pressing for involvement in politics. José María Luis Mora agreed with Otero and said that although it had been proved that the military had been unable to defend the nation, it would remain one of the government's greatest problems, "pues es de temerse que si anteriormente se sublevaron por diferentes pretextos, ahora lo harán hasta sin ellos."⁴³⁹ As Otero neared the end of his term of office, he appeared to share this pessimism, and it seemed he had lost all hope. While the army, one of the main social segments of the country still remained in complete chaos, there would be little or no hope for the nation.⁴⁴⁰

Now that we are conversant with the historical chronology of the 1840s decade, it gives us a clear picture of the background to army reforms Otero was convinced would lead to stability and allow Mexico to take up its rightful position in world affairs. He firmly believed that the military should be nothing more than a tool of the state,

⁴³⁸ Letter from Otero to Mora, 13 June 1848 in *Obras*, p. 755-756. See also, Will Fowler, *The Pronunciamiento in Independent Mexico*, Database for the Plan de Lagos, 1 June 1848, and associated plans. <http://arts.st-andrews.ac.uk/pronunciamentos/dates.php?f=y&pid=641&m=6&y=1848>

⁴³⁹ Letter from Mora to Otero, 28 July 1848, in Lillian Briseño Senosiain, Laura Solares Robles, y Laura Suarez de la Torre, *José María Luis Mora. Obras completas* (Mexico City, Instituto Mora, Consejo Nacional para la cultura y las Artes, 1986), VIII: p. 256.

⁴⁴⁰ Letter from Mariano Otero to J. M. L. Mora, 14 October 1848, in Otero, *Obras*, II, p. 762.

controlled by a strong constitution; a tool whose prime purpose was to protect the nation from external threats. Once the army had been reformed, its political involvement would be curtailed which in turn would put an end to the revolts and revolutions that had weakened the nation since independence. In addition, Otero hoped that a National Guard, made up of members of the middle classes, would ensure that the army need not be called upon to deal with the internal affairs of the states, and that this too would remove political power from the standing army. Otero argued that what little power the executive possessed had been weakened by the constant civil wars leading to decisions being taken on the basis of the outcome of revolts and battles.⁴⁴¹ In order for the nation to restrict the political influence of the army, even in the 1840s, all that was needed was the institution of discipline, obedience and constitutional control. Failure to do so in the past had led to government by the points of bayonets and it was now essential that the balance of power be redressed.

In addition, one of the most serious consequences of military involvement in politics was, in Otero's view, the fact that it led to revolts and revolutions, making it impossible for a rule of law to be established under such conditions. The rule of law paired with a strong constitution strengthened a nation and afforded it power. It was essential to establish a system by which any differences that occurred were solved by the nation as a whole, via elections, political discussions, and the election of representatives within the terms of the constitution. This led to prosperity and stability. This was impossible in Mexico in the 1840s. The way things stood, all decisions were taken by a small group, whose only claim to power lay in the weapons they wielded and Otero asked himself,

dónde está adoptado el horroroso principio de que esas cuestiones han de ser decididas por una minoría nomás porque está armada, aunque lo está

⁴⁴¹ Otero, *Ensayo, Obras*, I, p. 52.

precisamente para hacer obedecer las disposiciones de la mayoría, no como ella las interprete, sino como las expliquen las autoridades civiles.⁴⁴²

In Otero's opinion, an army was armed only so that it could ensure observance of the will of the majority, and even then, only by obeying a direct order from the properly constituted civil authorities. If the revolts and uprisings were to continue all would be lost "y de desastre en desastre el pueblo pasará sucesivamente por el yugo de cien vencedores."⁴⁴³ Otero believed that justice and patriotism would disappear, the nation would be submerged in chaos and the future would hold nothing more than a string of disasters, each worse than the one before.⁴⁴⁴ This he argued was why it was obvious what the first, and most important step towards a permanent solution should be, "hacer desaparecer de una vez la funesta manía de las revoluciones," to ensure that the military and the armed forces, instead of protecting and supporting these revolutions, be forced to give unwavering obedience to established laws and the constituted authorities.⁴⁴⁵ An end to revolutions and *pronunciamientos* meant that Otero and other members of the political classes would be able to proceed to stabilising the country through legislative and political means, without the constant threat of armed revolt or military rebellion.

José María Tornel agreed with Otero that ending revolutions was a government priority and, despite his military position, he too argued that the best way to ensure this was through the rule of law. "Una revolución que ha asumido el carácter popular, no puede ser vencida sino por la fuerza pública, que reivindica el respeto y obediencia debida a las leyes."⁴⁴⁶ It was essential therefore, that the rule of law, and the constitution, be strong enough to withstand challenges and attacks from any dissenting faction. In Tornel's opinion, they never had been and the various constitutions that had existed, had

⁴⁴² Ibid., p. 86-87.

⁴⁴³ Ibid.

⁴⁴⁴ Ibid.

⁴⁴⁵ Ibid., p. 86.

⁴⁴⁶ Tornel y Mendivil, *Breve reseña*, p.177.

never been anything more than a deception and it was not surprising that governments had been unable to establish a sense of legitimacy, and “tan reiteradas hayan sido las revoluciones para derrocarlos.”⁴⁴⁷ Cuevas, too, held this to be the case, agreeing that the state of the nation, under military domination and plagued by revolutions, could be attributed to the fact that Mexico had never established laws and institutions capable of asserting their dominance over the nation.⁴⁴⁸ He argued that with the achievement of independence, the status quo had been altered and “los generales, jefes y oficiales de aquella época, y lo que es más notable, los que les sucediesen iban también a presentar con el título de nuestra libertad el poder que los autorizaba para no obedecer ni gobiernos, ni leyes, ni instituciones.”⁴⁴⁹ Because of this Cuevas continued, it was not entirely surprising that each time a revolution exploded, there came with it a call for “algún nuevo sistema o algún cambio opuesto enteramente a la Constitución existente” on the basis of the power vested in them by their previous positions.⁴⁵⁰ Without the establishment of an unchallengeable constitution, it was impossible for these military men to be returned a position of subservience and obedience that was essential for the wellbeing of the nation.

At the same time, however, Otero was willing to admit that a standing army was essential to any nation, its role restricted to repelling any foreign advances, recovering territory usurped by foreign powers, maintaining public order, and defending the rights of the nation at borders and entry points.⁴⁵¹ Writing in 1842, he was forced to reassure the military that this meant that the role of the army was safe. To assuage it further, he stressed the importance of its role and assured it that all honours for its services to the nation would be retained. He said it was this sentiment of admiration and affection for

⁴⁴⁷ Ibid., p.296.

⁴⁴⁸ Cuevas, *Porvenir*, p.171.

⁴⁴⁹ Ibid., p. 65-66.

⁴⁵⁰ Ibid., p. 173.

⁴⁵¹ Otero, *Ensayo, Obras*, I, p. 71.

the military which led him to insist that it needed to be reformed. He was not attacking the army; he was merely led by the desire that the army be “digno de su gran destino.”⁴⁵² To do so, it needed to be organised and disciplined. This was not a new stance. José María Tornel, in his position as Minister for War to the *santanista* government, which had been established by the Bases de Tacubaya, held a similar view.⁴⁵³ For the three years Santa Anna was in power, from 1841-1844, Tornel sought to reform the army. As early as 1835 he had argued that promotions and the monetary prizes that came with them had “created a privileged class that, due to its lack of true merit, would appear to the people as a false meritocracy that would never be able to represent them.”⁴⁵⁴ Tornel took this idea to the extreme, arguing that no award of any kind should be given to any military personnel who had participated in a civil war, a belief he reiterated in 1844. This would ensure that the army gained respect among the civilians and, in addition, be seen as an institution worthy of admiration. Despite the rhetoric, Tornel’s actions betrayed the truth—he had been quite willing, over the years, to award prizes and money to those who had supported the *santanistas* in their rise to power.

Otero created an ideal view of what the army should be, explaining that it needed to set an example of virtue and moderation, courage and obedience, and that the only exploits it should boast about should be those carried out in the defence of the nation against outside forces.⁴⁵⁵ The real enemy of the military, he continued, were those, if heaven forbid anyone could harbour such terrible notions, who sought to turn the army into the nightmare of their fellow countrymen, forcing it to destroy the nation with incessant civil wars and refusing it its rightful glory as the saviours of national

⁴⁵² Otero, *Ensayo, Obras*, I, p. 71.

⁴⁵³ Will Fowler, *Tornel y Santa Anna. The Writer and the Caudillo, Mexico 1795-1853* (Westport, Connecticut, London: Greenwood Press, 2000), p. 196.

⁴⁵⁴ *Ibid.*, p. 215 - 218.

⁴⁵⁵ Otero, *Ensayo, Obras*, I, p. 72

unity. These, the “others,” were the real enemy of the military, and Otero and his supporters were the ones who wanted only what was best for Mexico’s great military. Once this was achieved, and the military disciplined and organised, the first step towards its improvement would have been taken, and once this was done, the next issue could be tackled to ensure its unquestioning obedience to the constitution and to the law. This typically moderate approach, slowly, one cautious step at a time, would ensure that while changes were being introduced, and stability accomplished, the country would have the support of the military. Afterwards, the moderates would be able to curtail the power of the army through the constitution and legislation, bringing it under state control.

However, these theories needed to be put into practice and his time in congress in 1842 meant that he was directly involved in, and even responsible for, such reforms. At the same time, however, he did not underestimate the considerable power of the army. In a private letter to Ignacio Vergara, one of his fellow deputies and a mentor from Jalisco, Otero outlined his agenda in congress.⁴⁵⁶ The parts relating to the army demonstrate that Otero was aware just how important it was for any proposed reform to be as unthreatening to the military as possible, so there was to be no discussion on discharging the armed forces, nor was there to be any question of attacking their *fueros*. He also argued for the removal of the power of the executive to dispose of the army as it saw fit, making it, making it subservient to the constitution and to the law. Neither the executive in power, nor those seeking it would be able to wield the army as a *juguete*. The army would serve only the interest of the nation.⁴⁵⁷

As a moderate liberal of the 1840s, Otero naturally believed that reform should take place, but that it should be done so that it did not cause a backlash from those who

⁴⁵⁶ It should be noted that despite Ignacio Vergara being elected to the 1842 Congress, as the deputy for Jalisco, he declined the position. Letter from Otero to Vergara, *Obras*, I, p. 153-156.

⁴⁵⁷ *Ibid.*, p. 154.

feared radical reform. This was perhaps one of the main points that distinguished him, and set him apart from his radical liberal contemporaries, to the extent that he argued “que mi plaza es de ser sansculote para los cuernavaquistas y servil para los sansculotes.”⁴⁵⁸ Mora had no such qualms, and his radical liberalism demanded that reform be immediate and in depth. Whereas Otero thought that leaving the *fueros* intact would help to reassure the army, Mora argued in his *Revista Política* that they should be abolished, outright. He saw the military as a supporter of the reactionary factions, characterised by insubordination and a complete lack of respect for the laws, interested in nothing but “fueros y privilegios.”⁴⁵⁹ Again, Mora’s personal situation, writing in 1837, and from exile, meant that he did not have to fear any of the reprisals that Otero might have faced in 1842.

By January 1847, as the war with the United States continued, congress met to discuss a proposal to allow the government to sell and auction the mortmain properties held by the Church in a desperate effort to provide the army with the resources they needed to continue the war. Otero still argued at this point that a strong military presence was essential. It must, of course, be remembered that the country was at war, and any call for a reduction in the armed forces could have been seen as traitorous. During the discussion on emergency funding debated in congress on 7 January, he agreed wholeheartedly that it was necessary to maintain a respectable force, and yet it was imperative that such a force be kept within acceptable limits, its expenditure and administration costs closely monitored and numbers restricted to what could be afforded.⁴⁶⁰ This applied particularly to those in the higher ranks, and Otero argued that the number of generals was draining the budget, and it was these positions that needed

⁴⁵⁸ Ibid.

⁴⁵⁹ José María Luis Mora, “Revista Política de las diversas administraciones que la República Mexicana ha tenido hasta 1837,” in Senosiain et al., *José María Luis Mora. Obras completas*, II, pp. 290, 342, 356.

⁴⁶⁰ Otero, “Discusión en general sobre el proyecto de quince millones de pesos”, *Obras*, II, p. 524.

to be reviewed.⁴⁶¹ However, his ideas were more than mere rhetoric his involvement in congress, his position in the senate and his time as minister for the Herrera government meant that he was able to put into practice some of the theories he had developed. Indeed, his position at the forefront of the commissions responsible for writing the new constitutions, in both 1842 and 1847, meant that he was able to introduce and shape the legislation that would affect the military. Of course, the constitution of 1842 never materialised, and the 1847 *Acta de Reformas* merely reformed an existing constitution, but both give us with a glimpse of what Otero believed should be done.

In the “Voto de la Minoría” signed by three deputies but largely attributed to Otero, one of his priorities was to bring the army under control of congress. Command of the army was to be wrested from the hands of the executive. The President would still be able to deploy the armed forces where necessary for the safety and integrity of the nation, and even to face internal strife, but he would not be allowed to command it in person.⁴⁶² This would have instantly reduced the head of the executive to a civilian. The president would not be seen actively leading the military forces and would be less likely to be identified with the acts of the army. The legislative branch, through a bicameral set up of a chamber of deputies and a senate, would take over the administration of the army. Under the 1824 Constitution the executive had power to name senior officers, and congress the power to deploy the military, as well as establish the quota and issue ordinances for its organisation.⁴⁶³ In the *Voto de la Minoría*, Otero went one step further. It was to be the prerogative of congress, not only to decree the number, organisation and

⁴⁶¹ Ibid., p. 524.

⁴⁶² This had also been stated as a restriction in the 1824 Constitution. For the “Voto de la Minoría” see Título VII, Sección Segunda, De las facultades del presidente – Artículo 60. IV, V, “Voto de la Minoría”, in Otero, Obras, Vol. 1, p. 193, for the 1824 Constitution see “Constitución Federal de los Estados Unidos Mexicanos”, Título IV, Sección IV. De las atribuciones del Presidente y restricciones de sus facultades. Título III, Artículo 110, secciones VI y VII.

⁴⁶³ “Constitución Federal de los Estados Unidos Mexicanos”, Título IV, Sección IV. De las atribuciones del Presidente y restricciones de sus facultades. Artículo 112, sección I and Título III, Sección V, Artículo 50, XVIII and XIX.

service of the permanent army, but also to oversee their *fueros* and tribunals. This was a fairly radical step to take in 1842. No mention was made of there being any change in the *fueros*, but at the same time, once congress had exercised its prerogative, it would have been in a position to take the first tentative steps towards changing the rules and regulations that set the military, like the Church, apart from the citizenry when it came to criminal legislation.

In addition it was to be the responsibility of congress to define on what basis the National Guard would be organised, and it would be congress that held the power to call for its service at any time. This was nothing new; the National Guard, referred to under other terms such as *cívicos* or militia, had been the prerogative of congress, not only under the 1824 federalist constitution but also under the 1836 centralist one, and even under the 1812 Cadiz constitution. Finally, the national congress would have the power to reduce the police force if any individual state surpassed its quota, but the police would, for the most part, be under the control of the state governors.⁴⁶⁴

It is in this draft constitution that we see, once again, Otero's preoccupation with the need for each and every aspect of the regulations governing the military to be established in the constitution itself in order to lend force and weight to any change affecting it. Here he suggested the division of the "armed forces" into three sections; a standing army, a National Guard and a police force.⁴⁶⁵ The first, the army, would be for the defence of the republic against exterior threats and, in certain cases, the protection of national unity. The National Guard would be made up of all citizens between the ages of 21 and 60, in possession of certain rights. It would be destined to the protection of the institutions and of public order in the interior of the states. This force was not to be

⁴⁶⁴ Título VI, Sección Segunda, de las facultades de congreso general y de las cámaras – Artículo 35, IV, "Voto de la Minoría", Otero, Obras, I: p. 188, and Titulo VII, Sección Segunda, De las facultades del presidente– Artículo 60. IV, "Voto de la Minoría", *ibid.*, p. 193.

⁴⁶⁵ Titulo IX. De la fuerza armada y la hacienda pública. Sección primera. De la fuerza armada. Art. 7, *ibid.*, p. 196.

called upon unless it was under the terms of the constitution, and would, unlike the army, have no *fuero*. The police force was to be established solely with the purpose of ensuring the security of the individual. Establishing it would be the responsibility of each state, and it would comprise small sections, commanded by secondary agents and spread across the territory. Never should two or more companies be put under the command of one chief, nor should they be placed in the same section. Otero added one last clause; it was in the nature of all the armed forces, he stated, to be passive and as such they would be unable to act unless it was under the direct order of the competent authority. Any involvement in matters of state would be considered a criminal act.⁴⁶⁶

During a congressional debate on 11 October 1842, Otero outlined more of his views on the military. The role of the soldier, as far as he was concerned, was to show valour and strength when facing the enemy. He would fight the enemy and only the enemy, and only for the protection of the nation. He would always be a part of a whole, whose actions would never be that of an individual and which would be judged only by his superiors and his equals.⁴⁶⁷ The presence of the soldier would scarcely be felt; he would exert no power, no pressure, would be disengaged from the citizenry and would only engage in conflict with an enemy of the nation. However, if the soldier were to be asked to carry out the duties of policeman, as had happened in the past, this would lead to nothing but disaster. If the army were given the task of running the prisons, of guarding prisoners, of policing roads, of keeping the order at public gatherings, then their role would become tainted. Under such circumstances, soldiers would be facing their fellow countrymen as the enemy, leading to resentment in the very people they, the soldiers, were expected to protect.⁴⁶⁸ This in turn would lead to a lack of trust and

⁴⁶⁶ Título IX. De la fuerza armada y la hacienda pública. Sección primera. De la fuerza armada. Art. 76, *Ibid.*

⁴⁶⁷ Otero, "Discurso, 11 Octubre 1842", *Obras*, I, p. 274.

⁴⁶⁸ *Ibid.*, p. 274.

would end, as it had in the past, by undermining relations between the army and the government, between military and civil authority. Were that to happen,

aquella subordinación que debiera siempre existir entre el que manda y el que ejecuta se pierde, y el poder que obedece conoce su fuerza, pone a discusión su cooperación, la presenta como un favor y reclama su premio: quiere dirigir y mandar y para ello destruye la autoridad civil y la usurpa después, con lo que se consigue, en fin, esa unidad entre el que manda y el que ejecuta; pero se consigue violando todos los derechos, confundiendo todos los principios y estableciendo el gobierno militar.⁴⁶⁹

The only possible outcome would be the annihilation of civil power, and the military government that would take over would be characterised by force and cruelty, which would lead to the disintegration of any nation.⁴⁷⁰ This was beginning in Mexico and the nation was disintegrating due, in part, to the political involvement of the military. The time to stop and reverse this trend had arrived and a division of the armed forces would ensure that each section would have clearly defined roles, set in stone, in the constitution. Once the army accepted its new role, the country could begin the slow and arduous road to recovery.

Melchor Ocampo, deputy to the 1842 congress with Otero, and later governor of the state of Michoacán felt that there was little use for a standing army. He believed that “un pueblo libre y un ejército permanente son elementos de pugna y de conflicto,” and the only way that any balance was possible was if the soldiers never forgot that they were also citizens, and that the military was, and never should be, anything more than a servant of the nation.⁴⁷¹ Alamán, arguing from a conservative view point, believed that the army was a necessity, but he too believed that it was essential that the military be “en número competente para las necesidades del país,” these involving mainly the persecution of *indios bárbaros* and the defence of the highways. However, Alamán was

⁴⁶⁹ Ibid., pp. 274-275.

⁴⁷⁰ Ibid.

⁴⁷¹ Melchor Ocampo, “Discurso que pronunció el Diputado Melchor Ocampo en la discusión del artículo 26 del reglamento interior del Congreso – Agosto 1842,” in Raúl Arreola Cortés, *Melchor Ocampo. Textos Políticos* (Mexico City: Colección SepSetentas. SEP, 1975), p. 25-26.

an economist as well as a politician and felt strongly that any force must be “proporcional a los medios que haya para sostenerla, organizando otra mucho más numerosa de reserva como las antiguas milicias provinciales, que poco o nada contaban en tiempo de paz, y se tenían prontas para caso de Guerra.”⁴⁷² Organised along these lines, if the army could be financially maintained and its numbers kept steady, soldiers would be paid regularly and promoted according to their legal actions and participation, thus removing their need to revolt and support *pronunciamientos*.

In these views the army was seen as a hindrance, or at best, a necessary evil, to be accepted while indispensable changes could be carried out, eventually rendering the military obsolete. Indeed, Mora believed just that, that there needed to exist a privileged army, as a necessary evil, until such a time as the power of the state could be strengthened.⁴⁷³ There was, however, one faction convinced that the army was an essential part of Mexico. For the *santanistas*, the army was one of the most important, if not the most important, pillars of Mexican society.⁴⁷⁴ For Tornel, it was clear that the nation owed its independence to the military, and that if peace and stability were to be achieved the army would be a key factor in this. The *santanistas* were firmly committed to protecting the military’s position and privileges, as well as increasing its number. However, in their defence, it must be said that they were not advocating the use of brute force. Tornel, as a minister in the Santa Anna government in the early 1840s also sought to educate and professionalise the army, introducing a corps of engineers and improving

⁴⁷² Lucas Alamán, “Carta a Santa Anna, 23 Marzo 1853,” in Álvaro Matute, *Lecturas Universitarias. Antología. México en el Siglo XIX. Fuentes e interpretaciones históricas* (Mexico City: UNAM, 1992), p. 285. See also, Lucas Alamán, *Historia de México*, p. 516-517, where Alamán outlined the ills of the military and how, following revolt after revolt, the two warring sides would get back together and honour the promotions and medals afforded by each side to their members, thus ending up with far more officers and generals than the army could support.

⁴⁷³ Hale, *El Liberalismo Mexicano*, p. 147.

⁴⁷⁴ For an introduction to the *Santanistas* during the first half of the nineteenth century, as well as an insight into José María Tornel, one of their principal ideologues, see Fowler, *Tornel and Santa Anna and Mexico in the Age of the Proposals*.

the artillery.⁴⁷⁵ For the *santanistas*, Mexico would be unable to progress without the military. For them the army was the equivalent of a strong constitution.

What Otero defined as the second section of the armed forces, the National Guard, had been established in the 1820s in Mexico and had originally been set up “as a reserve force of citizen-soldiers to preserve domestic order and security and to protect the rights of the states and curb the army’s political strength until civilian power could be consolidated.”⁴⁷⁶ Because of this, the militia was seen as especially important in the *estados*, where they were to be established under the control of the governor; “this force had been conceived by the 1824 federal constitution as the state government instrument for the defence of the federal system and the representative institutions associated with it. In the states themselves, regional politicians had seen the civil militia as the authorised counterbalance to the regular army.”⁴⁷⁷ For Benito Juárez, a lawyer and the radical liberal Governor of Oaxaca who would go on to be president, the National Guard, which came under his control, was “a defence from within the states against the national ambitions of military politicians.”⁴⁷⁸ The *santanistas* on the other hand regarded the National Guard as a nuisance that only interfered with their plans for a strong military. If the army was allowed to take its rightful position, there would be no need for the existence of a civil militia.

For Otero, however, the militia was an essential part of Mexico’s armed forces, in conjunction with the police and the army. In the discussions that followed the presentation of Otero’s two constitutional proposals in 1842 and 1847, he developed these views further, stressing the importance of the civil militias. In his opinion this

⁴⁷⁵ Fowler, *Mexico in the age of the proposals*, pp. 240-243.

⁴⁷⁶ Pedro Santoni, ‘Where Did the Other Heroes Go?’ Exalting the “Polko” National Guard Battalions in Nineteenth-Century Mexico,” *Journal of Latin American Studies*, Vol. 34, No. 4 (Nov. 2002), p. 809. See also; Pedro Santoni, “The Failure of Mobilization: The Civic Militia of Mexico in 1846,” *Mexican Studies/ Estudios Mexicanos*, Vol. 12, No. 2, (Summer, 1996).

⁴⁷⁷ Brian R. Hamnett, “Benito Juárez, Early Liberalism, and the Regional Politics of Oaxaca, 1828-1853,” *Bulletin of Latin American Research*, Vol. 10, No. 1 (1991), p. 10.

⁴⁷⁸ *Ibid.*, p. 10.

force was essential for the stability of the nation, and therefore it should be regulated by the provisions of the constitution itself so that it could never be regulated by subsidiary laws.⁴⁷⁹ In his 1847 *Voto Particular*, which would become the *Acta de Reformas* to the 1824 Constitution, Otero established that the right of citizenship brought with it the right to vote in elections, to exercise the right to petition, to gather to discuss public matters and finally, to belong to the National Guard.⁴⁸⁰ In stating that these were rights and not obligations, Otero was, in effect, allowing each person to decide what actions they wished to take. He truly believed that the participation of the middle classes and of “honest” men in the National Guard would lead to stability. If these men could be convinced to work together towards eliminating the dominance of the military, the power, rightfully theirs, would enable them to press on with constitutional reforms and laws.⁴⁸¹ This opinion had been put forth by both Mora and Zavala in the 1830s, arguing that if the local militias were made up of middle class property owners it would be in their own interest to establish peace and assert the authority of the legitimate government.⁴⁸² Herrera’s government passed the National Guard legislation while Otero was in office as Minister of Home and Foreign Affairs, and Otero had great hopes for it.⁴⁸³ However, he noted an apathy in the Mexican middle class, which meant that while many were willing to complain about the state of the nation, few were actually willing to do anything about it and, without their participation, a National Guard would never work.⁴⁸⁴ During the months that followed, Otero’s fears were confirmed. The National Guard remaining nothing more than an insignificant group, small in number and highly

⁴⁷⁹ Otero, “Discurso 11 Octubre 1842,” *Obras*, I, p. 273 and “Voto Particular,” *Ibid.*, p. 362.

⁴⁸⁰ Otero, “Voto Particular,” *Obras*, I, p. 362.

⁴⁸¹ Letter from Otero a Mora, 15 Sept. 1848, *Obras*, I, pp 759-760.

⁴⁸² Hale, *El liberalismo Mexicano*, p. 147.

⁴⁸³ For more on the National Guard at this time see; Pedro Santoni, “Where Did the Other Heroes Go?” pp. 807-844.

⁴⁸⁴ Otero was not the only one to draw attention to the apathy displayed by his countrymen, Alamán too argued that there was a sense of complete indifference but he argued that this stemmed from the “funesto estado de las cosas” and not the other way around. Lucas Alamán, *Historia de México*, V, p. 508.

disorganised.⁴⁸⁵ Otero blamed the selfishness, the indifference and the *costumbres* of his fellow countrymen for their negligible participation. His dejection was such that he was even willing to consider one final, extreme solution, the introduction of a foreign force of disciplined soldiers and officers, whose support could be counted on in times of conflict.⁴⁸⁶ He felt that perhaps in this way stability might finally be achieved.

The final section Otero discussed was a dedicated police force. Otero believed that if the army were allowed to continue acting as a police force, the consequences would be as disastrous as they were during the colonial period, and as such an alternative needed to be found. Tornel also argued that part of the reason the army acted as it did after independence was related to the fact that it was constantly distracted by having to behave as a police force. Stationed in the centre of large cities, in Tornel's opinion, the army became undisciplined and this very location made their seduction by warring factions all too easy, "y llegaron a persuadirse de que el arreglo o desarreglo de la sociedad les pertenecía, sino como directores, al menos como agentes principales."⁴⁸⁷ Otero saw this quite clearly and felt that one option would be to use the National Guard in this role, though he felt their role should be precisely defined and this meant that certain aspects of law enforcement would still need to be covered. Because of this, Otero felt that the existence of a police force, formed by civilians and not the military, and whose task was to protect individual interests, was essential in civil administration. He went so far as to assert that without a police force, there could be no government.⁴⁸⁸ As he did with the army in the congressional debates in October 1842, Otero outlined the role he believed the police should play. The police would act at a local level which would allow the authorities to be aware of what was going on in the areas concerned. In

⁴⁸⁵ Letters from Otero to Mora, 14 Dec. 1848, 12 Feb. 1848, 13 May 1849 in Otero, *Obras*, II, pp. 767, 772-773.

⁴⁸⁶ Letter from Otero to Mora, 14 Oct 1848, *Ibid.*, p 762.

⁴⁸⁷ Tornel y Mendivil. *Breve reseña*, p.21

⁴⁸⁸ Otero, "Discurso 11 Oct. 1842," *Obras*, I, p. 273

addition, they would be in charge of patrolling the streets and the roads, ensuring gatherings remained peaceful and apprehending and guarding criminals. In order to fulfil their role it was not necessary for them to be men of great valour, nor those in search of glory. They would be organised in small forces with no reason to be commanded by men of importance or distinction. Their role would be played closer to the people they were watching over than to that of the armed forces.⁴⁸⁹ The policeman would reject any glory sought in perilous deeds. He would have total faith in the pacifying force of the law. His role would be to inspect and not attack and he would always be facing a fellow citizen, never an enemy. At no point would the policeman be in any way set apart from the society he came from; any criminal act he committed would be judged by the civilian power.⁴⁹⁰

Despite the solutions he proposed, as the country stood in 1848, Otero saw little or no hope for the future, although he still believed that if certain steps were taken, then the country would be wrested from military control and a brighter future would ensue. Federalism was the only possible political system for Mexico. Without it, the nation would be subject to revolts and revolutions which would degenerate into riots. If this were to happen, all social order would be lost, and those who sought power would no longer need an excuse or a cause to fight for power. Civil war would ensue. When this happened, Otero prophesied to his fellow deputies “¡ay! extrañareis esas revoluciones que necesitaban al menos un hombre y una causa nacional y en la que la nación no era, como será muy pronto, simple espectadora del combate en que se juega su suerte.”⁴⁹¹ Federalism would ensure that the *Estados* would no longer be weak, subordinate to the omnipotent and energetic will of a national government, and would give them the power

⁴⁸⁹ Ibid., p. 273-274.

⁴⁹⁰ Ibid., p. 273-275.

⁴⁹¹ Ibid., p. 315.

to control and subdue their military leaders, bringing them under state control.⁴⁹² It was essential for the sanctity of the constitution to become an established fact.⁴⁹³ The constitution would have to graft onto society those institutions which would set it on the path to stability.⁴⁹⁴ Congress needed to be the representative of the people, but at the same time, as their elected body, its decision had to be final. This ensured that congress would act in the best interest of the entire nation and could not be coerced into taking decisions to favour a certain group or political faction. In 1842, Otero stated that he openly supported the *Derecho de Petición* as a means for individuals to be able to make their voices heard, but only if it were presented before congress. In addition, Otero insisted that this *petición* would be just that, and no more, that the congress should be able to deal with issues as they saw fit.⁴⁹⁵ Previous events had meant that this right to petition,

dirigidas siempre al principio con el tono de la sumisión y bajo las mayores protestas de obediencia, han sido primero la señal y luego el título con que en nombre del bien público y de la voluntad general han destrozado las facciones a la República y destruido de año en año a las leyes y el orden establecidos.⁴⁹⁶

A powerful and stable congress would ensure that any correctly submitted petition, could be heard; the will of the people debated before it, leaving the military with no recourse to complain in any but the established manner. Otero argued that the current institutions were nothing but brilliant theories, abstracts, and in no way related to the individuals they were meant to govern.⁴⁹⁷ It was essential that these institutions be able to instil, once again, a sense of respect for the law, to protect individual guarantees, to provide a solid justice system. Without this, Otero believed that there would be little

⁴⁹² Ibid., p. 275

⁴⁹³ Ibid.

⁴⁹⁴ Ibid.

⁴⁹⁵ Otero, "Discurso pronunciado por el Sr. Diputado Lic. D. Mariano Otero, en la discusión del artículo 26 del proyecto de reglamento, 21 Agosto 1842," in Otero, *Obras*, I, pp. 159-167.

⁴⁹⁶ Ibid., p. 161.

⁴⁹⁷ Otero, "Réplica," *Obras*, II, pp. 585-586.

room for change; public power would remain the object of “los más criminales e ignominiosos motines” and the nation would become “la propiedad de sus legiones de empleados civiles y militares, y dominante siempre sobre todos los sistemas y a pesar de todas las constituciones un régimen puramente militar, que todo lo corrompía y lo devoraba.”⁴⁹⁸

Otero’s introduction to the national political stage came via a military *pronunciamento* that swept through Mexico in 1842, bringing down the established government and replacing it with those who had supported the Revolución. However at the same time, he was a member of a congress struggling to survive in the face of another string of *pronunciamentos*, led by those same people, who were not happy with the political direction congress was taking. This must be taken into consideration when drawing any conclusions from Otero’s political thoughts, as outlined above. The *Ensayo*, fulfilled a twofold task of supporting the actions of those who had initiated the *pronunciamentos*, and of garnering support for a congress that had emerged from the demands outlined in those same *pronunciamentos*. It is easy to see that the apparent contradiction of pronouncing the Revolución de Jalisco as the greatest event to have befallen the nation while simultaneously condemning the proclaiming of *pronunciamentos* as a vile practice which served only to fragment the nation, was Otero’s way of accepting the actions which had led to the situation as it stood, while paving the way for future reform.

Otero’s historical analysis was carried out from the perspective of someone who had not endured colonial rule and never experienced the struggle for independence. He argued that the military had not been a political force during the colonial period and had only risen to prominence during the struggle for independence. During this struggle,

⁴⁹⁸ Ibid., p. 586.

Otero argued, the intervention of the military in political affairs was understandable as to all intents of purposes there was a war in progress. However, it was unforgivable, in his opinion that this intervention had been allowed to continue after independence. From that point forward the army should have reverted to its position as a tool of the legitimately constituted state. As we have seen, he was not alone in this view. Most also shared Otero's view that the army needed a just recompense for its involvement, not only in the struggle for independence but its part in any action on a national scale defending this independence from foreign powers. However, he believed that this should be the only time that the military was rewarded.

Factionalism and party politics could also be blamed for their corruption of the army, as warring political interests continually sought military backing to achieve their aims. This was a common view in the 1840s. Tornel, Pedraza, Alamán, all agreed with Otero that political manoeuvring encouraged military intervention in politics, splitting into factions, with different sections supporting different political elements. At the same time, Otero portrayed an army in disarray, in urgent need of reform; feared where it should have been revered, fractured where it should have been united. It was poorly equipped and often impoverished, its regiments disorganised. This view of the army was typical for the first half of the 1840s, where even the *santanistas*, the most ardent supporters of the military, agreed that reform was essential to ensure its position in Mexico was maintained. However, even the moderate, Otero was unable, or unwilling, to challenge the status quo, believing it would cause a backlash by the army.

The war with the United States was a turning point in Otero's attitude to the military. The army had failed to defend the nation from invasion, and Otero blamed its leaders whose incompetence had been clearly demonstrated by its defeat at the hands of a smaller US force. During the years that followed Otero joined his contemporaries in

criticising the military and in blaming the armed forces for the state of the nation. What Otero had identified as a turning point in 1848 was not and, as he pointed out in the month following the signing of the peace treaty with the United States, the Mexican military insisted on continuing to play a role in politics, unable, and unwilling to accept its defeat. Otero had truly believed that its failures during the war would finally reveal its need for reform and that its weakened position would make this possible, but little was actually accomplished.

None of this, of course, negated the need for a standing army, but a reformed army, confined by a strong constitution, ensuring the observance of the rule of law removing the army as a tool of political factions and ending once and for all, the “funesta manía de las revoluciones.”

Otero’s views on the military were inextricable from his analysis of the state of the nation in the 1840s. However, national circumstances were such that although he agreed wholeheartedly with other radical factions on its reform, he understood, as did most of his contemporaries, that the army wielded the power to make or break governments. Unfortunately, once it had lost much of its power and influence after its resounding defeat by the US forces, the nation was in no state to do so. Otero’s final years saw him introduce legislation to make a strong National Guard a reality, but the loss of the war had taken its toll and the middle classes, who were key to making it a success, displayed nothing but pessimism, apathy and political inaction. Otero’s moderation and caution had meant that while he had achieved his goal of introducing reforms to the military forces, they were too few and too late. Weeks before his death he abjectly stated he had no hope for the future, and that perhaps the nation’s only hope for

salvation rested with the introduction of foreign forces to deal with the Mexican military situation, once and for all.⁴⁹⁹

⁴⁹⁹ Letter from Mariano Otero to José María Luis Mora, 14 December 1848, in Otero, *Obras*, I, p. 767-769.

5.

The Church

The multifaceted roles played by the Church in the Americas are central to any discussion or study of the nineteenth century. It was involved in the life of the new colonies from the very beginning of the Spanish conquest of the Americas on all fronts –political, social, economic, cultural and educational. As the conquistadors moved outward from their original landing places, they did so accompanied, in most cases, by members of the clergy. These representatives of the Church, from both regular and secular orders, eventually permeated all levels of colonial society; from the conversion of the Indians at the very borders of the newly conquered lands to the education of the children of the upper classes in the capital cities. This meant the influence of the Church reached out far and wide, felt by all, the poor, the rich, the disenfranchised; they all came into contact with the clergy at one point or another of their lives. For the monarchy, the Church in the colonies was, above all, a source of wealth, through property purchase and the rents, loans and the income it received from tithes, constantly attracting the attention of the Spanish crown which coveted it and harnessed it through the *Patronato de Indias*; “the power to nominate or present a cleric for installation in a vacant benefice.”⁵⁰⁰ In addition following three hundred years of evangelisation, conversion and guidance, reforms introduced into New Spain by the Bourbon monarchs from the mid-1700s, which came to be known as the *reformas borbónicas*, led to a series of changes and developments across the colonies, some of which were aimed specifically at the Church. Whereas service in the military was made

⁵⁰⁰ For the full definition and further examination of the *Patronato* see J. Lloyd Mecham, *Church and state in Latin America: a history of politico-ecclesiastical relations* (North Carolina: University of North Carolina Press, Revised edition 1966), the quote is from p. 4. For information on patronage in Independent Mexico see Michael Costeloe, *Church and State in Independent Mexico. A study of the patronage debate, 1821 – 1857* (UK: Royal Historical Society, 1978).

more accessible and its position strengthened, the object of the clerical reforms was to bring the Church under the closer control of the Spanish monarchy in order to target its increasing wealth. However, the Church's firm grip on all levels of society also meant that the Bourbon monarchs needed to introduce measures designed to inch slowly towards secularisation.

With the eruption of the struggle for independence, the Church split, as did the army and the nation, some favouring separation from Spain, others remaining loyal to the monarchy. Once independence had become a fact, the Church faced the challenge of carving a niche for itself and establishing its position in the nascent Mexican nation. In doing so it was vying for position and influence with the military and the new statesmen. Even the latter were divided, and after the failed Mexican empire, a number of them were keen on forging a new, liberal, nation, and continuing the reforms initiated by the Bourbon monarchs, their eventual target being the complete separation of Church and state, although this was not to be achieved until the Liberal constitution of 1857. This secularisation of the Church was aimed solely at its political position in the nation. There was no attack during the early national period on the spiritual role of the Church. It was the work of the politicians of the three decades following independence, joined later by Mariano Otero and his contemporaries, whose goal in defining, addressing and eventually eliminating the political power and influence of the Church was a major factor in the nation they sought to build.

With this historical backdrop in mind, this chapter seeks to analyse Mariano Otero's views on the position of the Church and the clerical debate during the early national period. Michael Costeloe identified several of the outstanding issues that most preoccupied the reformers and nation builders during the decades leading up to the *reforma*; patronage, reduction of the religious orders, amendment and eventual abolition

of the *fueros*, confiscation and management of Church properties and wealth, and the wresting of education from the grasp of the Church.⁵⁰¹ After briefly exploring his separation of personal faith and political beliefs, each of the key themes that Costeloe flagged will be explored with particular reference to Otero's ideology. First this chapter, like the previous ones, will present Otero's historical view of the Church, in order to understand the issues he saw arising from this background; the very same issues that would echo into the decades following independence. As far as the Church was concerned, Otero believed that the colonial legacy had been detrimental to the power of the Church. He described an organisation that was wealthy and influential but unable to consolidate any direct political power. Otero's views on the decline of the Church in the late colonial period, the impact of the Bourbon reforms and the Cádiz Constitution, as well as his views on the Church hierarchy, division and the role it played during the struggle for independence will be examined first. The second part of this chapter will explore the different areas of influence identified by Otero in the early national period; patronage, Church wealth, particularly with regard to the alienation of mortmain properties and ecclesiastical influence on education. Each of these sections indicates a different attitude. Some he saw as irrelevant to the 1840s and others he used to demonstrate that slow, gradual, moderate reforms could work. The final sections will look at his active involvement in the Church/state debate, with special focus on two specific moments in time; his willingness to compromise with the Church in 1842, and the motivations behind his actions during the mortmain debates of 1847. The ideology that can be gleaned from this is in stark contrast with that which emerged in the previous chapter. The urgency he displayed when referring to the reform of the military

⁵⁰¹ Costeloe, *Church and State*, pp. 1-4.

is not to be found here –Otero’s position vis-a-vis the Church were typical of the moderate stance of the decade, slow, gradual reform coupled with compromise.

In order to differentiate between his apparent anticlericalism and his ardent Catholicism, it is important to bear in mind the distinction that he, like so many of his contemporaries, made between the Church as a political institution, and the Church as a spiritual and moral guide. It may appear, at first glance, that these terms are contradictory but in the early national period the separation between Church and state “significaba la expulsión del poder de la Iglesia de todos los campos temporales o civiles y, al mismo tiempo, que el gobierno protegería a la religión católica.”⁵⁰² His anti-clericalism is to be understood merely as his opposition to any religious involvement in the political affairs of the new nation, his ultimate goal being the complete separation of Church and state. Otero was a Catholic and he believed that “la religión eleva el alma” and “moraliza”⁵⁰³ and maintained that Catholicism should be the official religion of Mexico arguing that much of what made Mexico great was the spiritual connexion that their shared religion gave its people.⁵⁰⁴ He believed that the Church should indeed play an important role in society but one restricted to the spiritual and moral spheres. Otero was not the only one showing this contradiction. Despite his mostly radical stance on ecclesiastical reform, Valentín Gómez Farías was unwilling to allow his daughter to marry a Protestant.⁵⁰⁵ Gómez Farías openly proclaimed that “no es opuesto a la profesión del catolicismo el uso de las prerrogativas inherentes a la soberanía de la nación,” and was, therefore, capable of making a distinction between faith and political

⁵⁰² Hale, *El liberalismo mexicano*, p. 133.

⁵⁰³ Otero, “Indicaciones sobre penitenciarias,” *Obras*, II, p. 657.

⁵⁰⁴ Otero, “Voto de la Minoría,” *Obras* I, p. 325.

⁵⁰⁵ Will Fowler, “Valentín Gómez Farías: Perceptions of Radicalism in Independent Mexico, 1821 – 1847,” *Bulletin of Latin American Research*, Vol. 15, No. 1, p. 47.

prerogative.⁵⁰⁶ The conservatives, embodied by Lucas Alamán held a different view; that Catholicism was to be preserved because, as well as divine; it was “el único lazo común que liga a todos los mexicanos.”⁵⁰⁷ Alamán, writing on behalf of the conservative factions in the early 1850s, believed that worship should be sustained at all costs, and guarantees offered to the clergy on this point, indicating his disbelief that one could be separate from the other, because issues of politics and faith were so closely integrated.⁵⁰⁸ The traits that characterised the moral teachings of the Church not only united all Mexicans but could be transferred to the political arena too.

As was his custom, Otero approached his analysis of the Church with an initial historical appraisal in order to establish the nature of its colonial legacy and how it had emerged after independence. First and foremost, according to Otero, the Church had become wealthy in New Spain under the Spanish Catholic Monarchy in terms of capital and properties. He described the Church –along with the army– as “las altas clases de la sociedad.”⁵⁰⁹ In other words, the echelon of society wielding most influence, by one means or another; in the case of the army it was physical force; in the case of the Church, moral superiority and economic clout. Otero argued, however, that while its wealth afforded the Church considerable influence, it did not grant it political power per se. He pointed out that while the monarchy used both the Church and the military as instruments of oppression, the Crown used both passively and their respective roles had always been secondary and subordinate to the wills of the Spanish king.⁵¹⁰ It was Otero’s belief that “nunca hubo privilegios políticos; éstos consisten en la participación

⁵⁰⁶ Valentín Gómez Farías, “Sr. Gómez Farías, al cerrar las sesiones extraordinarias, el 31 de Diciembre de 1833,” in J. A. Castellón, *Informes y manifiestos de los poderes ejecutivo y legislativo de 1821 a 1824* (Mexico City: Imprenta del Gobierno Federal, 1905), I, p. 168.

⁵⁰⁷ Lucas Alamán, “Plan de los conservadores, expuesto por Lucas Alamán en una carta dirigida en marzo de 1853 al general Santa Anna,” in Antología in Gastón García Cantú, *El pensamiento de la reacción Mexicana. Historia Documental (1810 – 1859)* (Mexico City: UNAM, 1994), I, p. 315.

⁵⁰⁸ Ibid.

⁵⁰⁹ Otero, “Discurso, 11 Oct. 1842,” *Obras*, I, p. 324.

⁵¹⁰ Ibid., p. 273.

del poder público y nadie participaba del poder público en las Colonias.”⁵¹¹ In this, he was not entirely accurate. While it might have been true that the Church did not participate politically in the colonies in the way that Otero and his contemporaries participated in the building of the nation after independence, certain members of the colonial Church definitely exercised political power.⁵¹² The mere fact that the Spanish crown introduced Church reforms in New Spain during the second half of the eighteenth century suggests that there was a power that needed to be curtailed and brought back under monarchical control. David Brading asserts that “the clergy had come to enjoy the authority and prestige that elsewhere was exercised by the civil power,” arguing that in certain areas members of the Church doubled as judges or officers of the crown.⁵¹³ The power of the Church was all the more threatening because it was not a power acquired simply through laws but through beliefs and faith.

Otero also believed that the schisms within the Church structure went a long way to explaining why, despite its wealth and influence, it never achieved the political pinnacles that the army enjoyed after Independence and argued that what influence it had been able to garner had been split between what often turned out to be rival factions.⁵¹⁴ Otero described the clergy as being divided into three *clases*. These can be defined as follows:⁵¹⁵

1. The High Clergy – Made up of bishops, canons and members of ecclesiastical councils.
2. The Secular Clergy - composed of “los curas y los simples sacerdotes.”
3. The Regular Clergy – members of the religious orders.

⁵¹¹ Ibid.

⁵¹² For further general information, and with specific reference to Michoacán, see D. A. Brading, *Church and State in Bourbon Mexico: the diocese of Michoacán 1749 – 1810* (Cambridge: Cambridge University Press, 1994).

⁵¹³ Brading, *Church and State*, p. 7.

⁵¹⁴ Otero, *Ensayo*, p. 32

⁵¹⁵ A full description can be found in Ibid., p. 33-35.

Otero spoke critically of the first group, the High Clergy. The picture he painted was one of riches and power, of a group of men enjoying all the benefits of their Church position. He defined them as wealthy individuals who lived in the biggest cities, wielded the most influence and power, and more importantly, were usually Spanish. From the start this set them apart. With the advent of the Bourbon reforms, and a liberal exercise of the *patronato*, the monarchy ensured that these higher positions were open only to Spaniards. As a result, Otero argued, the much more numerous *criollos* were bitter, feeling excluded and treated as a subservient class in their own nation. It is true that the higher echelons of the clergy held the most wealth, and equally true that Spaniards dominated such positions.⁵¹⁶ However, though this section of the Church was most willing to support and implement the reforms suggested by the monarch, they too saw themselves affected by them. Indeed, their wealth and power were targeted directly; the Spanish crown demanded that the administration of the tithe be transferred to the hands of the civil administration and introduced taxes which targeted the cathedral chapters specifically.⁵¹⁷ The fact that Otero was critical of this section of society fits in with the radical liberal view of men like Zavala who believed that the colonial legacy had been disastrous for Mexico, particularly the hold exercised by the Church over education, perpetuating the ills of faith over knowledge.⁵¹⁸ The High Clergy were seen by Otero, as having sided with the monarchy and the royalist troops during the struggle for independence and having actively sought to hinder the birth of an independent Mexico.

⁵¹⁶ Brading, *Church and State*, pp. 210, 215.

⁵¹⁷ *Ibid.*, pp. 8, 212.

⁵¹⁸ As noted in Chapter 3, Zavala considered that under the colonial system the non-Spanish born inhabitants had been crushed into a blind, passive obedience, unable to question or challenge the status quo. He described them as being wilfully kept in a state of ignorance by their colonial overlord, educated only in religion and superstition and unable to break the Spanish monopoly on commerce, property ownership or administrative jobs. Zavala, *Ensayo Histórico*, p. 21.

In stark contrast with his description of the higher clergy, Otero viewed the secular clergy with a touch of affection. He described them as living, for the most part, outside the metropolises, having greater contact with the people, and little access to the abundant wealth of the Church. They lived mainly on the income from their parishes which, when remote or small, was often miniscule. They were the most numerous and, were for the most part, born in Mexico. This, he said, was the most well respected and loved section of the clergy. Jan Bazant agreed with him when he said that the regular orders derived their wealth from real estate and invested capital while the secular clergy, the parish priests, relied on the tithes, legacies and parochial fees.⁵¹⁹ This was supported further by accounts of priests whose positions in certain parishes left them impoverished and dependent on alms.⁵²⁰ On the other hand, many priests enjoyed a degree of comfort, being able to live adequately of the income they received.⁵²¹ William B. Taylor, while mostly agreeing with the Otero –arguing that many priests were rural, and spent most of their time “in spiritual exercises, visiting the sick, saying mass, and coordination of the observances of small numbers of the faithful in far-flung places”– also states that these priests “enjoyed less influence than most commentators have imagined.”⁵²² For Otero, however, these sections of the clergy represented much of the greatness of the independence movement. As he saw it, it had been the lowly priests who had initiated the struggle for independence and the nation was indebted to them. Taylor supports this view when he points out that the clergy, particularly the parish priests, found themselves torn, pulled one way or another by differing interests. On the one hand, they were the representatives of the Bourbon monarchy, and on the other, they were “called to a

⁵¹⁹ See, Jan Bazant, *Alienation of Church Wealth in Mexico. Social and economic aspects of the liberal revolution 1856 – 1875* (UK: Cambridge University Press, 1971), p. 8.

⁵²⁰ Quoted in Brading, *Church and State*, p. 109.

⁵²¹ *Ibid.*, p. 112.

⁵²² William B. Taylor, *Magistrates of the Sacred. Priests and Parishioners in Eighteenth-Century Mexico* (US: Stanford University Press, 1996), p. 12.

higher law; and they were overwhelmingly American- born and educated.”⁵²³ It was this, Otero believed, that made them instrumental in the struggle for independence. Men such as Zavala and Mora “found little good and much deplorable in the 1810 insurgency” and Alamán had lived through what he described as the horror unleashed by Hidalgo rallying the masses.⁵²⁴ Otero believed that these were the men who had brought the change. Indeed, this was a fairly common view among the younger generations who, despite showing scant interest in involving the lower classes in the political decision making process, were happy to honour the heroes of independence, many of whom had been members of the lower clergy, including, of course Hidalgo and Morelos.

Otero expressed no opinion on the Regular Clergy contenting himself with a description only. It was seen as a section of the Church which was isolated from the other two. As with the higher clergy, they were mostly Spanish. They had settled in monasteries and convents in the principal towns, and maintained their influence through the *cofradías*, and on the basis of the assets they retained.⁵²⁵ This apparent dismissal of the regular orders was Otero’s response to the situation as he saw it in the 1840s. The expulsion of the Jesuits in 1767 had curtailed the influence of the regular orders and those that remained, such as the Franciscans, were mainly based in the frontier regions of the Mexican nation, where they exerted little or no political influence. Serving in the Mexico State legislature, Mora called for the dismantling of the monasteries, and it was one of the common goals of the *puro* liberals from the late 1820s.⁵²⁶ However, in

⁵²³ Taylor, *Magistrates of the Sacred*, p. 450.

⁵²⁴ Alamán “appears never to have forgotten the terrible days of 1810, when as young man of eighteen, he witnessed the populace of Guanajuato join the rebel forces of Hidalgo to roam the streets in search of plunder” and he “cherished an image of a Mexico founded by Cortés and led to independence by Iturbide.” In Alamán’s imagery there was no room for the lower clergy who had rallied the masses. D. A. Brading, “Creole Nationalism,” pp. 151, 155.

⁵²⁵ Otero does not explore the Regular Clergy in any great depth, so there is no analysis of this section of the Church. Further information on it can, however, be found in; D. A. Brading, *The first America: the Spanish monarchy, Creole patriots, and the liberal state, 1492-1867* (Cambridge: Cambridge University Press, 1991), Brading. *Church and State*, and Taylor, *Magistrates of the Sacred*.

⁵²⁶ Hale, *El liberalismo Mexicano*, pp. 118, 135.

Otero's opinion, two decades later, these men, with their limited political influence, barely warranted a mention. His description of the different sections of the clergy was representative of his moderate viewpoint. He was willing to demonise the higher clergy, who exerted most of the political power within the Church, while looking favourably upon the more humble, lower clergy, whose power was mostly moral and spiritual.

In his eyes, the sundering from Spain had been inevitable; part of the natural progress of colonies.⁵²⁷ As Otero saw it, the secular clergy, was instrumental in bringing about independence. They provided leadership and guidance for the people.⁵²⁸ This section of the clergy fought for independence alongside the lower classes, as well as the members of the military, who Otero described as being subjugated to the will of their Spanish masters, and alongside merchants who were victims of the Spanish trade monopoly.⁵²⁹ This was not a view shared by the older generations, those who, in the first years after Hidalgo's *grito*, had experienced all that these leaders from the lower clergy had unleashed upon the nation. For this generation, scarred by these events, the clergy's role in the initial stages of independence was often judged more harshly. Both Alamán and Mora, ideologically opposed on most subjects, agreed that "Iturbide was the true father of independence" and both condemned a priest, Hidalgo, for allowing his troops to massacre creoles and attack their properties.⁵³⁰ Both had experienced at first hand the effect of the influence of the clergy on the masses. Otero, removed from those events, saw the priests that participated in the struggle for independence as the fathers of a movement which ended with the liberation of Mexico from the yoke of its colonial masters.

⁵²⁷ Otero, *Ensayo, Obras*, I, p. 38.

⁵²⁸ *Ibid.*

⁵²⁹ *Ibid.*, p. 38-39.

⁵³⁰ Fowler, "Dreams of Stability," p. 288.

So when Otero listed those ranged against independence, not only did he mention the established administration and Spanish commercial interests as being on the ‘other’ side, he also heaped recriminations on the high clergy. Not only were they opposed to the independence movement, he also accused them of being in favour of the slavery Mexico had suffered under colonial rule. They openly supported the Spanish government’s attempts to repress the movement, neither knowing nor caring where such a struggle might lead.⁵³¹ Singling them out, in a struggle he defined as a fight of privilege against liberty, he was once again emphasising his distinction between the moral and political duties of the Church. Otero, like many of the men that participated in the independence movement and those that wrote about it in the years after it was achieved, overemphasised the role of the clergy.⁵³² Some, like Mora or Alamán, did so in order to ensure that the disasters that had characterised the early years of the struggle were not forgotten. Otero, however, took the view that the role of the clergy was important because these men took the very first steps towards the independence he saw as inevitable, and should be credited with the glory they justly deserved.

Seemingly there is a contradiction between Otero’s accounts of the independence movement and his support of it, and the ideology we know him to hold. Like many of his contemporaries, he did not believe in universal male suffrage; he believed the only way to improve the state of the nation was for the middle classes to take control of all the political aspects. Why then his support for the role of the clergy during independence? Otero saw independence as an isolated moment in time, a specific set of circumstances, a time of war. Otero mentioned and called down glory upon such leaders as Morelos and Hidalgo, clerics both. However, this did not restrain him from

⁵³¹ Otero, “Discurso 1841,” *Obras*, II, pp. 412-413.

⁵³² Taylor quotes Lucas Alamán and Henry G. Ward but points out that priests appear as prominent leaders and fighters on the side of the insurgents in many of the “standard” accounts of the independence movement written by Otero’s contemporaries. Taylor, *Magistrates of the Sacred*, p. 452.

drawing attention to their participation as leaders of a lower class, a *multitud desgraciada*, who rained death and destruction upon those who stood in their way. Otero justified the roles of these warrior priests by stating that those were trying times and exceptional circumstances but arguing vehemently that they should never be repeated; “¡Horror a estos ejemplos, y que jamás sean repetidos!”⁵³³ Therefore, he understood, and echoed, the concerns voiced by the older generation, of men like Alamán and Mora, while insisting that such a movement had been the only means of securing independence at that particular point in time and as such the heroes of the movement were to be praised.

The last years of colonial rule and the war of independence had been a turning point for the influence of the clergy. Otero considered that had independence been achieved in the 1770s, the Church’s position of power was such that there was little doubt that it would have seized control of the civil and political administration.⁵³⁴ However, as Otero noted, “las revoluciones transforman asombrosamente los elementos sociales.”⁵³⁵ What limited political power he believed that the clergy did possess under the Catholic Monarchy was initially reduced by the reforms introduced in the colonies, and undermined further by the events and changes of the years of the struggle for independence. Therefore, he claimed, the situation of the Church in 1821, in the newly independent Mexico, was radically different from that of a Church at the height of its power in the 1770s. By the time Otero was writing, in the 1840s, the political power of the Church had declined even further.⁵³⁶ The reforms to which Otero was referring were

⁵³³ Otero, “Discurso 1841,” *Obras*, I, p. 413.

⁵³⁴ Otero, *Ensayo*, *Obras*, I, p. 41.

⁵³⁵ *Ibid.*

⁵³⁶ This view is supported by Costeloe when he comments that the Church was “clearly an institution in decline, far removed from the once all powerful corporation, privileged and protected by the Spanish Crown as an essential instrument of regal domination. Internal division and the reformist zeal of the Bourbon monarchs throughout the 18th century had reduced ecclesiastical privileges and immunities” in Michael Costeloe, *Church and State in Independent Mexico. A Study of the patronage debate 1821 – 1857* (London: Royal Historical Society, 1978), p. 29.

the *Reformas Borbónicas*.⁵³⁷ These were reforms introduced by the Spanish Monarchy to tighten or regain power over different sectors in its colonial administration, which included the Church and the military.⁵³⁸ Otero noted that changes after 1770 brought the Church under the monarch's control through exercise of the *patronato*, ecclesiastical benefices or through the *magistratura*.⁵³⁹ A measure was introduced in 1795 revoking the immunity hitherto enjoyed by the clergy from prosecution in the royal courts.⁵⁴⁰ And, as noted above, the Spanish crown eyed the Church in New Spain as a source of wealth, and many of the reforms of the final decades of the century were aimed accordingly.⁵⁴¹ This was why Otero asserted that as a colonial institution the Church was weakened in the years leading up to the struggle for independence, and that these attacks led to the role that certain sections of the clergy played in the 1810 insurgency. This role was, in the words of Brading; "a reaction to the prolonged and reiterated assault on the privileges, jurisdiction, wealth and income of the Mexican Church launched from Madrid by ministers inconvertant with the realities of New Spain."⁵⁴² However, Taylor says that although some priests did stand behind the ideals of the independence movement, most never changed their attitude to "hierarchy, custom,

⁵³⁷ The reforms targeted all levels of the ecclesiastical hierarchy. Though Otero dated the major changes to the 1770s, the reforms had begun just after the middle of the century with laws that signalled the beginning of secularisation in New Spain, whereby the administrative and religious duties of the regular orders were transferred to the secular clergy. However, it was indeed from the 1770s that the attacks on the clergy became more general, in an endeavour to curb their overall power. Brading, *Church and State*, p. 8.

⁵³⁸ As already mentioned, for further information of the Bourbon reforms and their impact on various areas of colonial life see; D. A. Brading, Taylor, Bazant, among others.

⁵³⁹ The *patronato* allowed the monarch to nominate and appoint a cleric of his choice to any vacant living and, while it was not one of the Bourbon reforms, it did ensure that he could place and promote his favourites as he wished.

⁵⁴⁰ *Ibid.*

⁵⁴¹ Such measures included, but were not limited to: the move towards secularisation and taxing the income of the cathedral chapters, the consolidation of Church capital, the removal of the authority of the bishops over tithes, the removal of immunity from royal prosecution, the introduction of specific fees for services the priests rendered their parishioners, restrictions on holidays, reduction in stipends, a redefinition of public and Church property, in addition to a variety of measures directed at curtailing and seizing Church wealth and properties and which were often accompanied by anticlerical rhetoric. Brading, *Church and State*, pp. 8, 9, 212, 222, 226-227, Taylor, *Magistrates of the Sacred*, pp. 13-16.

⁵⁴² Brading, *Church and State*, p. 9.

submission and mediation.”⁵⁴³ Furthermore, Anne Staples takes this one step further, confirming that during the War of Independence, as well as the horizontal divide proposed by Otero, there was a vertical divide; that “clergymen possessed a wide variety of interests, concerns, political views, styles and means” and as such, the Church “reflected the divisions of the society in which it lived.”⁵⁴⁴

Otero believed that, apart from the effects of the Bourbon reforms, the power and position of the Church had come under further attack on the introduction of the 1812 Cadiz Constitution, initially in Spain itself, and then in New Spain. Otero argued that it was a fear of such radical constitutional reforms that ensured that when independence was finally achieved, the Church was more than happy not only to accept, but to support, the new Empire and Republic in the years that followed.⁵⁴⁵ Otero noted that when it became evident that the only way for the nascent republic to be governed was by a civil, non-monarchical, non-religious administration, the Church was left with no other option than to do its best to hang on to its precarious position in the nation. Precarious, according to Otero because the clergy, unlike the army, were weakened by independence. He believed, therefore, that the clergy’s main aims in the years immediately following independence had been to strengthen their position in the new republic and to avoid the dangers threatening them in the 1812 constitution and subsequent liberal reform. In addition, the conflict and divisions experienced by the clergy during the War of Independence did not magically disappear with the victory of the insurgents. Indeed, it can be argued that once the common cause of liberty had been removed, further divisions emerged as the Church sought to find its position in the new nation. Moreover, the position of the Catholic Church itself was precarious; the Vatican

⁵⁴³ Taylor, *Magistrates of the Sacred*, p. 451

⁵⁴⁴ Staples, “Clerics as Politicians: Church, State and Political Power in Independent Mexico,” in Jaime E. Rodriguez O., *Mexico in the Age of Democratic Revolutions, 1750-1850* (UK: Lynne Rienner Publishers, Boulder & London, 1994), pp. 240-241.

⁵⁴⁵ Otero, *Ensayo, Obras*, I, p. 42.

refused to recognise Mexican independence from Spain until the last few months of 1836, leaving the Mexican Church to face the double standard of following the orders of the Vatican, as head of the faith, and carving a position for itself in the new nation. Iturbide's *trigarante* army proclaimed religion as a bastion of the Empire and the 1824 constitution proclaimed that Catholicism was to be the only religion of the nation. For Otero, writing from his 1840s viewpoint, where even his moderate liberalism called for the separation of Church and state, it was easier to portray the Church as a noble entity during the war of independence, and a weakened one on emerging from it. In hindsight, he could highlight the moral and spiritual role of the Church at the same time as he denounced its struggle for political power in the years following independence from Spain.

Otero argued that it was natural after independence that questions should arise on the limit on ecclesiastical interference in state affairs, especially in a nation, such as Mexico, where the clergy had exerted so much influence over all levels of society. He argued that this influence had come, not only from their position as landowners but also from “la intervención que ejercía en los actos civiles, por su influencia en la población, por su calidad de encargado de los más de los establecimientos públicos, y por la intolerancia de las leyes.”⁵⁴⁶ Otero believed that all of these things ensured that, liberated by independence from the ties and control of the monarchy, the Church was in a perfect position to establish itself as a key political player in the new republic. As a liberal, moderate or otherwise, he thought that the consequences of such a role would have been disastrous –if the moral and spiritual influence the Church exerted had been turned into political power, the separation of Church and state would have become well nigh impossible. In his opinion, this never came to pass. He did not deny its influence

⁵⁴⁶ Ibid.

and its strength in other areas, but he did not see it as maintaining a strong political position. He believed that the new political classes had, from the very beginning, been aware of this possible opponent and acted accordingly. Otero ardently believed that in the years that followed independence, as certain aspects of this influence were addressed step by step, the nation was working towards the eventual complete separation of Church and state.⁵⁴⁷ This is again, a reflection of his moderation, and an argument which can be used to support his stance later in his political career. Ending all Church involvement in the affairs of the state needed to be gradual in order to avoid a backlash and it was Otero's opinion that the small measures introduced from the very first years of independence had ensured that the Church never consolidated what could have otherwise been a position of enormous political power. Indeed, he felt that, unlike the army, the influence of the Church in political life had been curbed yet further in the years following independence and he used this view to underpin his call for moderation when dealing with matters of such delicacy. This also explains the fact that he displayed less urgency when calling for Church reform than when he fought for the re-introduction of federalism or clamoured for the curbing of military power. The latter issues were latent and urgent, the former was less urgent and gradual reform was already happening.

Legislatively and in his writings, Otero identified specific areas of Church influence. The manner in which he described these areas of influence and the way in which they had been handled supported his theory –reform was possible if introduced slowly, over time and handled with care. Some areas he analysed merely to demonstrate how events had worked in such a way that the political power of the Church was diminished without causing any upheaval, perhaps as examples of what could work –

⁵⁴⁷ Ibid., p. 42-3.

such as the *patronato*. Other areas such as the *fueros*, were not yet ripe for reform, or could be guaranteed in order to soften other blows, and there were still others where he himself could legislate, in the hope of further widening the gap between Church and state.

In the years that followed independence the patronage debate had been of considerable importance to those responsible for constituting the nation.⁵⁴⁸ Prominent political figures from Mexico had attended the Cortes de Cadiz, and these same men were those called to participate in the construction of the republic. With the removal of the rigid controls exercised by the Monarchy and the Inquisition, new political and philosophical notions began to flow into Mexico. Otero described the hold that the monarchy had had over the Church, as being in two critical areas, which were interlinked. Firstly the “derechos de patrón” and secondly through the *magistratura*.⁵⁴⁹ These had ensured that the power of the monarchy was upheld and administered correctly in the colonies. However, once the monarchy was no longer a consideration, with the advent of independence, the “learned classes,” in Otero’s words, responsible for administration of the nation, were faced with a dilemma. Who should hold the power of the *patronato* in the new order?⁵⁵⁰

According to Otero, opinion was divided. There were those who believed that after independence from the Spanish monarchy, the Church represented by the Vatican, should exercise the *patronato*. On the other hand, he identified a second faction who

⁵⁴⁸ For a more in-depth analysis of patronage during the early national period, see; Michael Costeloe, *Church and State in Independent Mexico*, and also, Brian Connaughton, “Republica federal y patronato: el ascenso y descalabro de un proyecto,” in *Estudios de historia moderna y contemporánea de México*, No. 39, Mexico City, Enero-Junio 2010.

⁵⁴⁹ Otero, *Ensayo, Obras*, I, p. 41-42.

⁵⁵⁰ Ibid. Sordo Cedeño identifies a three-way split comprising *secularizantes* who wanted the complete separation of Church and state, the *ultramontanos*, who believed after independence that the *patronato* devolved to the Church, and the *regalistas*, who were in favour of the State taking over the privileges of patronage. Reynaldo Sordo Cedeño, “El congreso nacional: de la autonomía de las provincias al compromiso federal,” in Josefina Z. Vázquez (Ed.), *El establecimiento del federalismo en México (1821-1827)* (Mexico City: El Colegio de México, 2003), p. 146.

believed that such patronage should automatically come under the jurisdiction of the state. He also pointed out that Mexico had always been plagued by this debate, from the very moment of its independence, pitting one faction against another at critical points in the country's history.⁵⁵¹ As Otero saw it, the general feeling initially appeared to veer in favour of the latter faction, forcing the Church into dependency. However, it soon became clear that this subjugation of the Church to the will of the state rose from an old order that had been eliminated with the freeing of the colonies, and as such, had no place in modern nations. Anne Staples supports Otero's argument, stating that while it was discussed in the years of War of Independence, with important figures such as Servando Teresa de Mier supporting a national Church, those that participated in the emergence of the new nation "agreed that the *patronato* could not be considered as an inherited attribute of the Spanish Crown and, therefore, transferable to Mexico."⁵⁵² This was the opinion held by the liberal factions who sought the complete separation of Church and state, above all else, and this separation worked both ways; the Church should not interfere in affairs of state nor should the state interfere in the affairs of the Church.⁵⁵³ The Vatican had recognised Mexican independence in 1836 and the filling of vacant clerical posts was a spiritual matter. So by the time Otero was writing in the 1840s the affair had been settled and was no longer under discussion but he obviously still considered it important. Perhaps he was using it to endorse his argument for moderation? The issue of the *patronato* demonstrated that so long as the Church was treated fairly and it was given complete control and influence over moral and spiritual issues, it would have no need to struggle for political power. Thus, if reforms were carried out slowly, with *moderación*, there would be no cause for retribution, and therefore the removal of Church influence in the affairs of the state was a viable reality.

⁵⁵¹ Otero, *Ensayo, Obras*, I, p. 41-42, and, for a detailed analysis see Michael Costeloe, *Church and State*.

⁵⁵² Staples, "Clerics as Politicians", pp. 224-225.

⁵⁵³ Otero, *Ensayo, Obras*, I, p. 43.

Another contentious issue for the political classes in the decades following independence was that of Church wealth. Where a wealthy Church exists alongside an impoverished state, it is not unusual for the confiscation and sale of Church assets to be considered a feasible solution by the ruling political class.⁵⁵⁴ Such a situation existed in Mexico, where the decade-long war of independence, the short lived empire and the first tentative steps of the Republic had bankrupted the treasury. Although it had weathered the attacks upon its wealth in the last years of Bourbon rule and the effects of the War of Independence, it had also been able to recoup its financial standing in the years that followed.⁵⁵⁵ As a result the question of Church wealth, particularly its property holdings, surfaced over and over again in the early national period.⁵⁵⁶ Bazant defined the period from Independence to 1861 as “a struggle between the liberals, who by various means attempted to confiscate Church property, and their adversaries who, in spite of their declared intentions to the contrary, found themselves obliged to utilise Church property for their own financial needs.”⁵⁵⁷

As already mentioned in chapter 3, Otero’s views on the clergy were strongly influenced by the question of the distribution of property, a large portion of which he described as being “estancada a favor del clero.”⁵⁵⁸ His argument was that it was closely tied to the “cuestión social,” because much of the property owned by the Church was leased to individuals or used for the benefit of society in the form of schools, convents, orphanages or hospitals.⁵⁵⁹ Otero argued that despite the destruction of the *Compañía de Jesús* and the rest of the *conventos hospitalarios*, the ravages of the War of Independence, and multiple property sales, the Church still owned 18 million pesos

⁵⁵⁴ Bazant, *Alienation*, p. 1.

⁵⁵⁵ Staples, “Clerics as Politicians,” p. 226.

⁵⁵⁶ Bazant, *Alienation*, p. 5.

⁵⁵⁷ *Ibid.*

⁵⁵⁸ Otero, *Ensayo, Obras*, I, p. 29.

⁵⁵⁹ *Ibid.*

worth of country estates and town houses.⁵⁶⁰ Added to the direct pecuniary benefit derived from this ownership, it also received sizeable contributions, alms and individual perquisites, facts which made it the richest property owner in the new republic.⁵⁶¹ Furthermore, not only were the lands and buildings it owned spread far and wide, but the *diezmo* and other Church contributions, ensured that “no hubiera un solo hombre en el más pequeño rincón de la tierra que estuviese exento de tener relaciones personales y precisas respecto de la propiedad eclesiástica.”⁵⁶² As a result, its influence too stretched far and wide; “su acción se hacía sentir en las grandes ciudades, y en las pequeñas poblaciones, en los más miserables pueblos, y en los campos mismos apenas cultivados.”⁵⁶³ In his analysis, Otero separated the different sources of Church wealth, with specific emphasis on property ownership, into two separate categories, inactive and active. The former included “los edificios destinados al culto y a la morada de sus individuos, y [...] los demás capitales de un valor positivo, que emplea en el culto de una manera improductiva” and the latter, those assets and properties that provided a financial return.⁵⁶⁴ Though the first of these counted towards the overall wealth of the Church, they did not, in Otero’s opinion, actually provide any active income.⁵⁶⁵ In addition, while Otero accepted that the wealth of the Church was vast, he believed that much of this was not as solid as it might seem. Arguing that precisely because part of this wealth came from contributions and donations, the Church *rentas* were liable to suffer “todas las modificaciones o cambios que las instituciones sociales o el estado de la opinión hiciera en ellas.”⁵⁶⁶ This he felt was particularly so in the case of the two main contributions that the Church relied on for its income, the *diezmo* –tithe– and the

⁵⁶⁰ Ibid., p. 29.

⁵⁶¹ Ibid., p. 30.

⁵⁶² Ibid.

⁵⁶³ Ibid.

⁵⁶⁴ Ibid.

⁵⁶⁵ Ibid., pp. 32-33.

⁵⁶⁶ Ibid., p. 33.

parochial fees. Widely derided by the general population, there was always an inherent risk of their not being paid. Again, the analysis provided by Otero defined his moderate stance. In instigating any reform, it was essential to distinguish between the active and inactive assets as any attack on the former would have negative repercussions on the *cuestión social* as it was used for the betterment of certain segments of the nation. With the second, however, there was no such concern.

Despite the fact that Otero highlighted the extent of the Church's property ownership, and the influence it provided, further analysis of his argument shows that while he believed that this had stood it in good stead during the colonial period, the War of Independence challenged and changed this position. Although its territorial possessions varied little, there was not the profit there had once been. Suddenly,

el clero se encuentra en la imposibilidad de realizar esos capitales, no tiene cosa mejor que hacer con ellos, ya porque no encontraría ni donde imponerlos con más seguridades, ni otro giro más ventajoso en que emplearlos; está sujeto a no exigir las redenciones sino en el último extremo, sufre constantes retardos en el pago de los réditos, y experimenta frecuentes pérdidas de capital cuando llegan los casos bien repetidos de los concursos, circunstancias todas que disminuyen incalculablemente la dependencia de los particulares, y las ventajas pecuniarias y sociales del clero.⁵⁶⁷

This view was shared by Mora, who maintained that capital held by the Church was more than sufficient to repay the nation's public debt and, at the same time, to cover expenses incurred by the Church in the maintenance of worship, but at the same time, he suggested that as much of the land was held was in "universal bancarrota," indebted and worthless, its monetary power had been reduced.⁵⁶⁸ The debate on the *amortización de bienes eclesiásticos* was a constant during the decades following independence, and Otero was involved in frequent debates and discussions on the topic. However, it became a pressing national issue during the Mexican war with the United States and it was during this period that Otero's views become most clear.

⁵⁶⁷ Ibid., p. 32.

⁵⁶⁸ Hale, *El Liberalismo Mexicano*, p. 133, 141.

During the final weeks of 1846, as the war with the United States continued unabated, it became apparent that the exhausted treasury would be unable to support the war effort much longer. Santa Anna, at the head of the army, was sending desperate pleas back to the man he had left in charge of the presidency, Valentín Gómez Farías, highlighting the terrible plight of his men, barely clothed and barely fed. Gómez Farías insisted that there was no money, although he did try to obtain the necessary fund, by decree on 30 December 1846, mortgaging the nation's *rentas generales* and offering them as surety.⁵⁶⁹ The loans and other sources of income usually tapped by the flailing treasury had dried up. There was, however, one remaining source of income which the government had been able to turn to in the past; ecclesiastical wealth. It became essential to request funding from it, and should this not be forthcoming, to pass a law which would enable the State to appropriate and sell the Church's mortmain properties.⁵⁷⁰ Mariano Otero engaged in the debates and deliberations carried out by the deputies in congress, which had first convened in November 1846. It is Otero's words during these debates, and his actions outside parliament that give us a greater insight into his opinions on the clergy and his view of the Church. It would be easy to attribute Otero's actions in the early months of 1847, when he voted against the proposal in congress coupled with his alleged involvement in the Church backed Polkos revolt, to a pro-clerical standpoint, especially with reference to the requisition and sale of the Church's mortmain properties. Moreover a cursory glance at the events would easily support this view; he voted against the law in congress, and when this was passed, took

⁵⁶⁹ For letters exchanged between Valentín Gómez Farías and Antonio López de Santa Anna see; Laura Solares Robles, "Gómez Farías y Santa Anna: correspondencia de tiempos de crisis, 1847," in *Secuencia, Nueva Época*, no. 19 (Jan-Apr. 1991), pp. 109-112. Lilian Briseño Senosiáin, Laura Solares Robles, Laura Suarez de la Torre, *Valentín Gómez Farías y su lucha por el federalismo 1822-1858* (Mexico City: Instituto Mora/Gobierno del Estado de Jalisco, 1991), p. 230.

⁵⁷⁰ For an in-depth account of the events surrounding the *Ley de Manos muertas* published 11 January 1847, which eventually led to the 1847 Polkos revolt, the return of Santa Anna to Mexico City and the repeal of the law in question, see Michael P. Costeloe, "The Mexican Church and the Rebellion of the Polkos," *The Hispanic American Historical Review*, Vol. 46, No 2, (May, 1996), pp. 170-178.

part as a leader and instigator, albeit in the shadows, in the Polkos revolt which, having toppled the Gómez Farías regime, recalled Santa Anna to Mexico City. Otero's contemporaries and colleagues, Jose María Lafragua and Guillermo Prieto confirm Otero's participation while saying little, or nothing, of his motivation, other than to mention the *Polkos* desire to topple the Gómez Farías government. It must be noted here that Lafragua gave that as being the only reason, and there is no mention of Otero having an opinion either way on the plight of the Church. In fact he argues "no deseaban la derogación de la ley sino la caída del gobierno," suggesting that the Church was not an ally but merely the excuse needed for the revolt to begin.⁵⁷¹ Otero's participation in parliament is much better documented. The debates that took place during the law examination in January 1847 provide more details on his stance, as well as showing his intense interest and concern with the way in which the laws was being shaped.⁵⁷²

In these debates we see Otero the legislator, whose main focus and interest was on lawmaking and legislation, and it is these questions that preoccupy him the most. He outlined the Commission's proposal that the government be given ample powers to act as it saw fit in the disposal of the Church mortmain properties in order to obtain the 15 million pesos desperately needed to sustain the war effort.⁵⁷³ However, it was the granting of such a power, that was Otero's main objection to the law; it seemed to have little or nothing to do with the fact that the properties to be seized and auctioned were those of the Church. He felt that what was being asked of congress was that it abdicate its power into the hands of the executive.⁵⁷⁴ This point alone would have stopped Otero

⁵⁷¹ Galeana de Valdés, *José María Lafragua*, pp. 63-65.

⁵⁷² For coverage of the debates as well as editorials and discussions on the law see *El Monitor Republicano* for January and February 1847, compiled with specific focus on the laws and legislation of this congress in Gonzalez Oropeza, *La Reforma*, pp. 248-565.

⁵⁷³ Otero, "Discusión en general," *Obras*, II, p. 519.

⁵⁷⁴ *Ibid.*, p. 520.

from voting in favour of the law, and as he stated; “Creo, pues, que debemos votar en contra de todas las facultades.”⁵⁷⁵ Otero was not the only one who called for a vote against the law. Fellow deputy José María Lafragua, a sometimes moderate, a sometimes radical, also voiced his objections stating that “no podría votar contra la ley por defender las manos muertas, sino porque la ley ni destruía el principio, ni producía el dinero y sí traía consigo mil disgustos.”⁵⁷⁶ Again, the opinion being proffered was not one in defence of the Church or its properties, the objections stemmed from more practical matters such as the impropriety of the law.

Otero reiterated that his objections were not to the State disposing of ecclesiastical properties, as he firmly believed that these were public goods and, as such it was the state’s duty to concern itself with its investments. In his opinion, the law allowed the state to sell and mortgage the properties held by the Church. His objection was that without setting out a distinction between these properties –he gave as an example to be used for charity, hospitals and orphanages– any power over them given to the State by congress could be equated with the latter’s indifference. He argued that congress would merely be stating “todos estos bienes tómalos y destrózalos.”⁵⁷⁷ Otero argued that the term *bienes eclesiasticos* encompassed too wide a range of Church assets. He believed that it needed to be clearly defined for a better understanding of what was available and what could be done with it. He argued that these *bienes* could be loosely divided into non-productive and productive. The first referred to “valores de Iglesias, de conventos y de objetos propios para el culto,” the value of which he estimated to be about 45 million pesos.⁵⁷⁸ With an undertone of sarcasm, he stated during the debate that it was evident that the government was clearly not proposing to

⁵⁷⁵ Ibid.

⁵⁷⁶ Lafragua, “Decreto de desamortización de Lafragua como Diputado por Puebla, Revolución de la Ciudadela y Rebelión de los Polkos,” in Galeana de Valdés, *José María Lafragua*, p. 61.

⁵⁷⁷ Otero, “Discusión en general”, *Obras*, II, p. 520.

⁵⁷⁸ Ibid.

sell these, as they were used to uphold the country's faith, which was of great importance. This left only the non-productive section of the ecclesiastical goods for consideration. In this category Otero inserted "capitales impuestos, fincas rústicas y urbanas."⁵⁷⁹

In analysing the utility of these *fincas* as a means of raising money, Otero took one step further. He argued that what was being proposed by the January law had already been attempted once before, in circumstances much more favourable than those in Mexico in 1847. At that time it had been suggested that the Church goods could be used in order to raise capital and balance the country's internal debt. However, a problem had emerged then, and was still present in 1847; many of the goods owned by the Church were rented out and it was imperative that any change of circumstances, be it sale, auction or lease, took into account these tenants and did not affect them adversely in any way. The earlier suggestion referred to by Otero had been argued by Mora at the time. He believed that so much had been borrowed against properties that the Church was the virtual owner of most private property in rural areas.⁵⁸⁰ Here, again, Otero's moderation is evident when he pointed out that although owned by the Church, these properties were, in fact, still in the hands of individuals who were housed in them and used to provide their livelihoods. If the executive simply decided to auction off these properties in order to raise money for the war effort, then it would be directly and detrimentally affecting all those who were tied to them in one way or another.⁵⁸¹ There was no desire to expropriate Church property if it was going to have an injurious effect on the people who lived off the properties or owed money on the lands in question. He did believe that it was the prerogative of the state to mortgage or sell such properties but was pointing out that it should not be done simply for the sake of it.

⁵⁷⁹ Ibid., p. 520-21.

⁵⁸⁰ Hale, *El Liberalismo Mexicano*, p. 141.

⁵⁸¹ Otero, "Discusión en general," *Obras*, II, p. 521

Zavala, in the early 1830s had argued for the immediate seizure and public auction of Church property and estates in order to make up the treasury's shortfall.⁵⁸² Mora, however, counterclaimed that such arbitrary seizure and sale would have a detrimental effect on all those people who were linked economically, by rentals or debt, to the Church. Furthermore, Mora argued, that the lack of money available within Mexico for the purchase of such properties would mean that, if they could be sold at all, it would have to be for a pittance, which would not raise any money at all.⁵⁸³ This argument was repeated almost exactly by Otero in 1847. Otero was of the opinion that the executive would find no one willing to buy these properties. They were only being sold because of the government's inability to secure a national loan, to furnish their desperate and immediate need of funds to support the army, and with no one in Mexico in any position to make a purchase of such magnitude, the only other option was to secure a loan abroad. In Otero's opinion, the urgency of the situation ruled out this possibility, as it took time to negotiate with a foreign power, and time was something they did not have.⁵⁸⁴ Otero was clearly aware of the argument that the wealth of the clergy underwriting any such loan would provide sufficient guarantee to reassure the lender. In view of his alleged involvement in the Polkos rebellion, Otero's answer to this can be interpreted as a veiled threat, when he pointed out that with this sale

se han ofendido los intereses del clero: que éste no se conforma, y que un país donde son tan frecuentes las revoluciones, no sería difícil que un revolucionario queriendo halagar esta clase hiciera volver las cosas al estado que estaban antes, y he aquí destruida esa garantía.⁵⁸⁵

As he normally did when criticising legislation, Otero was happy to present an alternative; a national general contribution. He argued that, like their parents before them, it was essential that each and every Mexican be willing to sacrifice all for the

⁵⁸² Hale, *El Liberalismo Mexicano*, p. 142.

⁵⁸³ *Ibid.*, p. 143.

⁵⁸⁴ Otero, "Discusión en general," *Obras*, II, p. 522.

⁵⁸⁵ *Ibid.*

national cause.⁵⁸⁶ This demonstrates that his preoccupation was not with the Church or its properties as such but with what he saw as the impracticality of a forced loan or property auction in the circumstances. In addition, it is clear that Otero was unwilling to support the law on legislative grounds. He felt that it did not benefit the country, and required congress to transfer its constitutional power to the executive, which ran contrary to all his political principles. In 1847, as the nation fought a losing battle against the invading forces, Otero was firmly convinced that a man “no tiene más que una senda que tomar, para que su nombre quede ileso, que es la de seguir firme en sus principios.”⁵⁸⁷

Another area of Church influence often under debate in early independent Mexico was that of education. More often than not schools were dependant on the regular orders, as were the colleges.⁵⁸⁸ The financial position the Church enjoyed meant that it was able to ensure that its hold upon the people was strengthened through non-financial non-political means. Education was one such area. Otero believed that under Spanish rule, not only did the clergy control primary education across the nation, but they dictated upper class access to learning by controlling higher education and monopolising the teaching of the sciences, thereby creating what Otero referred to as a *monopolio del pensamiento*.⁵⁸⁹ Otero believed that the educational backwardness was to be blamed on the unenlightened teaching in Church dominated schools where, although philosophy, law and theology could be studied, the contents of these subjects were antiquated and outdated.⁵⁹⁰ Anne Staples argues that this view –of education being monopolised by the Church and the clergy, was in fact a myth, spread by José María Luís Mora as a means of supporting his call for education reforms in the 1820s and

⁵⁸⁶ Ibid., p. 523-524.

⁵⁸⁷ Ibid., pp 519-520.

⁵⁸⁸ Bazant, *Alienation*, p. 10.

⁵⁸⁹ Otero, *Ensayo, Obras*, I, p. 30.

⁵⁹⁰ Otero, “Discurso, 1841,” *Obras*, II, p. 409.

1830s.⁵⁹¹ Either way, Otero maintained the liberal belief that Mexico after independence was marching on a road to progress, which meant that the nation was ready for change, and as these changes were reflected in the education system, the grip of the clergy would be weakened.⁵⁹² He believed that ignorance and superstition dominated during the colonial period, especially under the influence of the Inquisition, which had tried to stem the introduction of new ideas and ideologies into the Spanish Americas. However, because these ideas were available to the rest of the world, especially France, Britain and America, their spread to the colonies was inevitable.⁵⁹³ Taylor subscribes to the view that, although in the years leading up to Independence such works were becoming more available, circulating widely and spreading ideas that challenged the monarchy's hold, "they lacked the momentum of a political programme or a cultural imperative."⁵⁹⁴

Otero was convinced that the Church's monopoly had been undermined even during the colonial era when, despite its stranglehold, and despite the best efforts of the colonial government and the Inquisition, new ideas began to seep into New Spain.⁵⁹⁵ According to Otero's argument it followed, therefore, that once independence had been achieved, the clerical grip on the area of education began to weaken. Suddenly these new ideas led to the assertion that the colonial system of education had become outdated and unsuitable for the needs of a nascent independent nation. José María Luis Mora who supported, and indeed introduced, educational reforms in 1833, held the view that clergy's interference in education meant that the nation would remain stagnated. He described education as being "entorpecida en su marcha, mutilada en sus ramos y restringida en su extensión por los temores y resistencias sacerdotales" and stated that "las tendencias del clero son perniciosas a la educación pública e impiden su difusión y

⁵⁹¹ Staples, "Clerics as politicians," p. 234.

⁵⁹² Otero, *Ensayo, Obras*, I, p. 33.

⁵⁹³ Otero, "Discurso, 1841", *Obras*, II, p. 409.

⁵⁹⁴ Taylor, *Magistrates of the Sacred*, p. 23.

⁵⁹⁵ Otero, *Ensayo, Obras*, I, pp. 30-31.

mejoras”.⁵⁹⁶ Otero’s support for a strong middle class to run the country meant that he was in favour of the laicisation of education as, without progress in this area, there could be no educated middle class to do so.

The laicisation of education had therefore been a priority for those radical liberals who sought to forge a nation after independence. The political classes, who equated themselves with their French, British and American counterparts, sought a new means of educating themselves and the future generations of Mexican leaders. Otero was not the only one to hold such views. From the very beginning reformers and the progressive thinkers, later referred to as radicals, called for a removal of Church influence from education. These matters were discussed in the sessions of the 1824 congress and the foundations of Otero’s beliefs can be found in the speeches of the deputies there. Manuel Crescencio Rejón, who would go on to share the podium with Otero on more than one occasion, stated “la ilustración haría progresos más rápidos si la enseñanza se dejase libre,” a sentiment which would eventually be echoed in the 1857 constitution, the 3rd article of which would simply state “La enseñanza es libre.”⁵⁹⁷

As the secularisation of education became a reality in the years that followed independence from Spain, another of the Church’s major influences on society was weakened.⁵⁹⁸ During these years, new systems were instigated with varying degrees of success.⁵⁹⁹ Anne Staples asserts that these many educational projects, flourishing in the newly independent nation, were of vital importance, and seen by the political men of

⁵⁹⁶ Jose María Luis Mora, *Revista Política*, in *Obras completas*, II, p. 380-381.

⁵⁹⁷ Sesión del 4 de Mayo de 1824, in Daniel Moreno (Ed.), *Manuel Crescencio Rejón, Pensamiento Político* (Mexico City, UNAM 1996), p. 32. Anne Staples, *Recuento de una batalla inconclusa: la educación mexicana de Iturbide a Juárez* (Mexico City: El Colegio de México, 2005), p. 23.

⁵⁹⁸ Lilian Briseño Senosiáin, Laura Solares Robles, Laura Suarez de la Torre, *Valentín Gómez Farías y su lucha por el federalismo 1822-1858* (Mexico City: Instituto Mora/Gobierno del Estado de Jalisco, 1991), p. 230.

⁵⁹⁹ There is not sufficient scope in this study to explore the vast and intricate world of education in 19th century Mexico, so only brief examples, and only those relevant to Mariano Otero, are given. However, for a thorough analysis of such systems, at both local and national level, see; Staples, *Recuento*.

those decades as a means of fulfilling their hopes for the future.⁶⁰⁰ For these men education was a way to instil morals, specific knowledge and refined manners in future generations.⁶⁰¹ These morals, as Staples points out, were to be those of the Church, as the consensus following independence was to “conservar, en el ámbito educativo, la rectoría moral de la Iglesia.”⁶⁰² This, again, leads back to Otero’s distinction between the Church’s role as a moral guide and the necessity to remove it entirely from the political sphere. The laicisation of education was an essential goal in Otero’s opinion, but this did not mean that the future generations could not be instilled with the moral and spiritual benefits of the Roman Catholic faith.

One educational experiment which affected Otero directly, was the closure of *Universidades* and their replacement by *Institutos* at a state level.⁶⁰³ Otero’s own education bore witness to this; he studied at the Instituto Científico del Estado, in Jalisco. The *Instituto* was created in 1826, by the then state governor Prisciliano Sánchez, whose educational reforms led to the closure of the Real y Literaria Universidad de Guadalajara, as well as the Colegio de San Juan Bautista, of Jesuit origin. This Institute was officially opened on 14 February 1827 using funds which had been re-routed from the University and the College, and its first director was a French citizen, Pierre Lissaute, who was renowned for his profound anticlericalism.⁶⁰⁴ The mission of these *Institutos* was to give their students a vast and in-depth knowledge in key areas, but in most cases, the courses ended up by reflecting the common *carreras*

⁶⁰⁰ Ibid., pp. 11, 28.

⁶⁰¹ Ibid., p. 16.

⁶⁰² Ibid., p. 26.

⁶⁰³ These *Institutos* were created in the 1820s as new centres of higher education, and had, for the most part, a secular bent. For further information, and a specific focus on the *Instituto* in Jalisco, see Staples, *Recuento*, pp. 64-77.

⁶⁰⁴ María de Lourdes Alvarado, “El claustro de la universidad ante las reformas educativas de 1833,” in Enrique González and Leticia Pérez Puente (Eds.) *Permanencia y cambio: universidades hispánicas 1551 – 2001, Vol. I* (Mexico City: UNAM, 2005), p. 282 and Leticia Perez Puente (Ed.), *De Maestros y Discípulos. México. Siglos XVI-XIX* (Mexico City: UNAM, 1998), pp. 205-207, Staples, *Recuento*, pp. 73-77.

offered elsewhere and, more often than not, these studies were interrupted for military, political or economic reasons.⁶⁰⁵ The education he received at the Instituto would have been seen by the more conservative of his contemporaries as a radical one, lacking the hitherto essential philosophical base and a mastery of Latin.⁶⁰⁶ With this educational background, it is easy to see why Otero argued that the removal of the areas of learning and education from Church control was necessary for Mexico to stand side by side with the great nations of Europe. Despite these firm beliefs, Otero never actively campaigned for educational legislation and, as noted above, made no in-depth analysis on education reform; he merely identified it as an area in which the Church, having had a monopoly in colonial times, lost influence with the advent of independence. Perhaps he felt that other areas, such as military involvement or the fight for federalism were more important, but it is quite certain, when writing in the 1840s, that he believed that with the exception of moral matters, any residual influence the Church maintained over education was slowly but surely, being wrested from it.

Perhaps not so hotly debated a topic, but still important, was that of the clergy's hold on people through its charitable organisations and the concept of charity. Otero asserted that "las ideas religiosas y el poder del remordimiento" established these charitable bodies in Mexico as a refuge for "las miserables clases oprimidas," thereby providing the Church with ties to all people.⁶⁰⁷ Otero includes orphanages, hospitals and poor schools under this heading. Though subtly critical of the Church's monopoly of certain aspects of life in Mexico, as a Catholic, Otero emphasised its moral and charitable benefits at every stage. He argued that;

es también indudable que la humanidad les debió inmensos beneficios; porque no solo realizaron las fundaciones privadas que se les encargaban, sino que los bienes mismos que se les dejaban para sí, los emplearon muchísimas ocasiones

⁶⁰⁵ Staples, *Recuento*, p. 70-71.

⁶⁰⁶ *Ibid.*, p. 74.

⁶⁰⁷ Otero, *Ensayo, Obras*, I, p. 31.

en aumentar el número de esos establecimiento de piedad y beneficencia: también es indudable que en los infortunios y persecuciones de la multitud, el clero se constituyó siempre, ya en protector de los miserables, ya en defensor de los sacrosantos derechos que se ultrajaban... ¡cuántas veces los ministro del altar se interpusieron entre el verdugo y las víctimas!⁶⁰⁸

Because none of these destitute classes held the vote in Mexico in the 1840s –where property and income were essential for suffrage, it is understandable that Otero did not see the Church’s influence over them as anything other than an action of charity and spiritual guidance. So, although the Church had great influence over these people, none of it could be described as political and, therefore, it was of no great concern to Otero. As a Catholic, he acknowledged the Church’s supremacy only in matters of morals and faith, and the religious side of Mexican everyday life. He was insistent that it should be barred from the secular territory of politics and the state. For this reason there is no contradiction, when he attacks the Church on one occasion and defends it on another.

As has been shown in the previous chapter, Otero’s veiled criticisms of the army and the clergy were made in the early 1840s. However, perhaps because the political threat he perceived to stem from the Church was considerably less than the one he believed the army posed, Otero was willing to openly guarantee the interests of the Church. Otero had been scarred by the events of 1833-34 –when the radical reforms of the Valentín Gómez Farías government had led to a backlash which pushed the nation into a decade of centralism and chaos.⁶⁰⁹ This idea of openly guaranteeing Church rights was to become one of the main conservative objectives during the 1850s. Alamán, in his letter to Santa Anna in 1853, stated that he strongly believed that it was essential to uphold Catholicism and to do so through safeguarding Church property, support for

⁶⁰⁸ Ibid.

⁶⁰⁹ In a letter to Ignacio Vergara on 4 June 1842, Otero looked back at the events of 1833 and recalled his opposition to the reforms introduced by the radical factions, stating “en 1833, cuando eran sansculotes tantos que usted conoce, usted y yo les hicimos la guerra; pero entonces como ahora, se la hacíamos en nombre de la libertad que deshonraban y no en el del retroceso, que odiábamos”, Letter from Mariano Otero to Ignacio Vergara, 4 June 1842, in Otero, *Obras*, I, p. 154.

Catholicism and acceptance that the pope alone, as head of the Catholic Church, had power over the area of Church administration. With this in mind it is clear that any statement that Otero made on upholding the rights of the Church would immediately make him too conservative for the radicals, and the fact that he felt such support should include exceptions, would make him too radical for the conservatives.

During the debates on the *proyecto constitucional* in congress in October 1842, Otero said, that in view of the recent turmoil, a minority on the commission believed that, to preserve peace, the Church should be given “seguridades francas y completas” and written into the constitution. They felt that by doing this, any cause for alarm which could lead to unrest and revolt, had been entirely removed. If the minority view were successful, Otero believed that the constitution that would emerge would be the first step towards a stable nation, and it would outline the guarantees that he promised the Church. In doing so, Otero was openly safeguarding a variety of Church interests. Firstly, he was saying that their *fueros* and related privileges would be safe. It is difficult to reconcile Otero’s beliefs in equality before the law with his support of the *fueros*. At no point did he state that they should be abolished, but on those occasions where he defended them, or emphasised their necessity, he always seemed to soften his statement by arguing that these were being safeguarded in order to demonstrate to the clergy that not all reforms were radical, and not all were an attack on them. If this was his reasoning, then what Otero was doing by safeguarding the *fueros*, was ensuring that the Church had no cause for complaint against reforms and, therefore, no grounds to back a revolt. We know Otero believed that all reform had to be gradual, and while it is impossible to know with any exactitude, it is possible that he felt that by leaving the *fueros* untouched until a later date, a legislator might be able to reform other areas of clerical influence without producing a backlash.

Otero's belief in the supremacy of the constitution was unflinching. He argued in 1842 that the recent attacks upon Church rights in some states would cease as soon as the new constitution was established, as it would ensure that to all intents and purposes there would be *centralismo* for the Church; it would respond only to the federal government, and it would be this same government, and no other that would have the power to deal with ecclesiastical affairs.⁶¹⁰ Otero went on to argue, in this same speech, that the minority on the Comisión de Constitución had gone even further in reassuring the Church, convinced that the great majority of the population desired it, Catholicism was declared the only religion of the state. Finally, Otero argued that they were willing to go one step further by guaranteeing the *bienes eclesiásticos*. Here Otero explained his arguments in parliament for his fellow deputies to hear; he did not believe that ecclesiastical property brought with it the same basic guarantees as private property. He even went so far as to argue that he would never vote for any law that sought to remove the inalienable right of the civil powers to decide what was best for these Church *bienes*, both for investment and conservation purposes. However, in order to demonstrate to those who believed that in their desire for a federalist constitution, the minority were being overly radical, Otero and his minority deputies were willing to ensure that the *bienes*

con que se provee al culto nacional y se mantienen tantos establecimientos de piedad y beneficencia deben ser de tal suerte asegurados que no quede ni el más ligero temor de que, absorbidos por el desorden espantoso de nuestra hacienda, formen la escandalosa fortuna de una docena de impudentes especuladores, dejando sin recursos esos objetos de la primera y más alta importancia.⁶¹¹

Here, once again, Otero demonstrated his moderation. Though he held what were considered to be radical beliefs on the freedom of the state to take over Church property, as he would demonstrate openly in 1847, he was willing, in view of the situation in

⁶¹⁰ Otero, "Discurso, 11 Oct, 1842", *Obras*, I, p. 325.

⁶¹¹ *Ibid.*, pp. 325-326.

Mexico in 1842, to concede on certain points. It is obvious that Otero felt that it was essential to strike a balance between the most necessary reforms, and ensuring that they did not threaten any group who, by starting a counter group, could not only overturn any progress but could throw the country into further chaos.

While Otero described the position of the post-independence Church as being strong enough to be defined as a *clase*, he did not believe that the Church had sufficient power to constitute a political faction.⁶¹² Anne Staples supports this view of the Church in the early national period; it did not present a united front, and its participation in politics, though widespread, was as varied as were its members.⁶¹³ Otero did, however, identify it as a risk factor, specifically when it aligned itself with one or another faction in order to protect its interests and, by doing so, tipped the balance in favour of its allies. Otero was to experience this manoeuvring first hand when in 1847 the Church backed the Polko rebellion in order to oust Valentín Gómez Farías from power. Lafragua said of that union, “el clero de México, explotando en su provecho los disgustos de algunos cuerpos y el descrédito de la administración, empleó el dinero que dice ser de la Iglesia en corromper a los empleados para que traicionaran al gobierno.”⁶¹⁴ Lafragua’s statement clearly highlights the position of the Church as an ally and backer but with insufficient political power to stand alone. With this in mind, it is easy to understand why it may be argued that Otero was willing to court the Church in the early 1840s. If the constitution openly guaranteed the Church’s rights while leaving key aspects such as government power over the *bienes* open to debate, this faction would be removed from the power struggles which so often threw Mexico into disarray. In harness with his

⁶¹² Otero, *Ensayo, Obras*, I, p. 44.

⁶¹³ Staples, “Clerics as Politicians,” p. 225.

⁶¹⁴ Lafragua, “Decreto de desamortización de Lafragua como Diputado por Puebla, Revolución de la Ciudadela y Rebelión de los Polkos,” in Galeana de Valdés, *José María Lafragua*, p. 64.

plans for the removal of political power from the military, there would be hope for peace and stability which, in turn, would allow the country to progress and develop.

Further analysis of Otero's thought also supports the theory that by the 1840s he believed that Church decline was inevitable. In the colonies, the wealth it had accumulated by the means detailed above, its hold on education and the power it acquired through charitable involvements, ensured that the Church established itself as one of the bastions of the Spanish colonies.⁶¹⁵ However, Otero went on to argue that the Church's position in colonial Spain was impossible to maintain once independence had been achieved. Even the slightest change or move forward, would weaken the Church's stranglehold, in the same way that it had within the old colonial organisation.⁶¹⁶ For Otero, the downfall of the Church as a political player had begun at the end of the previous century. He believed that the series of events leading up to it included the expulsion of the Jesuits and the dissolution of certain other Orders, the *amortización* of Charles IV, as well as the loss of economic power from the disasters of independence and the fall in value of its rustic properties. Another contributing factor to this reduction in its profits came from the decrease in the contributions, be they voluntary or compulsory ones, which it was accustomed to receiving and which, in Otero's view, was directly linked to the flood of new ideas and the greater freedom they brought with them. Otero argued that the loss of large amounts of capital could be directly linked to its loss of political power.⁶¹⁷

It was not just the political powers of the Church that had declined. Otero believed that its moral influence had also lessened. Following independence certain aspects that had been neglected during colonial rule became the focus of attention. One was education, and the increase and improvement in primary and secondary educational

⁶¹⁵ Otero, *Ensayo, Obras*, I, p.31.

⁶¹⁶ *Ibid.*

⁶¹⁷ *Ibid.*, p. 43.

facilities removed much of the influence the clergy had traditionally held over the younger generations.⁶¹⁸ As already pointed out, Otero himself benefitted from these changes, and as a result can be seen as a strong advocate, despite his Catholicism, for the secularisation of education.

Consequently Otero believed that the Church had finally achieved its rightful place, with “la influencia moral de una religión sublime y consoladora; pero ésta en nada apoyaba las pretensiones temporales y los privilegios políticos que sus ministros habían conservado.”⁶¹⁹ This further supports Otero’s theory that in order to be able to fight to uphold and maintain what political privileges it still enjoyed, the Church had no other recourse than to ally itself with political factions.⁶²⁰ Otero said that when the nation was at peace, pinpointing the years from 1823 to 1828, no such allies were forthcoming. If there were peace, no group needed the financial support from the Church and, therefore, it would find nobody to back its grievances. In times such as those the Church had no means of defending itself from attacks upon its privileges other than by *suplicas y ruegos*.⁶²¹ As a moderate, Otero believed that any reform should be slow and progressive in order to avoid the immediate backlash that was inevitable if effected more radically. It is not strange therefore, that he should consider the events of 1829, with the chaos caused by the challenge to the results of the electoral process, and 1833, with the liberal radical reforms carried out by the Valentín Gómez Farías administration, as turning points in the Church’s reacquisition of political power. Having said that, what power it did manage to recover, however, was slight, and it was in a position where it could only “dominar en calidad de aliado, y de aliado que estaba a

⁶¹⁸ Ibid.

⁶¹⁹ Ibid., p. 44.

⁶²⁰ Ibid.

⁶²¹ Ibid.

merced de sus compañeros de poder.”⁶²² Even then, what little protection it was able to enjoy from its fleeting alliances was precarious. As Otero noted, each time its interests came into conflict with those it was aiding, its allies would always favour their private interests over those of the Church.⁶²³

Therefore, in the years that followed the Church was able to accomplish little. Otero argued that despite the fact that it enjoyed more freedom than it ever had under the Spanish monarchy, the real elements of its power were waning. Its *bienes* were diminishing, what small measures it won that might stem the tide of free thought were never implemented, and the general feeling slowly spread that a savage reform was needed to bring the unjust system of collection and distribution of enforced contributions and ecclesiastical rents under control.⁶²⁴

For Mariano Otero, as for most, if not all, of his contemporaries, the Church was a major component, which needed to be taken into consideration, politically and socially, in the decades following independence. It was during this time, when constitutions were experimental and liable to amendments, when political systems were supported or rejected, when revolts and revolutions became just as powerful a tool for change as legislation, that political men were forced to analyse and discuss matters of separation of Church and state. Otero firmly believed in the inevitability of the separation of Church and state in independent Mexico, and consequently his writings deal less with this aspect of the new nation. Unlike the army, the state of the nation or the battle for federalism, for Otero the questions of Church and religion were already changing, and therefore needed less input from the nation builders and legislators. Indeed the separation of Church and State became a reality with the 1857 constitution,

⁶²² Ibid.

⁶²³ Ibid., p. 46.

⁶²⁴ Ibid., p. 44.

and had it not been for his untimely death, it is likely he would have actively participated in the reforms which were to sever the last remaining ties.

As with every aspect of the history of Mexico in the nineteenth century, there were ever changing factions and political stances towards the Church that can only be defined by their specific times. Otero's opinions and ideals, like those of many of his contemporaries, shifted in response to the events he experienced. It is impossible to confine his political thoughts with regard to the Church in a single definition –the situation in Mexico was not the same in 1842 when a victorious revolt led him to a position in the chamber of deputies, as it was in 1847, when the threat of external forces was insufficient to put a damper on partisan considerations.

In conclusion, if we take as a starting point the key issues which Costeloe identified as being at the centre of the debates of politicians on Church-State relations in the years following independence, it is easy to see that Otero was no exception. The reduction of the religious orders, the amendment and eventual abolition of the *fueros*, the confiscation and management of Church properties and wealth and the wresting of education from the grasp of the Church are all dealt with in Otero's writings.⁶²⁵ As was the case with most, if not all, of the political figures of the mid nineteenth century, Otero combined his profound Catholicism with his anti-clericalism by separating issues of faith from issues of state. In addition, Otero's historical method can be seen in his analysis of the Church just as clearly as it can in his discussion of the state of the nation. He firmly believed that in order to understand the Mexican Church as it stood in the decade of 1840, it was essential to understand the roots of the problem. Without a profound historical analysis it was impossible, in Otero's view, to attack the strong position the Church maintained in the political life of the country. As such, where

⁶²⁵ Costeloe, *Church and State*, pp. 1-4.

Alamán, in the early 1850s, could be seen to use the historical position of the clergy as a means of bringing together a fractured nation, insisting upon the Church as a bastion in any government which was to succeed, Otero's analysis of the history of the Church from colony to independence to republic, painted a picture of gradual, but steady weakening of its power and influence in political matters.

He painted a picture of a fractured Church divided into factions that often stood in opposition. According to Otero these divisions became increasingly more apparent until the Church split over independence; the higher ranks supporting the royalists, with the lower clergy supporting the independence movement. This split led Otero to equate the lower clergy with the plight of the people, as priests in parishes who only sought to deal with faith, removed from politics, and the higher clergy with riches and a constant desire to hang on to political influence.

The triumph of the independence movement meant that, in Otero's opinion, the position of the Church, came under the influence of the state, leaving the higher ranks to struggle for any foothold that could be achieved in the new nation. He dwelt little, for example, on the issue of the *patronato* since he believed that in the 1840s this issue had been completely resolved by the fact that in Mexico, as in other modern nations, the Church had to be separated entirely from the state, leaving the *patronato* as nothing more than a relic of the colonial order. In addition, Otero noted that the Church's political heyday had been in the early 1770s and it had been steadily decreasing since then. As such, though there were areas where the Church had great influence, most of these were no longer political. Otero did, however, identify certain aspects which needed to be addressed; Church wealth, particularly its property ownership, education, and the influence it exerted through its charitable works.

The issue of education, according to Otero, had been key in the years immediately following independence from Spain. However, by the time he was writing, in the 1840s he felt that most issues had either been addressed or were following a natural path to a solution. With Independence, Otero argued, the grip on intellectual thought which the Crown had exercised during the time of the Inquisition had been weakened, and the subsequent liberalisation of ideas and education was inevitable. As has already been mentioned, Otero's own education bore witness to this, and it is understandable that while he felt it was essential to highlight education being free from Church influence, by the 1840s he felt this was already happening. In much the same way Otero used the issue of charity to highlight an area of positive Church influence, and an area where their power was moral and not political. However, he was a politician, above all, and it mattered little how much power the Church exercised through its hospitals, refuges or orphanages as those who benefited from it were disenfranchised, and this power did not translate into political influence of any kind.

It is because of this and the Otero's views on the state of Mexico in the 1840s that his greatest concern was for the Church's wealth through its enormous property holdings. He believed this was one of the only avenues left for it to hang on to political influence and, by the financial backing of revolts and *pronunciamentos*, to have some of it restored to it. However, and despite events such as the Polko revolt of 1847, Otero believed that the Church was a mere puppet of its allies and posed little risk in its own right. Its wealth had come to the forefront in the 1840s as an empty treasury led the political classes to explore other avenues of income. This issue reached its peak during the US invasion, when the troop commanders and the government became increasingly desperate to obtain money to fund the war effort. Otero felt that the mortmain properties were responsibility of the state, and as such should be managed by the government. In

1842 he put forward the moderate opinion that these properties should be auctioned and divided, so as to benefit the largest possible number of people. However, he also insisted that this had to happen slowly, and with Church consent. Five years later, during the war with the United States he maintained his position. Despite criticism that he was involved in the Church-backed Polko revolt, and, therefore, pro-Church, he insisted in parliament that he was voting against the enforced sale of mortmain properties, not because he did not believe it was within the powers of the State to dispose and manage the properties as it wished, but because he felt that it would not in any way aid the war effort. His stance was not a contradictory one; he simply responded to each situation as it arose and in accordance with his moderate beliefs.

Like many, if not all of his contemporaries, his political ideology was based on experimentation and the matters he had to deal with, at specific times. He strongly believed, as a moderate, that reform was essential, but that it had to be slow, so as not to incite a backlash. He had seen what happened when radical reform was introduced during the 1833 Farías administration and was convinced that if any progress were to be achieved, it should be through gradual change. In addition, unlike the army, Otero did not see the Church as a powerful, latent threat, he looked upon it as little more than an unruly entity, ready to back anyone and anything that brought it closer to power. Even then he did not believe it posed any a real challenge to the ongoing moves to separate Church from state. He was willing to go so far as guaranteeing the rights of the Church in the 1840s. He included it in the constitution and insisted upon it throughout his political career, believing perhaps that if he was able to appease the Church through these concessions it would avoid the political upheavals that so plagued Mexico. Under peacetime conditions, Otero could then focus on removing the army from political power, or improving the state of the nation through constitutional reform.

6.

Federalism

After three centuries of colonial rule, one of the most important questions facing the embryonic nation on the advent of independence was a decision on the most suitable system of government. Initially it toyed with a constitutional monarchy but by 1823 it had become clear that this had failed. There was an obvious need to explore other forms of government if it were to retain its newly gained independence and stand alongside the other free nations of the Americas and Europe. *Pronunciamientos*, constitutional projects, and writers argued over the various proposals and projects that emerged. Centralism and federalism were the main rallying cries of those years but circumstances evolved, positions shifted, alliances changed. Some of the ardent federalists of the 1820s would go on to be the centralists of the 1830s.⁶²⁶ Even within the staunch supporters of one or the other systems, divisions could be found on key issues such as apportioning power between regional governments and the central state or how such power should be split between the three branches of government, legislative, executive and judicial. It is therefore possible to say that there were as many individual constitutional projects as there were politicians. A federal republic emerged from these debates but it too was doomed to failure and was replaced by a centralist charter in 1836. It was followed by a brief flirtation with a *santanista* dictatorship 1841-1843, during which a movement to reintroduce federalism, led by deputies of the 1842 Constituent Congress, was quashed by a series of military *pronunciamientos* in December of that year. Instead, with congress having been replaced by a Junta de Notables in 1843, many

⁶²⁶ Josefina Z. Vázquez goes so far as to argue that by 1845 Alamán was “uno de los principales conspiradores monárquicos”. He was not alone. Though definitely in the minority, some individuals did believe that a monarchy was the only way of ensuring Mexico’s survival as an independent nation. Josefina Z. Vázquez, “Centralistas,” p. 122.

of whom had been handpicked by Santa Anna, a second centralist constitution arose out of the Bases Orgánicas. Three years later, facing the threat from the United States, the country turned to federalism once more, with the reintroduction of the 1824 Constitution. In the midst of the US invasion in 1847, it was expanded by an *Acta de Reformas* that was to remain in force until the promulgation of the great liberal constitution of 1857.⁶²⁷

In order to reach a better understanding of Otero's views on federalism, it is essential to take a closer look at the development of these different systems of government and at the federalist debate before moving on to Otero's analysis of the situation as it stood in the 1840s. This will include his support of the 1824 federalist charter and his criticism of the 1836 centralist constitution. The first he hailed as having united a country divided by Iturbide, ushering in a period of peace and progress, although he admitted it was flawed and unsuitable for the 1840s. The latter he considered to have been one of the main causes of all the ills that had befallen Mexico since independence. This section will also look at Otero's attitude as a deputy for Jalisco, a renowned radical federalist state, and his defence of a federalism that was more than just a copy of the one advocated by the United States. The second part of the chapter will look at Otero's legislative output, and the way he put his beliefs into practice when drafting constitutions in both 1824 and 1847. It will examine his definitions of the individual requirements of both the states and the central authority, as well as his arguments for the distribution of individual and overall powers. The states, for example, should have complete control over their treasuries, whereas the central authority must have the sole command of the means of repelling foreign threats. Finally,

⁶²⁷ The constitution of 1857, "established equality among citizens, a federal and representative political system, and an ambitious project of secularization and disentanglement of corporative property –both the Church's and that of indigenous communities". Pablo Piccato, *The tyranny of opinion, Honour in the Construction of the Mexican Public Sphere* (Durham and London: Duke University Press, 2010), p. 5.

the chapter will demonstrate that while Otero's stance was unwaveringly federalist, he was advocating a federalism inline with the needs of the time and not simply a rehash of an older version.

In order to understand his reticence to simply reintroduce the 1824 constitution in the 1840s, it is necessary to look at the background to the federalist argument. The establishment of a new system of government in the years following independence was no easy task because "las guerras españolas y la lucha independentista heredaron una economía estancada y una bancarrota hacendaria, acompañadas de una población heterogénea, dividida y carente de experiencia política."⁶²⁸ Indeed, the struggle for independence itself had been characterised by different groups and regions promoting and fighting for their own specific interests.⁶²⁹ The population was spread across provinces which had also inherited this division, strengthened by the introduction of the 1812 Constitution in the colonies during the struggle for independence. Once the failure of Iturbide's empire had become apparent, a new system of government was needed, and there was heated debate throughout the states on "soberanía, la organización del poder publico y la construcción de la nación."⁶³⁰ There was consensus that the monarchy should be replaced by a republic, but it was the form this republic should take that raised tempers; should it be federalist or centralist?⁶³¹ Meanwhile an interim government was appointed. The provinces were unwilling to surrender any of their autonomy to a central government and Guadalajara, followed closely by Zacatecas, Oaxaca and Yucatán, refused to acknowledge the authority of congress in Mexico City

⁶²⁸ Josefina Z. Vázquez, "A manera de introducción," in Josefina Z. Vázquez, (Ed.), *El establecimiento del federalismo en México (1821-1827)* (Mexico City: El Colegio de México, 2003), p. 16.

⁶²⁹ Jaime E. Rodríguez O. and Virginia Guedea, "La Constitución de 1824 y la formación del Estado mexicano," *Historia Mexicana*, Vol. 40, No. 3 (Jan. - Mar., 1991), p.521.

⁶³⁰ Jaime Olveda, "Jalisco: el pronunciamiento federalista de Guadalajara," in Vázquez, *El establecimiento*, p. 191.

⁶³¹ Timothy E Anna, "Inventing Mexico: Provincehood and Nationhood after Independence," *Bulletin of Latin American Research*, Vol. 15, No. 1, Special Issue: Mexican Politics in the Nineteenth Century (1996), pp. 9-10.

and of the interim government.⁶³² Guadalajara, true to its reputation as a radical federalist state, announced that “no había ley, tratado ni compromiso que obligara a las provincias a depender del centro,” only a matter of days before they declared themselves to be the “estado libre, independiente y soberano de Jalisco.”⁶³³ However, even the most extreme of states seemed to accept “la presencia de una idea fundadora de Estado, la voluntad de crearlo y la existencia de un sentido de pertenencia a una nación en ciernes” but with the proviso that any nation so created must also accept each state as “un centro de poder con la fuerza y la experiencia suficientes para autogobernarse.”⁶³⁴ By 1823 most of the provinces were convinced that the only way to combine these demands was through the establishment of federalism.⁶³⁵ However, while this was the majority opinion, there were also those who supported a system whereby all the power would be held by a centralist government, or even a moderate confederation that would have followed more closely the US design, devolving some power to the states while maintaining a great deal under the control of the central government.⁶³⁶

Unity prevailed when a compromise was reached between the centre and the provinces and it was this compromise that led to the 1824 federalist constitution. However, whereas this charter “ratificaba el régimen basado en una soberanía compartida entre la federación y los gobiernos estatales,” it doomed the system to failure from the very start, as it limited “las facultades fiscales del gobierno federal, lo que propició su debilidad.”⁶³⁷ Vázquez compares this to the federalist example of the United States, arguing that whereas the federalism of their northern neighbour

⁶³² Josefina Z. Vázquez, “El establecimiento del Federalismo en México, 1821-1827,” in Vázquez, *El establecimiento*, p. 29

⁶³³ Communication between the Diputación of Guadalajara and Lucas Alamán, on 5 June 1823, quoted in Vázquez, “El establecimiento,” p. 30.

⁶³⁴ Olveda, “Jalisco,” p. 198.

⁶³⁴ Vázquez, “El establecimiento,” p. 29.

⁶³⁵ Rodríguez O. and Guedea, “La Constitución de 1824,” p.518.

⁶³⁶ *Ibid.*, pp. 520-521.

⁶³⁷ Vázquez, “A manera de introducción,” p. 16.

consolidated unity, Mexico's interpretation of federalism was state sovereignty, first and foremost, with very little power residing in the central government.⁶³⁸ In her opinion, this is what has led many historians to refer to this constitution as a "pacto semiconfederal."⁶³⁹ However, whatever the interpretation of federalism in 1824 "no resultó suficientemente sólido para dar nacimiento a un Estado nacional fuerte y tampoco pudo evitar las tensiones entre las entidades y el gobierno federal, pero salvó la integridad de la nación."⁶⁴⁰

Differences, temporarily lain aside under the Plan de Iguala, resurfaced after the collapse of the monarchy and the political divisions that surfaced were not resolved by the 1824 constitution. Factionalism and division increased over the following years, often challenging and undermining the established system of government. Furthermore, the states did not uphold their side of the federalist bargain. Assigned a financial *contingente* for the upkeep of the central government, it was often paid late, paid in part or not paid at all, leading to a weakened central government.⁶⁴¹ This situation was further exacerbated by the outright refusal of many of the states to implement any national law they considered detrimental to their autonomy.⁶⁴² It gradually became apparent that it was seriously flawed and, as early as 1830, there were calls for reforms or even for something entirely new altogether.⁶⁴³ The 1836 constitution strengthened the

⁶³⁸ The constitution, for example, enabled the central congress to pass laws, "conservar la unión federal de los estados, y la paz y el orden público en lo interior de la federación; mantener la independencia de los estados entre sí en lo respectivo a su gobierno interior; y sostener la igualdad proporcional de obligaciones y derechos que los estados tenían ante la ley." Reynaldo Sordo Cedeño "El congreso nacional," p. 141.

⁶³⁹ This theory also supports the assertion that Mexico's first federalist constitution was not merely a copy of that of the United States. Vázquez, "El establecimiento," p. 34.

⁶⁴⁰ Olveda, "Jalisco," p. 213.

⁶⁴¹ Ibid.

⁶⁴² Ibid.

⁶⁴³ For an in-depth analysis of constitutional reform in the early 1830s, see Catherine Andrews, "Discusiones en torno a la reforma de la Constitución Federal de 1824 durante el primer gobierno de Anastasio Bustamante (1830-1832)," *Historia Mexicana*, Vol. 56, No. 1 (Jul. – Sept., 2006), also useful for a better understanding of the discussions taking place during this period is Michael P. Costeloe, "Federalism to Centralism in Mexico: The Conservative Case for Change, 1834-1835," *The Americas*, Vol. 45, No. 2 (Oct., 1988).

central government, but it still provided the *departamentos*, formally *estados*, with their own government and an administrative *junta departamental* and therefore, “solo modificó el federalismo establecido en la [constitución] de 1824, pero no lo reemplazó con un centralismo fuerte.”⁶⁴⁴ This constitution too failed to solve the nation’s problems and the 1840s “estuvieron marcados por la búsqueda, a la vez desesperada e infructuosa, por dar solución a la inestabilidad política, por hallar aquella “Constitución” que asegurara orden y libertad a la joven nación.”⁶⁴⁵

It was during this time that the debate on federalism, centralism, monarchy or even military dictatorships escalated, and it was then that Otero came to the forefront when he presented his ideas and ideology on the national stage.⁶⁴⁶ From his very first political position as deputy to the Constituent Congress for the fiercely radical state of Jalisco, Otero fought indefatigably for the federalist cause.⁶⁴⁷ Writing during the early summer of 1842, he added his voice to the general clamour for change, convinced that both the 1824 and the 1836 constitutions had failed equally in answering the needs of the nation in the ensuing decades.⁶⁴⁸ Although Otero was well aware that the 1824 constitution was not flawless, he admired it greatly, particularly as the embryo of Mexican federalism. Given the benefit of hindsight, it was not difficult for his generation to see the imperfections of both constitutions. By the early 1840s the call for reform required a response and, although the Revolución de Jalisco demanded changes to 1836 centralism, most of the moderate federalists naturally favoured the

⁶⁴⁴ Andrews, “Discusiones,” p. 105.

⁶⁴⁵ Noriega and Pani, “Las propuestas ‘conservadoras,’” p. 175.

⁶⁴⁶ Pani and Noriega point out that with the fall of Iturbide pro-monarchical ideas slipped out of public debate and did not resurface until the 1840s. As Otero gave them scant importance, they are not discussed in detail here, but they were indeed a reality. Ibid.

⁶⁴⁷ For the role of Jalisco and the other provinces in bringing about the federalist constitution of 1824 see Nettie Lee Benson, *La Diputación provincial y el establecimiento del federalismo mexicano* (Mexico City: Colegio de Mexico, UNAM, 2nd Ed. 1994) as well as Ivana Frasquet, *Las caras del águila. Del liberalismo gaditano a la república federal mexicana (1820-1824)* (Castellón: Universitat Jaume I, 2008), specifically pp. 339-360.

⁶⁴⁸ Otero, *Ensayo*, p. 12.

reintroduction of federalism but suitably adjusted to the requirements of the nation in the 1840s.⁶⁴⁹ Otero was of the opinion that the 1824 constitution had been the best solution to the situation in Mexico at the time. Mexico had been free of Spanish rule for only three years, after an eleven year struggle to achieve independence. The republic, Otero argued, had been built upon the ruins of Iturbide's throne, and its situation was precarious, under constant threats of reconquest by Spain, while, he said "nosotros débiles, inexpertos, sin recursos y sin organización estábamos expuestos no sólo a todos los peligros de la debilidad, sino también a los de la división y la anarquía."⁶⁵⁰ This was Otero's view of Mexico on the eve the 1824 federalist constitution was signed and, yet, he felt it ushered in a rare moment of peace and tranquillity. Zavala agreed but argued that this moment of stability was short lived. He also accused the men who wrote it of merely copying the main points from the United States, arguing that it was not applicable to Mexico and that, therefore, "falta mucho para que las cosas, la esencia del sistema, la realidad corresponda a los principios que se profesan."⁶⁵¹ Alamán, on the other hand, thought the 1824 constitution introduced disorder into a nation which had been stabilised by Iturbide, insisting, in the last years of his life, that the only way Mexico would ever solve its problems would be through the regeneration of the traditionalist values of the colonial period under a constitutional monarchy.⁶⁵²

With the introduction of federalism, Otero believed, somewhat idealistically, considering the pessimism with which he described the state of the nation, that Mexico

⁶⁴⁹ A glance over the pronunciamientos of 1840 and 1841 shows the contrasting view between Paredes y Arrillaga, together with Victoria and Santa Anna who were determinedly against federalism, and Gómez Farías's call, in July 1840, for "la Constitución de 1824 reformada," as well as the calls for federalism reflected in the men elected to form part of the 1842 congress. For full texts of the pronunciamientos, planes and *actas* of 1840 and 1841, see *The Pronunciamiento in Independent Mexico, 1821 – 1876*, available at <http://arts.st-andrews.ac.uk/pronunciamientos/index.php>. For the election process and composition of the 1842 Congress, and an analysis of the men who comprised it see Noriega Elío, *El Constituyente*.

⁶⁵⁰ Otero, "Discurso 11 de Octubre de 1842", *Obras*, I, p. 304

⁶⁵¹ Zavala, *Ensayo Histórico*, p. 299.

⁶⁵² Brading, "Creole Nationalism," p. 159.

had begun to develop in leaps and bounds. Agriculture, industry and commerce flourished overnight and rapidly spread their wealth. Roads were built, ports opened and vacant areas of the country colonised. Intellectual advancement also occurred, with vertiginous speed, accompanied by improvements in primary and secondary education, and the printing press. Judicial administration progressed; as did the legislatures, and slowly, *garantías sociales* and criminal legislation became established.⁶⁵³ In Otero's opinion, this was all the direct result of federalism giving each state the freedom to allocate its resources to the areas of most importance to it, ensuring that each state could develop its own interests while, at the same time, freeing the central government to act in the best interests of the nation as a whole. This was the balance that had caused the country to experience, at least briefly, peace and progress. This was the vision of the federalism and its successes that underlay his optimism in 1842, and again in 1847. Federalism had worked well in the past and would, therefore, work for Mexico in the future. This view contrasted sharply with the centralist perception of those federalist times, namely that "it had not brought economic prosperity but rather poverty and recession giving rise to political and factional division which, in turn, had led to constant rebellions and *pronunciamientos*."⁶⁵⁴ Not only that, administrative costs had risen as state bureaucracies had developed across the nation and had been met through increased taxation, a direct negative impact of federalism on the people of Mexico.⁶⁵⁵

However, in order to underpin his conviction of federalism as the saviour of a desperate nation, he had to discredit any other available options. The most important of these, the one that had been in place since 1836, was centralism. The failures of the centralist constitutions were therefore central to Mariano Otero's analyses of the ills of

⁶⁵³ Otero, "Discurso 11 de Octubre 1842," *Obras*, I, p. 312.

⁶⁵⁴ Michael P. Costeloe, "Federalism to Centralism in Mexico: The Conservative Case for Change, 1834-1835," *The Americas*, Vol. 45, No. 2 (Oct., 1988), p. 176.

⁶⁵⁵ *Ibid.*, p. 177.

the nation that he presented in congress in the *Ensayo* and in other publications. Otero argued that the centralist constitution had emerged from a congress that, taking advantage of the powers bestowed upon it by federalism, had destroyed it by bringing another constitution into being. He was concerned that a precedent had been set whereby any constitution could be ignored, dissolved or replaced with no further ado.⁶⁵⁶ Moreover, as Otero saw it, the years Mexico had spent as a centralist republic had only demonstrated that the reasons given for shattering the federalist constitution and replacing it by centralism, had been nothing more than empty excuses.⁶⁵⁷ In their call for centralism and its subsequent institution, the enemies of federalism had used the state of the nation –a bankrupt treasury, constant upheavals, social instability– as the reasons why change was so urgently needed. And yet, no more than seven years later, as he sought to demonstrate in the *Ensayo*, conditions in the nation remained the same; if federalism had been to blame for the state of the nation in 1835, centralism had been equally culpable in 1842, and for exactly the same reasons. Backing up his assertion with specific evidence, he compared the text published by the committee calling for centralism with the text of the 1841 Jalisco *pronunciamiento*.⁶⁵⁸ In his opinion, both documents, depicted Mexico as a country where all parts of the republic were groaning under the weight of contributions and taxes; commerce, industry, property ownership were all decimated by excessive taxation; the administration was run entirely on cronyism. The public debt increased substantially year on year while magistrates and civil servants went unpaid. The border states suffered from constant incursions by the

⁶⁵⁶ Otero, *Ensayo, Obras*, I, p. 77.

⁶⁵⁷ The argument for centralism was that “a new form of government would bring back national unity and end the factional divisions and multi-party politics which had caused so much instability and administrative disruption. Law and order would be guaranteed with the streets and highways made safe for decent people. Above all, the traditional values of the family, respect for the nation’s once venerated institutions, the spirit of public service and public morality in general would be restored. The precepts of the only true faith would again be taught in schools and the corruption of youth by the modern heresies of the day stopped.” Costeloe, “Federalism to Centralism,” p. 184.

⁶⁵⁸ Otero, *Ensayo, Obras*, I, p. 78 - 80.

indios barbaros, and administration after administration had failed to bring Texas back into the national fold after its secession from Mexico. This, Otero argued, showed that all that had been achieved in the seven years Mexico had been governed by centralism was a worsening of the situation and, therefore, other causes and not federalism were responsible.⁶⁵⁹ It was not difficult to discern these other causes. They ranged from party politics and factionalism to the intervention of the army in affairs of the state. Federalism, on the other hand, had enjoyed temporary success, whereas there had been no sign of improvement, no ray of light under the centralist regime. And Otero had personal experience of the ills centralism brought to the *estados*. He, and his fellow Jalisco deputies, brought with them the experiences of seven years under centralism, “regidos por una administración digna de las épocas de barbarie y en la que oímos proclamar los principios del más bárbaro oscurantismo ¿nosotros hemos de venir a votar aquí todavía el centralismo?”⁶⁶⁰ With centralism, he said, concentration of power in the centre had led to the *estados* being abandoned, so that their wealth and prosperity had suffered, reducing them to penury and misery which had had a snowball effect on the country as a whole. This argument summed up Otero’s overview of the failure of both systems, and provided the necessary rhetoric in 1842 to back his call for the reinstatement of federalism but with the necessary reforms, dictated by the experiences of the past.

Furthermore, in order to refute the criticisms that the federalism of the 1824 constitution was nothing more than a copy, and a poor one at that, of a system that was original and particular to the United States, Otero explored the origins of federalism and confederation. He pointed out that variants of a federalist system were to be seen in

⁶⁵⁹ Ibid., pp. 78 - 80.

⁶⁶⁰ Otero, “Discurso 11 Octubre 1842,” p. 316.

Europe for centuries before the United States even existed,⁶⁶¹ dismissing the argument that the politicians of the years after independence had merely imitated the decisions of their northern neighbours, “como los norteamericanos, cedieron a una ley universal, a una ley que nunca desmentida era la obra de la naturaleza, y no la de los hombres.”⁶⁶² Establishing centralism would have been to ignore the true nature of the relations between the different parts of the nation, to disregard past experiences and to brush aside future needs.⁶⁶³

The specifics of the federalism he envisaged were developed in congress, when he faced the challenge of writing and defending the proposed federalist constitution. Federalism was essential, as Otero saw it in 1842, to repair the damage from the revolts and revolutions that had become so widespread, to remedy the rifts caused by class divisions and party politics, and to mend the damage from political incursions by the army or the Church. However, congress, whose job it was to reconstitute the nation, was under threat from the very start from those same men whose rallying call to revolt had been precisely the replacement of the existing constitution. As an outspoken advocate of federalism, Otero was aware that the situation was serious.⁶⁶⁴ He knew that those in power would never allow congress to proclaim an openly federalist constitution. Here was an immovable Otero, unwilling to compromise on the introduction of federalism, in stark contrast to the moderate stance he held on the Church or on military involvement in politics where he was happy to make concessions, such as the protection of the *fueros*, in order to achieve his goals. The threat of failure in 1842 was not sufficient to dampen the young legislator’s spirits and he argued that his conscience, to use his own words, *me grita* that the only constitution that could save the nation was

⁶⁶¹ Otero, *Ensayo, Obras*, I, pp. 81-83.

⁶⁶² *Ibid.*, p. 83.

⁶⁶³ *Ibid.*

⁶⁶⁴ Otero, “Carta a Vergara,” *Obras*, I, p. 154.

one that gave the *estados* the faculty to promote their own welfare, which he was convinced would otherwise not, and indeed could not, ever be properly protected by a central government.⁶⁶⁵

This separate empowerment of the states was at the very core of Otero's federalism. It was essential when drawing up and writing the constitution, that congress should take into account the particularities of Mexico and the radically different states it comprised, meeting the "necesidades conocidas de la nación."⁶⁶⁶ Otero was quick to agree that "nadie," —in reference to public opinion— wished for the reestablishment of the 1824 constitution but it was irrefutable that "el principio de organizar en las diversas secciones del territorio autoridades suficientemente facultadas para atender a sus necesidades locales, es un principio tan fuerte y universalmente adoptado, como lo fue el de la independencia nacional" lay in federalism.⁶⁶⁷ It was Otero's opinion that it was the only obvious way to combine the needs of the country with the will of its people. The discontent and upheaval since independence had taught Mexicans that the particular composition of the country required a system that would foster a consensus among the social elements.⁶⁶⁸ Past experience had shown Otero that the fundamental problem resided in the "repartición del poder publico en las diversas partes del territorio," and had deep roots, reaching back into the colonial administration, and he believed that it was obvious even then that the administrative authority of the nation could not and should not be concentrated in one place.⁶⁶⁹ With independence, this need became even more pressing, as the colonial system was repudiated and the different colonies pondered their future. At that point, Otero argued, such heterogeneous elements could

⁶⁶⁵ Ibid.

⁶⁶⁶ Otero, *Ensayo, Obras*, I, p. 75.

⁶⁶⁷ Ibid., p. 81.

⁶⁶⁸ Ibid., p. 75-76.

⁶⁶⁹ Ibid.

have chosen to become separate entities but they had raised their voices in unison, from all corners of the Mexican territory, culminating in the federalist constitution of 1824.⁶⁷⁰

Having established the antecedents of federalism within the Republic, all that was left for Otero attending the 1842 congress was to work on the exact wording of his proposals. Though Otero was aware that speed was of the essence, he remained true to his earlier convictions and would only back an openly federalist proposal and for these reasons, affixed his signature and his vote, to the *Voto de la Minoría*. The Constitutional Commission, in charge of drafting the new constitution, had splintered, with four members backing a proposal that did not openly call for federalism, and a minority of three, including Otero, supporting one that did. This *Voto de la minoría* appears to have been written, for the most part, by Otero, although it was also signed by his fellow deputies, Juan José Espinosa de los Monteros, from Guanajuato, considered, at the time, to be “el primer jurista de la república,” and Octaviano Muñoz Ledo, also from Guanajuato, who occupied important positions in various administrations.⁶⁷¹ In this *Voto* they set out the reasons for their dissent from the majority, and how the provisions should differ. Otero, however, felt it necessary to justify his actions further and published a series of articles defending his position in *El Siglo XIX*.⁶⁷²

During that famous three hour speech in congress, which led Guillermo Prieto to label him a great orator, Otero outlined his criticism of the majority proposal, while, at the same time, defending his decision and opinions. He argued that the two proposals presented two diametrically opposed systems.⁶⁷³ The cause of this schism in the Constitutional Commission was more than just a word, it was the “bases fundamentales

⁶⁷⁰ Otero, *Ensayo, Obras*, I, p. 76.

⁶⁷¹ Cecilia Noriega Elío, *El Constituyente*, p. 197, 201.

⁶⁷² These were originally published on 2, 3 and 8 October 1842 in *El Siglo XIX*, and can be found in Otero, *Obras*, I, p. 203-257.

⁶⁷³ Otero, “Discurso 11 Octubre 1842,” *Obras*, I, p. 264

del sistema, los primeros principios sobre la organización del poder público.”⁶⁷⁴ It was essential to know whether power would be divided among all sections of the Republic, so that each could fulfil its individual needs, leaving all that concerned the overall relationship to the central power or whether the central power was to be absolute, leaving the *estados* powerless.⁶⁷⁵ For Otero, “ni la soberanía del pueblo, ni el sistema republicano, ni la democracia, ni la división de poderes; ni las formas del sistema representativo estaban a discusión.”⁶⁷⁶ All that remained, therefore, was to “fijar los límites del poder general y del poder que se deje a cada sección de la República para sus necesidades interiores.”⁶⁷⁷ The crux of the issue for Otero was to debate whether there was “en efecto dos poderes, uno para cada localidad y otro para toda la nación; pero ambos verdaderamente diversos, independientes y bastante bien organizados o si el local no es más que una derivación más o menos amplia del general; pero siempre emanado de él, sujeto a sus determinaciones y subalterno e inferior en su órbita.”⁶⁷⁸

Otero’s federalist stance, as outlined in the minority proposal, guaranteed that the states would be permitted to organise their administration as they saw fit within the parameters established by the constitution –el sistema de gobierno republicano representativo, popular– but specifically stated that two or more public powers could never be merged, nor could a state ever appropriate any faculties other than those outlined in its own constitutions.⁶⁷⁹ The *Voto de la Minoría* called on congress to sanction a constitution which gave the Estados the necessary powers to meet their requirements while, at the same time, organising “un poder común bajo las formas más

⁶⁷⁴ Ibid., p. 264.

⁶⁷⁵ Ibid., p. 300.

⁶⁷⁶ Ibid., p. 266.

⁶⁷⁷ Ibid.

⁶⁷⁸ Ibid.

⁶⁷⁹ Public powers would be legislative, executive and judicial. *Voto de la minoría*, Título IV, Sección Única, Artículo 23; De los estados de la federación, and Título V, sección única, Artículo 27; Del poder supremo de la nación, in *Obras*, I: p. 185.

convenientes para conservar la unidad de esta nación.”⁶⁸⁰ This was essential, it argued, in order to cater to a nation of such diverse territories and peoples, each with its distinct necessities, but insisting time and time again that the freedom to fulfil them did not come, and must never come, at the expense of the ties that bound them. Such a combination of state sovereignty under the umbrella of the general government could only be found in a federal system. Well aware that the previous federalist experience had its flaws, it called for reforms based on “la experiencia de los sucesos y la voluntad de la nación,” which would provide the necessary stability and cohesion to avoid further chaos and lead to Mexico attaining a position among the great nations of the world.⁶⁸¹ Naturally, in order to guarantee freedom, the states would be subservient to the central government but, in exchange, it would have to ensure the ties that bound the states together to form a whole “no debiera ser para ellos un pacto de desolación.”⁶⁸² This federal system would assuage the old resentments felt by the states under centralism and in doing so avoid “el triste porvenir de la anarquía y la division.”⁶⁸³

Having dealt with the demands of the states, the Minority turned to the needs of the central government, ensuring that “hemos declarado constitucionales y generales los más liberales principios que pudieran desearse para la firme garantía de esos derechos; y por eso también hemos establecido en términos claros y precisos la división de los poderes interiores, de suerte que éstos nunca pudieran ni confundirse, ni salir de sus facultades ordinarias.”⁶⁸⁴ Some of the proposals they went on to describe included limitations on the scope of the power wielded by state governors, designed to limit their ability to become dictators. According to Otero, the state legislatures had, in the past, been considered by many as cause for concern –often being seen to be in direct collision

⁶⁸⁰ Otero, “Voto de la minoría,” *Obras*, I, p. 174.

⁶⁸¹ *Ibid.*, p. 174.

⁶⁸² *Ibid.*, p. 176.

⁶⁸³ *Ibid.*, p. 174.

⁶⁸⁴ *Ibid.*, p. 175.

with the general power— but would also be subject to constitutional constraints to ensure they did not encroach beyond their boundaries. Furthermore, and to fully protect the nation from any abuse, the central government would retain the right to annul any and all laws or actions that in any way attacked, violated or ignored the constitution. It would also give the central government complete authority over those issues it identified as of national importance, such as foreign relations, and it would act as the guarantor of the constitution.⁶⁸⁵ These proposals would ensure that the states remained powerless against the whole.⁶⁸⁶ By way of contrast, and in order to pacify the states once more, by ensuring that this same central government did not abuse any of the powers it would derive from the constitution, Otero and his fellow deputies, established a right of man whereby he would have “el derecho de quejarse de cualquier acto de los poderes Legislativo y Ejecutivo de los Estados, ante la Suprema Corte; poder tutelar de las garantías civiles.”⁶⁸⁷ In Otero’s mind, this meant that the issues people had with the federalist system and the fears it had caused in the past had been addressed, not simply with rhetoric and common sense, but with checks and balances written into the constitution itself.

Specific powers would regulate the ties between the different states, to enable them to enjoy true liberty and freedom but, Otero insisted, they also were also united by a “pacto sagrado.”⁶⁸⁸ This consolidation of their rights and freedom regulating the relations between them should also be the prerogative of a general authority invested with the necessary powers to maintain it.⁶⁸⁹ Obviously there were other issues, too, to be addressed at a national level including “los negocios eclesiásticos, el sistema de pesos, medidas y monedas y el derecho de amonedación, las reglas de naturalización, la

⁶⁸⁵ Ibid., p. 176.

⁶⁸⁶ Ibid.

⁶⁸⁷ Ibid., p. 175.

⁶⁸⁸ Otero, “Examen analítico,” *Obras*, I, p. 248.

⁶⁸⁹ Ibid., p. 250.

adquisición de bienes raíces por los extranjeros.”⁶⁹⁰ However, for Otero there was a big difference between *poderes*, foreign relations and national unity, and the more general ones. The first would be managed and implemented by the central government; for the second, the central government would issue the regulations, but they would be implemented by each state individually.⁶⁹¹ This, would be the full extent of the involvement of the central authority. Everything else, civil legislation, criminal legislation, commercial legislation and all the-day-to-day running of the state would be the responsibility of its own government and legislature.⁶⁹²

The disbandment of the Constituent Congress meant that the specifics Otero outlined in the Minority Proposal displaying the practical side of his federalist stance and which he believed could be put into practice in 1842, never materialised into anything tangible. Nevertheless, the importance of federalism stayed with him, and remained at the core of his political ideology. His central theme would always be the need to empower the states, by giving “a cada Departamento facultades para organizar sus rentas, la administración de justicia, y su gobierno interior, sujetándolos sólo a bases generales,” but other aspects of federalism concerned him too.⁶⁹³ For a start, he delved deeply into one of Mexico’s greatest problems, but one which he also believed was one of its greatest assets; the sheer size of its territory and the differences in its people. Otero argued that any system that was to govern Mexico adequately would have to take these vast differences into consideration; it was impossible to govern a northern border state in the same way as the capital. The interests of each would vary and, in some cases, be entirely opposed.⁶⁹⁴ In Otero’s opinion this alone rendered centralism untenable, as it could never hope to address the needs of each and every specific grievance with general

⁶⁹⁰ Ibid., p. 250.

⁶⁹¹ Ibid., p. 250-251.

⁶⁹² Ibid., 251-252.

⁶⁹³ Otero, “Carta a Vergara”, *Obras*, I, p. 155.

⁶⁹⁴ Otero, “Discurso 11 Octubre 1842”, *Obras*, I, p. 308.

regulations issuing from the capital.⁶⁹⁵ Otero saw Texas as a prime example of the failings of centralism –if Texan grievances had been addressed, ensuring they maintained strong ties to a central government while allowing them to make their own decisions via a federalist constitution, the 1835 secession from Mexico could have been avoided.⁶⁹⁶ Centralists, like Alamán, contradicted Otero, arguing that federalism weakened the nation and specifically blaming federalism for the origins of the national divisions that had rendered Mexico powerless to stop the United States seizing half of its territory.⁶⁹⁷

Otero was concerned that there might be clashes between the centre and the *estados* at some point or other, but concluded it was not inevitable, as checks and safeguards could be incorporated in the constitution to guard against central interference in state affairs. In addition, he thought it essential to establish a supreme court.⁶⁹⁸ He believed there was a general fear within certain political circles that if the states were given their very own legislative powers by federalism, as they grew stronger and more prosperous, it would be only a matter of time before they called for total independence from the union. Otero, however disagreed, believing that the *Estados* would be as protective of their own independence within federalism as they would be of the ties that bound them and ensured their general interests.⁶⁹⁹

The treasury was one of the areas in which Otero felt the states needed to be given sufficient concessions, as “está la vida de las naciones, en ella está la clave de la libertad política y ella decide, de tal suerte de la realidad del poder público que en los tiempos en que la ciencia del gobierno estaba muy atrasada, los pueblos descubrieron,

⁶⁹⁵ Ibid., p. 309.

⁶⁹⁶ Otero, *Ensayo*, p. 66 -67.

⁶⁹⁷ Brian Hamnett, “El partido conservador en México, 1858-1867: la lucha por el poder,” in Fowler and Morales Moreno (Eds.), *El conservadurismo*, pp. 215-216.

⁶⁹⁸ Otero, “Examen analítico,” *Obras*, I, p. 252.

⁶⁹⁹ Otero, “Discurso 11 Octubre 1842,” *Obras*, I, pp. 323 - 324.

como por una especie de instinto, que su libertad estaba en razón directa de su influencia en el sistema de hacienda.”⁷⁰⁰ He firmly believed that “un gobierno sin erario será siempre un vano simulacro de poder,” so that one of the key issues to be addressed with the establishment of federalism was that of taxation and the management of public funds.⁷⁰¹ This was very much a radical stance. It was also held by most of the local elites in the *Estados*, who assumed their demand for political autonomy would bring with it fiscal autonomy. This was of particular importance to the richer states who felt their wealth was being siphoned off by a centralised government.⁷⁰² Centralists countered this argument with their criticism that under federalism fiscal autonomy weakened the central government as states would frequently avoid making their financial contributions the centre leaving it indebted and poverty-stricken.⁷⁰³ This was why Otero argued that it was so essential to establish openly how resources would be distributed between the centre and the states. Mexico could not afford to commit the same mistakes it had under the 1835 centralist constitution which had led to the *Estados* existing in miserable conditions while forced to contribute to the centre. Otero insisted that the Minority proposals guaranteed that the *Estados* would have complete power to make their budgets, and to establish the level of contributions, and that these would remain with them, with no risk of their being expropriated by the general power.

Believing that an attack or attempted invasion by the United States was inevitable, Otero’s final area of concern was a situation where the states and the central government faced an external enemy. Otero argued that it was Mexico’s northern

⁷⁰⁰ Ibid., p. 268.

⁷⁰¹ Otero, “Examen analítico”, *Obras*, I: p. 254.

⁷⁰² Ibid.

⁷⁰³ A prime example of this was the states’ obligation, under federalism, to support the nation by paying a *contingente*. However, much of the time, if it were paid at all, it was late and rarely paid in full, Olveda, “Jalisco,” pp. 200, 213.

territories that were most under threat.⁷⁰⁴ He compared Mexico to its northern neighbours and found that where one was full of vigour and strength Mexico, with the same natural benefits, was sinking under the weight of its troubles.⁷⁰⁵ Aware of this, in 1842, four years before the declaration of war with the United States, Otero called for the nation to focus on ensuring “la integridad nacional, recobrando la parte usurpada, y tomando las medidas necesarias para que las demás inminentemente amenazadas tengan recursos para resistir las agresiones, e interés en conservar la unidad nacional.”⁷⁰⁶ If the North American encroachment was to be halted, Mexico had to become its equal, should the day come “en que no sólo corran la suerte de Texas esos Departamentos abandonados a la desesperación que son hoy nuestra única barrera, sino que, como decía el señor Gutiérrez Estrada, se rece la liturgia protestante en las catedrales del interior.”⁷⁰⁷ The sentiment was quasi-prophetic. By 1847 not only did the United States flag fly above the national palace in Mexico City, but it had been amply demonstrated that the nation, if it existed at all, did not form a cohesive unit. The re-introduction of the 1824 federalist constitution with its *Acta de Reformas* had managed to save the central government, but each *Estado* had protected its own interests refusing, at times, to send aid to others until it was too late, or until the state in question was under direct threat. This was proof, for Otero, that federalism was essential in order to bind the states together while giving them the liberty to decide for themselves what was important to each individual state.⁷⁰⁸

By 1847, as the US forces closed in on the capital, it became apparent to Otero that the reforms to the Constitution were a matter of urgency and could not be left until after the end of the conflict. Should the advancing enemy be successful, Otero knew the

⁷⁰⁴ Otero, *Ensayo, Obras*, I, pp. 66-67.

⁷⁰⁵ Ibid.

⁷⁰⁶ Ibid.

⁷⁰⁷ Otero, “Discurso 11 Octubre 1842”, *Obras*, I, p. 324.

⁷⁰⁸ Otero, *Ensayo, Obras*, I, pp. 66-67.

nation would need guidelines to enable it to survive as an independent nation. As a member of the Congressional Constitutional Commission, he dissented from the majority opinion; his fellow commission members all agreed to re-instate the 1824 federalist constitution “mientras no se publiquen todas las reformas que determine hacerle el presente Congreso.”⁷⁰⁹ For Otero, however, “mientras” was too uncertain a time frame. He was aware that the nation was facing an unprecedented threat to its independence and as such, congress might well be running out of time. The proposals he presented to congress, as his *Voto Particular*, barely differed from what eventually became law. In them, we can Otero’s federalist ideology put into practice. The *Acta de Reformas* establishes the powers to be held by the central government.; Article 11, for example, states: “Es facultad exclusiva del congreso general dar bases para la colonización, y dictar las leyes conforme a las cuales los poderes de la Unión hayan de desempeñar sus facultades constitucionales.”⁷¹⁰ The 1824 constitution gave the states ample powers, and all the *Acta* added to this was that no state had any further rights than those expressly cited in the constitution.⁷¹¹ At the same time, it also curtailed the powers of the central government to those derived only from the constitution.⁷¹² In both cases, the constitution was to be the ultimate and supreme authority. Despite the states being given considerable autonomy, the centre was protected from any attack by a state law promulgated in direct contravention of the constitution as it could and would be declared null and void by the central legislature.⁷¹³ But, once again, this apparent restriction was counterbalanced by a similar article delineating the complaint process should any law issued by the central congress be deemed unconstitutional by any of the

⁷⁰⁹ Emilio O. Rabasa, *Historia de las Constituciones mexicanas* (Mexico City: UNAM, 2004), p.52.

⁷¹⁰ Acta Constitutiva y de Reformas de 1847, 21 Mayo 1847, Article 11.

⁷¹¹ Ibid., Article 20.

⁷¹² Ibid., Article 21.

⁷¹³ Ibid., Article 22.

stat legislatures.⁷¹⁴ Furthermore, if any part of the constitution were to be reformed, it required at least two thirds of both chambers to approve it, in two separate and contiguous congresses. The same Article also stated that “las reformas que en lo sucesivo se propusieren, limitando en algún punto la extensión de los poderes de los Estados, necesitarán, además, la aprobación de la mayoría de las legislaturas.”⁷¹⁵ Even then, the final article of the *Acta* ensured that there could be no alteration or reform to the basic constitutional tenets that established the independence of the nation, its form of government –republicano, representativo, popular federal– and the division of powers, be it those pertaining to the general government or those to the states.⁷¹⁶ The *Acta de Reformas* is Otero’s most well known accomplishment, as in it can be seen the origins of the *amparo*, however, it also the only practical application, on a national level, of his federalist ideology which combined elements of his radical position –protecting the independence of the states– compromised by the needs for cohesion of a nation whose very independence was being threatened.

Otero’s uncompromising stance on federalism was in strong contrast with his moderate views on such matters as the role of the military or the Church in affairs of the state. He was only ever willing to admit to a federal republic and he showed no reticence in making his views known. Whereas in other areas his moderation pushed him to a safe middle ground, where *realpolitik* won over his personal ideology, his defence of federalism was aggressive, even when faced with hostile opposition. Representing Jalisco, one of the first states to adopt an openly radical federalist stance following independence, and inspired by equally radical *jaliscienses ilustres*, it is no surprise that when it came to the organisation of political power Otero, too, favoured a

⁷¹⁴ The article specified that the complaint must be made within one month of the law being passed, and permitted any of the state legislature to file a complaint. If this happened, all state legislatures would be required to analyse the law in question and reach a verdict on it. *Ibid.*, Article 23.

⁷¹⁵ *Ibid.*, Article 28.

⁷¹⁶ *Ibid.*

radical federalist model. He believed that a compromise must be reached between the centre and the states, and, like the federalists of 1824, he never doubted that despite provincial autonomy, the states constituted a whole. He criticised the centralist system as responsible for the deterioration of the nation, because he believed it was impossible for the central government alone to issue laws applicable to each and every state. The diversity in the land and people that made up the Mexican nation meant that laws which benefited one state could so easily be detrimental to another. He believed that the states, and only the states, should be able to legislate according to their needs and their desires, a position he always qualified with the argument that such legislation should never negatively affect either the whole or any other part of it. His theoretical stance was very much in favour of state autonomy with loose ties to a centre whose main purpose was to safeguard the common good. However, when it came to reforming the 1824 constitution in 1847, he veered closer to moderation, seeking to ensure a balance of power which was what he felt that was most needed by the country at that time.

Conclusions

The historiographical tradition, prevalent in Mexico in the 1960s, gave the impression that in the country “se enfrentan, desde 1810, dos proyectos: [...] uno es liberal, popular, republicano, secular, progresista, revolucionario, de izquierda y bueno. El otro es conservador, elitista, monárquico, clerical, retrógrado, reaccionario, de derecha y sobra decir que malo.”⁷¹⁷ This was the legacy of a liberal history which provided a linear version of events, a monochromatic view of the preceding 150 years where the reader could follow a continuous line of liberal achievements, from independence to the present day, ignoring, as they did so, any negative aspects that might mar this splendid panorama. In this view, the early national period was punctuated by the great liberal heroes –from the fathers of independence to Juárez– battling constantly against the forces of conservatism threatening from without and within. This is why the image of Otero that emerges from the writings of Jesús Reyes Heróles in the late 1960s is of a young ideologue, tirelessly championing the liberal cause, fighting unceasingly for liberty, equality and progress.

But the 1840s was not like this. It was a period torn by factional disputes as each vied for power in its own interest. The Mexican intelligentsia were split among *santanistas*, *puros*, *moderados*, conservatives, etc. There was no overall consensus on what Mexico needed to produce prosperity and achieve true nationhood. An undisciplined military force pursued its own aims or was harnessed to push through another’s; revolts, uprisings, *pronunciamientos* were the order of the day and the law lacked the balances and checks to restrain them. Government was haphazard; only Herrera’s completed its full term; congresses were dissolved to suit political expediencies. The country was at an impasse.

⁷¹⁷ Erika Pani, “Las fuerzas oscuras,” p. 17.

Nor was Mariano Otero the one dimensional hero that Reyes Heróles described. A consummate politician indeed, tireless in his championing of liberalism and federalism certainly, but one with the political savvy to know when to bend with the wind. The man that takes shape in this thesis is more than just a politician. He is a family man; a doting father and loving husband whose letters to his wife were filled not only with affection, but with his views on the events of the day. A man of the provinces, a *jalisciense*, he established a busy law practice in Guadalajara, but this did not deter him from setting up an extensive network of useful contacts that was to stand him in good stead when he ventured further afield. It was extensive enough not only to keep him informed of business matters in his absence, but ensured he was kept abreast of political events at a state level. Many of these contacts were also personal friends who kept him well supplied with the local fare. As his influence in the capital increased he was able to return the compliment by smoothing the way for relatives, friends, and even acquaintances, seeking an advantageous position in the capital. He was known as a masterly orator from the beginning when he was chosen to give the 16 of September 1841 commemoration address in Guadalajara. Young though he was, he was not so inexperienced that he did not milk the opportunity for all it was worth, seizing the opportunity to market himself in the capital by printing copies of his speech and distributing them to the major national newspapers in Mexico City. There can be no doubt that this masterstroke contributed to a reputation that preceded his arrival in Mexico City where he was welcomed at the highest levels, including an invitation to Otero and his family to share the home of Manuel Gómez Pedraza, a former president. He was immediately offered a position as political editor on *El Siglo XIX*, a new but widely read and influential daily newspaper published by Ignacio Cumplido, coincidentally a fellow *jalisciense*. At this point Mexico hovered between revolution

and constitution, there was no congress and, in its absence, the majority of its functions were being carried out by the Junta Departamental and Otero rapidly became a member. Elections were called to establish a Constituent Congress and Otero's network ensured that he was returned as the deputy for Jalisco. It was in this atmosphere that he wrote his *Ensayo*, a first introduction to his ideology which, unsurprisingly, was published by Cumplido.

As he became embroiled in the machinations of the capital, a different Otero emerges. He was fearless in putting forth his view when he firmly believed it was for the good of Mexico, and showed himself to be a strong believer in the precept that the end justifies the means, even resorting to anti-constitutional measures when it suited him. Plotting behind the scenes during the Polkos rebellion under the guise of protecting Church interests, he had an ulterior motive —removing Valentín Gómez Farías as interim president. Despite being hailed as the standard bearer of the moderate movement, he was willing to betray his fellow *moderados* when it suited his purpose. This was particularly noticeable when the moderates in congress were scheming to ensure it remained inquorate in order to block radical proposals but Otero was quite willing to bargain with the Oaxaca deputies to ensure his *Acta de Reformas* was passed.

The duality shown in his private and public persona was reflected in his political ideology. Far from Reyes Heróles' clean-cut liberal hero, Otero's standpoint is not so easily defined. He was a brash newcomer, who was an important figure from the moment of his first foray into national politics. The first years of his political career were distinguished by his youthful idealism, although he was well aware of the harsh reality of the situation from the very beginning. His optimism would be tempered by the events of the second half of the decade, but until the day he died he actively sought to put his beliefs into practice. As Otero saw it, Mexico was in tatters. His historical

analysis enabled him to uncover the roots of cause and his liberal ideology provided the theory. Putting it into practice, however, he was constantly forced to temper his distinctly radical political ideology with a moderate practical approach. On all but one occasion, the introduction of that *Acta de Reformas* in 1847, he took a moderate stance, not from the power of his conviction but because it was the only way that even the most minimal of changes could be introduced in the charged political climate of 1840s Mexico.

He was willing to compromise if he felt the situation was not ready for too abrupt a change. Like most radical thinkers, he ardently believed in the absolute separation of Church and state and that education should not be the province of the clergy. However, like most of his fellow moderates, reality steered him towards a moderate position. The Mexican Church had money, and money bought influence. Concessions could be made so that the Church could retain its *fueros* and privileges in exchange for its support in bringing down his political enemies. The time was not ripe for reform; any move in that direction would lead to the Church feeling threatened. This viewpoint was characteristic of the moderato faction he headed, who favoured slow, steady reform, avoiding a reactionary backlash at all cost. He was also of the opinion that this was one problem that would be solved by time.

He was forced to the same conclusion when dealing with the role of the army which he blamed for many of the revolutions and *pronunciamientos* which had created so much uncertainty and unrest and so often challenged constitutional legitimacy in the years following independence. As such it was essential that the army be reformed, its *fuero* abolished and its political influence curtailed. It should be constitutionally limited to a defensive role, sent into action only under the auspices of the central authority. It became clear to Otero that any such reforms were impracticable in the current political

climate because the reality of the 1840s was different; a series of *pronunciamientos* in 1841 toppled the presidency; in 1842 the Constituent Congress was shut down by a military movement and, in the years that followed, *pronunciamiento* after *pronunciamiento* constantly challenged the constituted order. Otero was not alone in seeing army reform as impossible in the current political climate. Fellow moderates, such as the president José Joaquín de Herrera, also held back in order to ensure that the army's reaction would not upset what little stability could be achieved by the legitimate government.

Federalism was his overriding passion. And here he was a radical. As a federalist he believed that much of the political power should remain in the hands of the states and, therefore, favoured strengthening the civic militia and introducing a local police force, and giving them further responsibilities. His beliefs reflected the ideas of the original federalists of 1824, modified for the reality of the 1840s, whereby the states were given sovereignty, and political power resided with them through their own legislature and governor and they retained control of their individual budgets and taxation. The central government remained responsible for the whole and for its defence. Only a strong constitution could uphold these aims. Federalism was the one aspect of his ideology that he never attempted to moderate. And he was fearless in proclaiming it. Even in 1842, when he was aware that the Constituent Congress in which he was serving was under threat, he openly declared himself a federalist and fought for the introduction of a federalist constitution, knowing full well that by doing so he was inciting a backlash from those against it. The political situation was such that after a decade of struggling against a centralist system, many federalists were placated by the reinstatement of the 1824 federalist charter in 1846. Otero, however, was willing to stand alone against congress in insisting that reforms were attached to it, reflecting

the needs of the nation at that time. His steadfastness in this matter stemmed from this firm conviction that under federalism each state could produce a constitution analogous to its individual needs, the central legislature would do the same at a nation level, providing a surprisingly simple solution to so many of the problems facing Mexico. Federalism was a widely held conviction among the moderates. However, although Otero's beliefs did not deviate from their common goals, his insistence on the reintroduction of federalism and reform to the 1824 constitution meant he was not only opposing his political rivals but also his own party.

Otero's political position was fluid, reacting to the events and the circumstances of the time. As Fowler states, "there were no such things as conservatives and liberals. In broad terms, there were a variety of heterogeneous traditionalists, moderate, radical, and *santanista* factions, all of which changed and evolved as the hopes of the 1820s degenerated into the despair of the 1840s."⁷¹⁸ Not only were they not "grupos coherentes que conjugaban intereses concretos, en base a una serie definida de principios," but since the end goal of most of these men was to stabilise the nation, it is not difficult to understand why "las diferentes facciones o corrientes de opinión a veces son difíciles de caracterizar, porque tienen mucho en común."⁷¹⁹ Therefore although a definite moderate faction can be identified in Mexico in the 1840s, and Otero was firmly positioned among them, they shared a reformist agenda constantly tempered by a reality that demanded slow, moderate change in order for progress to be maintained. However, like all those politically active during the decade, Otero held his own individual beliefs which changed and shifted with the circumstances, and not always in line with moderate thinking.

⁷¹⁸ Fowler, *Mexico in the Age of the Proposals*, p. 267.

⁷¹⁹ Vázquez, "Los años olvidados" p. 314.

In the face of all these obstacles Otero's tangible legacy was slim. His *Ensayo* remains to this day his better known and most quoted work used by political and social historians alike as a point of reference. His *Acta de Reformas*, which he so diligently defended, had the immediate effect of ensuring a constitutionally legitimate body could be formed in the middle of the US invasion and, in the long term it formed the groundwork for the later 1857 Liberal Constitution. The *amparo* established in article 25 of the *Acta*, and introduced on a national level, immediately guaranteed a right of man, protection of the individual against the state, a precept which, although modified by time, still forms the basis of Mexican judicial process to this day. However, what this thesis demonstrates is that his political beliefs, his compromises, his theories and his failures are just as important as his achievements and his legacy in helping us understand the failures and frustrations that were characteristic of the decade. His life and ideology provide us with a glimpse of the reality politicians experienced in the 1840s, whose projects failed, more often than not, or came under attack. Great theories were discarded in favour of practical solutions or viable compromises. Otero was from a generation of men who were building the new nation, defining the political system and solving problems, quite frequently by a simple method of trial and error. While he was indeed a great orator and a skilled legislator neither could save him from the dejection and despair he felt at the end of the decade, as his ideology was battered time and time again by the political expediencies he was forced to accommodate.

Erika Pani argues that historians seek to “armar ‘ideologías’ y ‘doctrinas’; pedimos a los políticos del pasado teorías coherentes, posturas consistentes y pensamiento sistemático. No debe sorprender que, al revelar incongruencias y desfases, el historiador se confiese a menudo, a pesar de la riqueza e interés de sus hallazgos,

decepcionado.”⁷²⁰ Mariano Otero reveals no such incongruencies or deceptions. He was steadfast in his ideology, logical in his approach and consistent in his stance. He did his utmost to shape his times but they were against him. Perhaps he was ahead of them.

⁷²⁰ Pani, “Las fuerzas oscuras,” p. 16.

Bibliography

Archival Sources

London, Great Britain.

British Library

The National Archives

Mexico City, Mexico.

Archivo de la Cámara de Diputados

Archivo Histórico del Ayuntamiento de la Ciudad de México

Archivo Histórico Genaro Estrada, Secretaría de Relaciones Exteriores

Archivo Histórico y Memoria Legislativa, Senado de la República

Archivo General de la Nación, Mexico City (AGN)

Archivo General de Notarías de la Ciudad de México

Biblioteca Nacional de México

Biblioteca del Instituto de Investigaciones Historicas José María Luis Mora

Centro de Estudios de Historia de México, CONDUMEX

Hemeroteca Nacional de México

Spain

Biblioteca Nacional de Madrid: Mariano Otero, Manuscritos

United States

Nettie Lee Benson Latin American Collection: Mariano Riva Palacio Archive

Newspapers and Periodical Publications

El Siglo XIX

El Republicano

El Monitor Republicano

The American Star

Books and Pamphlets

AGUILAR RIVERA, JOSÉ ANTONIO, (Coord.), *Las elecciones y el gobierno representativo en México (1810–1910)*. Mexico City: Fondo de Cultura Económica, Consejo Nacional para la Cultura y las Artes, Instituto Federal Electoral, Consejo Nacional de Ciencia y Tecnología, 2010.

ALAMÁN, LUCAS, *Disertaciones sobre la historia de la república megicana desde la época de la conquista que los españoles hicieron a fines del siglo XV y principios del XVI de las islas y continente Americano hasta la independencia*. Mexico City: Imprenta de D. José Mariano Lara, 1844. 2 Vols.

_____. *Historia de México desde los primeros movimientos que prepararon su independencia en el año de 1808 hasta la época presente*, 5 vols. Mexico City: Libros de bachiller Sansón Carrasco. 1986.

_____. "Plan de los conservadores, expuesto por Lucas Alamán en una carta dirigida en marzo de 1853 al general Santa Anna," in García Cantú, Gastón, *El pensamiento de la reacción Mexicana*. Historia Documental. Tomo I (1810 – 1859). Mexico City: UNAM, 1994.

ALCARAZ, RAMÓN, et al., *Apuntes para la historia de la Guerra entre México y los Estados Unidos*. Mexico City: Tipografía de Manuel Payno (hijo), 1848.

ALVARADO, MARÍA DE LOURDES, "El claustro de la universidad ante las reformas educativas de 1833," in Enrique González and Leticia Pérez Puente (Coords) *Permanencia y cambio: universidades hispánicas 1551 – 2001*. Volumen I. Mexico City: UNAM, 2005.

ANDREWS, CATHERINE, "Discusiones en torno de la reforma de la Constitución Federal de 1824 durante el primer gobierno de Anastasio Bustamante (1830-1832)," *Historia Mexicana*, Vol. 56, No. 1 (Jul. - Sep., 2006), pp. 71-116.

_____. *Entre la espada y la constitución: el general Anastasio Bustamante, 1780-1853*. Tamaulipas: Universidad Autónoma de Tamaulipas: H. Congreso del Estado de Tamaulipas, LX Legislatura, 2008.

ANINO, ANTONIO, "The Two-Faced Janus. The pueblos and the Origins of Mexican Liberalism," in Elisa Servín, Leticia Reina y John Tutino (Eds.), *Cycles of Conflict, Centuries of Change. Crisis, reform, and revolution in Mexico*. Durham: Duke University Press, 2007.

ANNA, TIMOTHY E., "Demystifying Early Nineteenth-Century Mexico," *Mexican Studies/Estudios Mexicanos*, Vol.9, No.1 (Winter, 1993), pp. 119-137.

_____. *Forging Mexico*. Lincoln, NE; London: University of Nebraska Press, 1998.

_____. "Inventing Mexico: Provincehood and Nationhood after Independence," *Bulletin of Latin American Research*, Vol. 15, No. 1, Special Issue: Mexican Politics in the Nineteenth Century (1996), pp. 7-17.

ARCHER, CHRISTON, *The Army in Bourbon Mexico, 1760 – 1810*. New Mexico: University of New Mexico Press, Albuquerque, 1977.

_____. "The Role of the Military in Colonial Latin America," *The History Teacher*, Vol. 14, No. 3, (May, 1981), pp. 413-421.

ARREOLA CORTÉS, RAÚL, *Melchor Ocampo. Textos Politicos*. Mexico City: Colección SepSetentas. SEP, 1975

BARRAGÁN BARRAGÁN, JOSÉ, *Algunos Documentos para el Estudio del Origen del Juicio de Amparo 1812 – 1861*. Mexico City: UNAM, 1980

_____. *Primera Ley de Amparo de 1861*. Mexico City: UNAM, 1987.

_____. (coord), *Mariano Otero*, Serie los Senadores. Mexico City: LIII Legistaltura, Senado de la República: México, 1987.

BAZANT, JAN, *Alienation of Church Wealth in Mexico. Social and economic aspects of the liberal revolution 1856 – 1875*. UK: Cambridge University Press, 1971.

BEEZLEY, WILLIAM H., (Ed.), *A companion to Mexican History and Culture*, England: Wiley-Blackwell, 2011.

BENSON, NETTIE LEE, *La diputación provincial y el federalismo mexicano*. Mexico City: El Colegio de México, Universidad Nacional Autónoma de México, 1994, 2nd Ed.

BENTLEY, MICHAEL, *Companion to Historiography*. UK: Routledge, 1997.

BERRUECO GARCÍA, ADRIANA, *Veinticinco forjadores de la tradición Jurídica Mexicana*. Mexico City: UNAM, Instituto de Investigaciones Históricas, 2006.

BOCANEGRA, JOSÉ MARÍA, *Memorias para la historia de México Independiente, 1822 – 1845*. Mexico City: Imprenta del Gobierno Federal en el Ex.Arzobispado, 1892.

BOYD, MELISSA, “A reluctant advocate: Mariano Otero and the Revolución de Jalisco,” in Fowler, Will (Ed.), *Forceful Negotiations, The Origins of the Pronunciamiento in Nineteenth-Century Mexico*. US: University of Nebraska Press, 2010.

BRADING, DAVID, *Church and State in Bourbon Mexico: the diocese of Michoacán 1749 – 1810*. Cambridge University Press, UK, 1994.

_____. “Creole Nationalism and Mexican Liberalism”, *Journal of Interamerican Studies and World Affairs*, Vol. 15, No. 2. (May 1973), pp. 139-190.

_____. *The first America: the Spanish monarchy, Creole patriots, and the liberal state, 1492-1867*. UK: Cambridge University Press, 1991.

BRACKMAN, HAROLD, “‘Biography Yanked down out of Olympus’: Beard, Woodward, and Debunking Biography,” *Pacific Historical Review*, Vol. 52, No. 4 (Nov., 1983), pp. 403-427.

BREÑA, ROBERTO, *El primer liberalismo español y los procesos de emancipación de América, 1808-1824. Una revisión historiográfica del liberalismo hispánico*. Mexico City: El Colegio de México, 2006.

BRISEÑO SENOSIÁIN, LILIAN, SOLARES ROBLES, LAURA AND SUÁREZ DE LA TORRE, LAURA, *José María Luis Mora. Obras Completas*. 8 Vols. Mexico City: Instituto Mora, Consejo Nacional para la Cultura y las Artes, México, 1986.

_____. *Valentín Gómez Farías y su lucha por el federalismo, 1822 – 1858*. Mexico City: Instituto Mora, Gobierno del Estado de Jalisco, 1991.

BURGOA, IGNACIO, "Semblanza de Don Mariano Otero, insigne jurista y político mexicano," *Revista de la Facultad de Derecho de México*, Número 154-155-156, (Año 1987), pp. 433-462.

BUSTAMANTE, CARLOS MARÍA DE, *Apuntes para la historia del Gobierno del general D. Antonio Lopez de Santa-Anna, desde principios de Octubre 1841 hasta 6 de Diciembre de 1844 en que fue depuesto del mando por uniforme voluntad de la nación*. Mexico City: Imprenta de J. M. Lara, 1845.

_____. *Diario histórico de México, 1822-1848*. Mexico City: El Colegio de México: Centro de Investigaciones y Estudios Superiores en Antropología Social, 2001.

CAMP, RODERIC A., "Family Relationships in Mexican Politics: A Preliminary View," *The Journal of Politics*, Volume 44, Issue 03, (1982), pp. 848-862.

CAÑEDO GAMBOA, SERGIO A.; MONROY CASTILLO, MARÍA ISABEL, *Ponciano Arriaga, formación de un liberal 1811 – 1847*. San Luis Potosí: Gobierno del Estado, Archivo Histórico del Estado de San Luis Potosí, 2008.

CARLYLE, THOMAS, *On Heroes and Hero Worship and the Heroic in History*. London: Chapman and Hall, Strand, 1849.

CASTELLANOS HERNÁNDEZ, EDUARDO, *Formas de gobierno y sistemas electivos en México 1812 – 1940*. México: Centro de Investigación Científica, 1996.

CASTILLÓN, J. A. (ed.) *Informes y manifiestos de los poderes ejecutivo y legislativo de 1821 a 1824*. Mexico City: Imprenta del Gobierno Federal, 1905.

Colección de Leyes y Decretos publicados en 1848. Mexico City: Colección del Constitucional, Imprenta en Palacio, 1852.

Colección de los decretos, circulares y órdenes de los poderes Legislativo y Ejecutivo del Estado de Jalisco, Volume 8. Jalisco: Congreso del Estado de Jalisco, XLIX Legislatura, 1982.

COLLIER, SIMON, "Nationality, Nationalism, and Supranationalism in the Writings of Simón Bolívar," *The Hispanic American Historical Review*, Vol. 63, No. 1 (Feb. 1993), pp. 37-64.

CONNAUGHTON, BRIAN, et. al (eds.), *Construcción de la legitimidad política en México*. México: El Colegio de Michoacán, Universidad Autónoma Metropolitana, Universidad Nacional Autónoma de México: Instituto de Investigaciones Históricas, 1999.

_____. "Republica federal y patronato: el ascenso y descalabro de un proyecto," in *Estudios de historia moderna y contemporánea de México*, No. 39, México, Enero-Junio 2010, pp. 5-70.

"Comunicaciones al Ministro Plenipotenciario del Gobierno de los Estados de los Estados Unidos de Norteamérica, sobre la entrega de las Aduanas de Veracruz,

Mazatlán y Tampico,” H/200 (72:73) / 1, Exp. I-2-537, Archivo de la Secretaría de Relaciones Exteriores, México.

CÓRDOBA RAMÍREZ, DIANA IRINA, *Manuel Payno, Los Derroteros de un Liberal Moderado*. Michoacán: El Colegio de Michoacán, 2006.

COSTELOE, MICHAEL, “A *Pronunciamento* in Nineteenth-Century Mexico: ‘15 de julio de 1840,’” *Mexican Studies/Estudios Mexicanos* 4:2 (Summer, 1988), pp. 245-264.

_____. *The Central Republic in Mexico, 1835-1846: hombres de bien in the Age of Santa Anna*. Cambridge (England); New York, NY, USA: Cambridge University Press, 1993.

_____. *Church and State in Independent Mexico: A Study of the Patronage Debate 1821-1857*. London: Royal Historical Society, 1978.

_____. “Federalism to Centralism in Mexico: The Conservative Case for Change, 1834-1835,” *The Americas*, Vol. 45, No. 2 (Oct., 1988), pp. 173-185.

_____. *La primera república federal de México (1824-1835): un estudio de los partidos políticos en el México independiente*. Mexico City: Fondo de Cultura Económica, 1975.

_____. “The Mexican Church and the Rebellion of the Polkos,” in *The Hispanic American Historical Review*, Vol 46, No. 2. (May, 1966), pp. 170-178

_____. “The Triangular Revolt in Mexico and the fall of Anastasio Bustamante, August-October 1841,” *Journal of Latin American Studies*, Vol. 20, No. 2 (Nov., 1988), pp. 337-360.

COTNER, THOMAS EWING, *The Military and Political career of Jose Joaquin de Herrera*. Texas: University of Texas Press, 1949.

CRESCENCIO REJÓN, MANUEL, *Pensamiento Político*. Mexico City: UNAM, 1996.

CUEVAS, LUIS G., *Porvenir de México*, 2. Vols. Mexico City: Colección CIEN de México, Consejo Nacional para la Cultura y las Artes. México 1992.

DEPALO, WILLIAM A., *The Mexican National Army, 1822 – 1852*. Texas A&M University Press, 1997.

DUBLÁN, MANUEL, Y LOZANO, JOSÉ MARÍA, *Legislación Mexicana, colección completa de las disposiciones legislativas expedidas desde la independencia de la república*, online edition, available at; <http://biblioweb.dgsca.unam.mx/dublanylozano/>

“El General Paredes y Arrillaga, su gobierno en Jalisco, sus movimientos revolucionarios; sus relaciones con el general Santa Anna, etc., etc., según su propio archivo,” in García y Pereya, *Documentos para la historia de México. Tomo 31 – 33*. Mexico City: Librería de la Viuda de Ch. Bouret, 1910.

FIX ZAMUDIO, HECTOR, *Latinoamerica: Constitución, Proceso y Derechos Humanos*. Mexico City: Miguel Angel Porrúa, 1988

FLORES CLAIR, EDUARDO (Ed.), *La guerra de 1847 en el buzón de Mariano Otero*. Unpublished manuscript.

FOWLER, WILL, *Celebrating Insurrection. The Commemoration and Representation of the Nineteenth-Century Mexican Pronunciamiento*. Lincoln: University of Nebraska Press, in press

_____. "Dreams of Stability: Mexican Political Thought during the 'Forgotten Years'. An Analysis of the Beliefs of the Creole Intelligentsia (1821-1853)," *Bulletin of Latin American Research*, Vol.14, No.3 (September, 1995), pp. 287-312.

_____. "El Pensamiento Político de los *Moderados*, 1838-1850: El proyecto de Mariano Otero," in Brian Connaughton, Carlos Illanes, and Sonia Pérez Toledo (eds.) *Construcción de la legitimidad en México*. Mexico: El Colegio de Michoacán, UAM, UNAM, El Colegio de México, 1999.

_____. "El pronunciamiento mexicano del siglo XIX. Hacia una nueva tipología," *Estudios de Historia Moderna y Contemporánea de México* 38 (julio-diciembre 2009), pp. 5-34.

_____. "Entre la legalidad y la legitimidad: elecciones, pronunciamientos y la voluntad general de la nación, 1821-1857," in José Antonio Aguilar Rivera (Coord.), *Las elecciones y el gobierno representativo en México (1810-1910)*. Mexico City: Fondo de Cultura Económica, Consejo Nacional para la Cultura y las Artes, Instituto Federal Electoral, Consejo Nacional de Ciencia y Tecnología, 2010.

_____. *Forceful Negotiations, The Origins of the Pronunciamiento in Nineteenth-Century Mexico*. Lincoln: University of Nebraska Press, 2010.

_____. "Introduction," in Fowler (ed.), *Forceful Negotiations: The Origins of the Pronunciamiento in Nineteenth Century Mexico*. Lincoln: University of Nebraska Press, in press.

_____. *Malcontents, Rebels, and Pronunciados: The Politics of Insurrection in Nineteenth-Century Mexico*. Lincoln: University of Nebraska Press, in press.

_____. *Mexico in the Age of the Proposals: 1821 – 1853*. Westport, Conn; London: Greenwood Press, 1998.

_____. *Santa Anna of Mexico*, Lincoln: University of Nebraska Press, 2007.

_____. *Tornel and Santa Anna. The Writer and the Caudillo, Mexico 1795-1853*. Westport, Connecticut; London: Greenwood Press, 2000.

_____. "The Compañía Lancasteriana and the Elite in Independent Mexico, 1822 – 1845," in *Tesserae, Journal of Iberian and Latin-American Studies*, Volume 2, Number 1, Summer 1996, pp. 81-110.

_____. “Valentín Gómez Farías: Perceptions of Radicalism in Independent Mexico, 1821 – 1847,” *Bulletin of Latin American Research*, Vol. 15, No. 1, pp. 39-62.

FOWLER, WILL, MORALES MORENO, HUMBERTO (Eds.), *El conservadurismo mexicano en el siglo XIX*. Puebla: Benemérita Universidad Autónoma de Puebla, Saint-Andrews University, Gobierno del Estado de Puebla, FFYL, 1999.

FRASQUET, IVANA, *Las caras del águila. Del liberalismo gaditano a la república federal mexicana (1820-1824)*. Castellon: Universitat Jaume I, 2008.

GALEANA DE VALDÉS, PATRICIA (Ed.), *José María Lafragua*. Serie Los Senadores. Mexico City: LIII Legislatura, Senado de la República, 1987.

GARCÍA CANTÚ, GASTÓN, *El pensamiento de la reacción Mexicana*. Historia Documental. Tomo I (1810 – 1859). Mexico City: UNAM, 1994.

GARCÍA Y PEREYA, *Documentos para la historia de México. Tomo 31 – 33*. Mexico City: Librería de la Viuda de Ch. Bouret, 1910.

GARNER, PAUL, *Porfirio Díaz*. Harlow [etc.]: Longman, 2001.

GARZA, JAMES A., “Conquering the environment and surviving natural disasters,” in William H. Beezley (Ed.), *A companion to Mexican History and Culture*. England: Wiley-Blackwell, 2011.

GAXIOLA, F. JORGE, *Mariano Otero: creador del juicio de Amparo*. México: Cultura, 1937.

GÓMEZ FARÍAS, VALENTÍN “Sr. Gómez Farías, al cerrar las sesiones extraordinarias, el 31 de Diciembre de 1833,” in J. A. Castillón, *Informes y manifiestos de los poderes ejecutivo y legislativo de 1821 a 1824*. Mexico City: Imprenta del Gobierno Federal, 1905.

GÓMEZ PEDRAZA, MANUEL, “Discurso pronunciado por el Sr. diputado D. Manuel G. Pedraza, en la sesión del congreso constituyente, el 16 de Diciembre de 1842, sobre la adición que hizo su señoría al art 9º del proyecto de constitución,” *El Siglo XIX*, 26 December 1842.

_____. “Memoria del secretario de Estado y del despacho de la Guerra presentada a las camaras en enero de 1827,” in Laura Solares Robles (Ed.) *La obra política de Manuel Gómez Pedraza 1813 – 1851*. Mexico City: Instituto de Investigación Dr. José María Luis Mora. Instituto Matías Romero-Acervo Histórico Diplomático de la Secretaria de Relaciones Exteriores, 1999.

_____. “Oración encomiástica que el ciudadano Manuel Gómez Pedraza dijo el día 16 de Septiembre de 1842, aniversario de la gloriosa proclamación de la independencia del año de 1810. 16 de Septiembre de 1842,” in Laura Solares Robles (Ed.) *La obra política de Manuel Gómez Pedraza 1813 – 1851*. Mexico City: Instituto de Investigación Dr.

José María Luis Mora. Instituto Matías Romero-Acervo Histórico Diplomático de la Secretaría de Relaciones Exteriores, 1999.

_____. “Pública manifestación de los votos del Excmo. Sr. gobernador y comandante general del Departamento, de la guarnición de la capital, y empleados de la misma, contra el Proyecto de constitución que actualmente se discute en el congreso,” *El Siglo XIX*, 18 December 1842.

GONZÁLEZ, ENRIQUE, PÉREZ PUENTE, LETICIA (Coords) *Permanencia y cambio: universidades hispánicas 1551 – 2001*. Volumen I, UNAM : 2005.

GONZÁLEZ NAVARRO, MOISÉS, *Anatomía del Poder en México 1848 – 1853*. Mexico City: El Colegio de México, 1977.

GONZÁLEZ PEDRERO, ENRIQUE, *País de un solo hombre: El México de Santa Anna*. 2 Vols. Mexico City: Fondo de Cultura Económica, 2003.

GORTARI RABIELA, HIRA DE, “La política en la formación del Estado Nacional,” *Revista Mexicana de Sociología*, Vol. 44, No. 1 (Jan. – Mar., 1982), pp. 263-284.

GUDIÑO PELAYO, JOSÉ DE JESÚS, *Introducción al Amparo Mexicano*. Mexico City: Instituto de Investigaciones Jurídicas de la Universidad de Guadalajara , ITESO, 1993.

GUERRA, FRANÇOIS-XAVIER, “Mexico from Independence to Revolution: The mutations of Liberalism,” in Elisa Servin, Leticia Reina, John Tutino, *Cycles of Conflict, Centuries of change. Crisis, reform, and revolution in Mexico*. Durham & London: Duke University Press, 2007.

GUTIÉRREZ DE ESTRADA, JOSÉ MARÍA, “La monarquía como posibilidad,” in Álvaro Matute, *Lecturas Universitarias. Antología. México en el Siglo XIX. Fuentes e interpretaciones históricas*. Mexico City: UNAM, 1992.

HALE, CHARLES A., *El Liberalismo Mexicano en la Época de Mora, 1821 – 1853*. Mexico City: Siglo Veintiuno Editores, 1987.

_____. “Los mitos políticos de la nación mexicana: el liberalismo y la Revolución,” *Historia Mexicana*, Vol. 46, No. 4, Homenaje a don Edmundo O’Gorman (Apr. - Jun., 1997), pp. 821-837.

_____. “The Liberal Impulse: Daniel Cosío Villegas and the Historia moderna de México,” *The Hispanic American Historical Review*, Vol. 54, No. 3 (Aug., 1974), pp. 479-498.

_____. “The war with the United States and the Crisis in Mexican Thought,” *The Americas*, Vol. 14, No. 2. (Oct., 1957), pp. 153-173.

HAMNETT, BRIAN R., “Benito Juárez, Early Liberalism, and the Regional Politics of Oaxaca, 1828-1853,” *Bulletin of Latin American Research*, Vol. 10, No. 1 (1991), pp. 3-21.

_____. “El partido conservador en México, 1858-1867: la lucha por el poder,” in William Fowler and Humberto Morales Moreno (Eds.), *El conservadurismo mexicano en el siglo XIX*. Puebla: Benemérita Universidad Autónoma de Puebla, Saint-Andrews University, Gobierno del Estado de Puebla, FFYL, 1999.

_____. *Juárez*, London: Longman, 1994.

HERNANDEZ RODRIGUEZ, ROSAURA, *Ignacio Comonfort. Trayectoria política. Documentos*. Mexico City: Instituto de Investigaciones Históricas, UNAM, 1967.

HOFFMAN, RONALD; SOBEL, MECHAL; TEUTE FREDERIKA J. (Eds.), *Through the Glass Darkly; reflections on personal identity in Early America*. North Carolina; London: University of North Carolina Press, 1997.

HUNTINGTON, SAMUEL P., *The Soldier and the State. The theory and politics of Civil-Military Relations*. Harvard: Harvard University Press, 19th Ed, 2002.

“Instrucción del Secretario de Relaciones al Gobernador de Veracruz para que proceda a arreglar la desocupación de los edificios públicos tomados por los norteamericanos”, 1848, 1-1 80, f.17, Archivo de la Secretaría de Relaciones Exteriores, México.

JIMENEZ, ALFONZO, “El supremo poder conservador,” in Jimenez, Alfonso, et al. (cords.), *Ensayos históricos-jurídicos: México y Michoacán*. Mexico City: UNAM, UAM, Supremo Tribunal de Justicia del Estado de Michoacán, 2006.

JIMENEZ, ALFONZO, et al. (Ed.), *Ensayos históricos-jurídicos: México y Michoacán*. Mexico City: UNAM, UAM, Supremo Tribunal de Justicia del Estado de Michoacán, 2006.

KNIGHT, ALAN, “Latin America,” in Michael Bentley, *Companion to Historiography*. UK: Routledge, 1997.

LAFRAGUA, JOSÉ MARÍA, “Preso por 43 días,” in Patricia Galeana Valadés, *José María Lafragua*, Serie los Senadores. Mexico City: LIII Legislatura, Senado de la República, 1987.

Ley orgánica de la Guardia Nacional. Mexico City: Imprenta de Ignacio Cumplido, 1848.

LEVINE, DANIEL H. (ed.), *Churches and politics in Latin America*. Beverly Hills; London : Sage Publications, 1980.

LIEUWEN, EDWIN, *Arms and Politics in Latin America*. New York, London: Praeger Paperbacks, 1963.

LOVEMAN, BRIAN, *Por la Patria; Politics and the armed forces in Latin America*. US: SR Books, 1999.

MAHONEY, JAMES, *The legacies of Liberalism; Path Dependence and Political Regimes in Central America*. US/UK: The Johns Hopkins University Press, 2001.

MALO, JOSÉ RAMÓN, *Diario de sucesos notables de don José Ramón Malo, 1832-1853*. México: Editorial Patria, 1948.

“Manifiesto y Plan del General Paredes (8 August 1841),” in Josefina Zoraida Vázquez (ed.), *Planes en la Nación Mexicana 1831-1854, Libro IV*. México: Senado de la República/El Colegio de México, 1987.

“Manifiesto del general Paredes y Arrillaga a la nación,” 2 November 1844, reproduced at <http://arts.st-andrews.ac.uk/pronunciamientos/dates.php>.

“Manifiesto y Plan de Perote (9 September 1841),” in Josefina Zoraida Vázquez (ed.), *Planes en la Nación Mexicana 1831-1854, Libro IV*. México: Senado de la República, El Colegio de México, 1987.

MATEOS, JUAN A., *Historia Parlamentaria de los Congresos Mexicanos*, Vol. XIV. Mexico City: Imprenta de “El Partido Liberal”, 1893.

MATUTE, ÁLVARO, *Lecturas Universitarias. Antología. México en el Siglo XIX. Fuentes e interpretaciones históricas*. Mexico City: UNAM, 1992.

MECHAM, J. LLOYD, *Church and state in Latin America: a history of politico-ecclesiastical relations*. North Carolina: University of North Carolina Press, 1966.

MEDINA PEÑA, LUIS, *Invencción del sistema político mexicano. Formas de gobierno y gobernabilidad en el siglo XIX*. Mexico City: Fondo de Cultura Económica, 2004.

MOLINA DE VILLAR, AMÉRICA, “19th Century earthquakes in Mexico: three cases, three comparative studies,” in *Annals of Geophysics*, Vol. 47, N. 2/3 April/June 2004, pp. 497-508.

MORA, JOSÉ MARÍA LUIS, *México y sus revoluciones, I*, in Briseño Senosiáin, Lilian, Solares Robles, Laura and Suárez de la Torre, Laura, *José María Luis Mora. Obras Completas*. Vol. 4. Mexico City: Instituto Mora, Consejo Nacional para la Cultura y las Artes, 1986.

_____. *Revista Política de las diversas administraciones que la República Mexicana ha tenido hasta 1837* in Lillian Briseño Senosiain, Laura Solares Robles, y Laura Suarez de la Torre, *José María Luis Mora. Obras completas*. Volumen 2. Obras políticas II. Mexico City: Instituto Mora, Consejo Nacional para la cultura y las Artes, 1986.

MORENO VALLE, LUCINDA, “La Junta de Representantes o Consejo de los Departamentos, 1841 – 1843,” in *Estudios de Historia Moderna y Contemporánea de México*. Mexico City: Universidad Nacional Autónoma de México, Instituto de Investigaciones Históricas, v. 4, 1972, pp. 105-125.

NORIEGA, ALFONSO, *El pensamiento conservador y el conservadurismo mexicano*. Mexico City: UNAM, 1993.

NORIEGA ELIO, CECILIA, *El Constituyente de 1842*. México: Universidad Nacional Autónoma de México, 1986.

NORIEGA, CECILIA; PANI, ERIKA, “Las propuestas ‘conservadoras’ en la década de 1840,” in Erika Pani, *Conservadurismo y Derechas en la Historia de México*. Vol. I. México: Fondo de Cultura Económica, 2010.

OCAMPO, MELCHOR, “Discurso que pronunció el Diputado Melchor Ocampo en la discusión del artículo 26 del reglamento interior del Congreso – Agosto 1842,” in Arreola Cortés, Raúl, *Melchor Ocampo. Textos Políticos*. Mexico City: Colección SepSetentas. SEP, 1975.

OLVEDA, JAIME, “Jalisco: el pronunciamiento federalista de Guadalajara,” in Vázquez, Josefina Z. (Ed.), *El establecimiento del federalismo en México (1821-1827)*. Mexico City: El Colegio de México, 2003.

OROPEZA, MANUEL GONZÁLEZ (Ed.), *La Reforma del Estado Federal, Acta de Reformas de 1847*. Mexico City: UNAM 1998.

ORTEGA Y MEDINA, JUAN A.; CAMELO, Rosa, *Historiografía mexicana. Vol. 3, El surgimiento de la historiografía nacional*. Mexico City: UNAM, 1997.

PANI, ERIKA, *Conservadurismo y Derechas en la Historia de México*. Tomo I. México: Fondo de Cultura Económica, 2010.

_____. “Las fuerzas oscuras’: El problema del conservadurismo en la historia de México,” in Erika Pani, *Conservadurismo y Derechas en la Historia de México*. México: Fondo de Cultura Económica, 2010.

PICCATO, PABLO, *The tyranny of opinion, Honor in the Construction of the Mexican Public Sphere*. Durham and London: Duke University Press, 2010.

PIKE, FREDERICK B. (ed.), *The conflict between church and state in Latin America*. US: New York, Knopf, 1964.

PEREZ PUENTE, LETICIA (Ed.), *De Maestros y Discípulos. México. Siglos XVI-XIX*. Mexico: UNAM, 1998.

“Plan del General Valencia proclamado en la Ciudadela (4 September 1841),” in Josefina Zoraida Vázquez (ed.), *Planes en la Nación Mexicana 1831-1854, Libro IV*. México: Senado de la República/El Colegio de México, 1987..

“Plan de Guanajuato, resultado de la fracasada conspiración del teniente D. Eligio Ortiz, desconociendo al gobierno del general Herrera llamando al general Santa Anna,” 9 July 1848.

“Plan de Tacubaya,” 28 September 1841, reproduced at <http://arts.st-andrews.ac.uk/pronunciamientos/dates.php>.

PRIETO, GUILLERMO, *Memorias de mis tiempos*. Mexico City: Editorial Patria, 1964.

“Proclama del general Paredes y Arrillaga, al levantarse en armas contra el gobierno de la república, protestando contra la aprobación de los tratados de paz con los Estados Unidos,” 15 June 1848.

QUINTANA, JOSÉ MIGUEL, *Lafragua: Político y romántico*. Mexico City: Colección Metropolitana, 1974.

RABASA, EMILIO O., *Historia de las Constituciones mexicanas*. Mexico City: UNAM, 2004.

RAMIREZ, JOSÉ FERNANDO, *México durante su guerra con los Estados Unidos*. México, UNAM, 2001.

REAL LEDEZMA, JUAN, “La Guadalajara de Mariano Otero,” in *La Gaceta*, 21 February 2005, Universidad de Guadalajara, No. 16, p. 4.

REYES HEROLES, JESÚS, “Antecedentes sociales y legales del seguro social en México. 22 Julio 1961,” in *Obras Completas, Política II*. Mexico City: Asociación de estudios históricos y políticos Jesús Reyes Heróles, A.C. Secretaría de Educación Pública. Fondo de Cultura Económica, 1996.

_____. “Discurso pronunciado en el auditorio del Comité Directivo Estatal del PRI en Morelos, 30 Julio 1973,” in *Obras Completas, Política II*. Mexico City: Asociación de estudios históricos y políticos Jesús Reyes Heróles, A.C. Secretaría de Educación Pública. Fondo de Cultura Económica, 1996.

_____. *El liberalismo Mexicano*, 3 Vols. Mexico City: Facultad de Derecho, UNAM, 1958.

_____. “Las Ideas democráticas en México. Independencia y Reforma. Ensayo para la Mesa Redonda de Historia Mexicana de la Fundación Carnegie, México, Julio de 1961,” in *Historia y Política*. Spain: Editorial Tecnos, 1978.

_____. *Mariano Otero. Obras*. Two Volumes. Mexico City: Editorial Porrúa, 1967.

RICARD, ROBERT, *The spiritual conquest of Mexico: an essay on the apostolate and the evangelizing methods of the mendicant orders in New Spain, 1523-1572*. California: University of California Press, 1966.

ROA BARCENA, JOSÉ MARÍA, *Recuerdos de la invasión Norteamericana (1846 – 1848)*,. 3. Vols. Mexico City: Editorial Porrúa, 1947.

RODRÍGUEZ DE ROMO, ANA CECILIA, “Epidemia de cólera en 1850. Análisis histórico-médico de un curioso manuscrito,” *Archivalia Médica*, Nueva Epoca, No. 4, Departamento de Historia y Filosofía de la Medicina, Facultad de Medicina, UNAM: México, 1994.

RODRÍGUEZ O., JAIME E., "The Constitution of 1824 and the Formation of the Mexican State," in Rodríguez O., Jaime E. (ed.), *The Origins of National Politics: 1808-1847*. Wilmington, DE: Scholarly Resources, 1997.

_____. "Introduction" in Rodríguez O. Jaime E. (ed), *The Origins of Mexican National Politics 1808-1847*. Wilmington, DE: Scholarly Resources, 1997.

_____. Rodríguez O., Jaime E. (ed.), *Mexico in the Age of Democratic Revolutions: 1750-1850*. Boulder, Colo.; London: Lynne Rienner Publishers, 1994.

_____. "Mexico in the Age of Democratic Revolutions," in Rodríguez O., Jaime E. (ed.), *Mexico in the Age of Democratic Revolutions: 1750-1850*. Boulder, Colo.; London: Lynne Rienner Publishers, 1994, pp.1-20.

_____. *The Origins of Mexican National Politics 1808-1847*. Wilmington, DE: Scholarly Resources, 1997.

RODRÍGUEZ O., JAIME E.; GUEDEA, VIRGINIA, "La Constitución de 1824 y la formación del Estado mexicano," *Historia Mexicana*, Vol. 40, No. 3 (Jan. - Mar., 1991), pp. 507-535.

ROUQUIÉ, ALAIN, *The Military and the State in Latin America*. California: University of California Press, 1987.

SANTONI, PEDRO, *Mexicans at Arms: puro federalists and the politics of war: 1845-1848*. Fort Worth, Tex: Texas Christian University Press, 1996.

_____. "The Failure of Mobilization: The Civic Militia of Mexico in 1846," *Mexican Studies/ Estudios Mexicanos*, Vol. 12, No. 2, (Summer, 1996), pp. 169-194.

_____. "'Where Did the Other Heroes Go?' Exalting the "Polko" National Guard Battalions in Nineteenth-Century Mexico," *Journal of Latin American Studies*, Vol. 34, No. 4 (Nov., 2002), pp. 807-844.

SERVÍN, ELISA, REINA, LETICIA AND TUTINO, JOHN (eds.), *Cycles of Conflict, Centuries of Change: Crisis, Reform, and Revolution in Mexico*. Duke University Press: Durham and London, 2007.

SILVA HERZOG, JESÚS, *El pensamiento económico, social y político de México, 1810-1964*, Mexico City: Instituto Mexicano de Investigación Económica, 1967.

SOBERANES FERNÁNDEZ, JOSÉ LUIS, *Evolución de la ley de Amparo*, Mexico City: Instituto de Investigaciones Jurídicas, Comisión Nacional de Derechos Humanos, 1994.

SOBERANES FERNÁNDEZ, JOSÉ LUIS; MARTÍNEZ MARTÍNEZ, FAUSTINO JOSÉ, *Fuentes para la Historia del Juicio de Amparo*, Mexico City: Senado de la Republica, 2004.

"Sobre el nombramiento hecho en el Lic. D. Juan Palafox para Promotor fiscal de Hacienda interino de Guadalajara durante la ausencia del Sr. Mariano Otero," GD118 Sección – Justicia, Vol. 286. Expediente 4. Fs. 24 – 34, AGN.

SOLARES ROBLES, LAURA, "Gómez Farías y Santa Anna: correspondencia de tiempos de crisis, 1847," in *Secuencia, Nueva Época*, no. 19 (Jan-Apr. 1991), pp. 109-122.

_____. *La obra política de Manuel Gómez Pedraza 1813- 1851*. 2. vols. Mexico City: Instituto de investigaciones Dr José María Luis Mora, Instituto Matías Romero, Acervo Histórico Diplomático de la Secretaría de Relaciones Exteriores, 1999.

_____. *Una revolución pacífica: Biografía política de Manuel Gómez Pedraza*. México: Instituto de Investigaciones José María Luis Mora, 1996.

SORDO CEDEÑO, REYNALDO, "Constitution and Congress: a pronunciamiento for Legality, December 1844," in Will Fowler (Ed.), *Forceful Negotiations. The origins of the pronunciamiento in Nineteenth-Century Mexico*, Lincoln: University of Nebraska Press, 2010.

_____. "El congreso nacional: de la autonomía de las provincias al compromiso federal," in Vázquez, Josefina Z. (Coord), *El establecimiento del federalismo en México (1821-1827)*. Mexico City: El Colegio de México, 2003.

_____. "El Congreso y la guerra con los Estados Unidos 1846 – 1848," in Josefina Zoraida Vázquez, (Coord.), *México al tiempo de su guerra con Estados Unidos (1846 – 1848)*. Mexico City: Secretaria de Relaciones Exteriores, El Colegio de México, Fondo de Cultura Económica, 1997.

_____. "México en Armas 1846 – 1848," in *En defensa de la patria, 1847-1997*. Mexico City: Segob, AGN, 1997.

STAPLES, ANNE, "Clerics as Politicians: Church, State and Political Power in Independent Mexico," in Jaime E. Rodriguez O., *Mexico in the Age of Democratic Revolutions, 1750-1850*. Boulder, CO: Lynne Rienner Publishers, 1994.

_____. *La iglesia en la primera República federal Mexicana (1824 – 1835)*. Mexico City: Sep-Setentas, 1976.

_____. *Recuento de una batalla inconclusa: la educación mexicana de Iturbide a Juárez*. Mexico City: El Colegio de México, 2005.

STEVENS, DONALD F., *Origins of Instability in Early Republican Mexico*. Durham and London: Duke University Press, 1991.

TAYLOR, WILLIAM B. *Magistrates of the sacred. Priests and Parishioners in Eighteenth-Century Mexico*. Stanford: Stanford University Press, 1996.

THOMPSON, GUY P.; LAFRANCE, DAVID G., *Patriotism, Politics and Popular Liberalism in Nineteenth-century Mexico: Juan Francisco Lucas and the Puebla Sierra*. Wilmington, DE : SR Books, 1999.

TORNEL Y MENDIVIL, JOSÉ MARÍA, *Breve reseña histórica de los acontecimientos más notables de la nación mexicana*. Mexico City: Instituto Nacional de Estudios Históricos de la Revolución Mexicana, 1985.

TOVAR DE TERESA, GUILLERMO, *Cartas a Mariano Otero 1829 – 1845*. Mexico City: Instituto Nacional de Antropología e Historia, Secretaría de Relaciones Exteriores, 1996.

VALDÉS, JOSÉ C., *Orígenes de la República Mexicana: la aurora constitucional*. Nueva Biblioteca Mexicana, Mexico City: UNAM, 1994.

VALDÉS UGALDE, FRANCISCO, “Concepto y estrategia de la ‘reforma del Estado’,” *Revista Mexicana de Sociología*, Vol. 55, No. 2 (Apr. - Jun., 1993), pp. 315-338.

VAN YOUNG, ERIC, “Of Tempests and Teapots: Imperial Crisis and Local Conflicts in Mexico at the Beginning of the Nineteenth Century,” in Servín, Elisa, Reina, Leticia and Tutino, John (Eds.), *Cycles of Conflict, Centuries of Change: Crisis, Reform, and Revolution in Mexico*. Duke University Press: Durham and London, 2007.

_____. “Recent Anglophone Scholarship on Mexico and Central America in the Age of Revolution (1750-1850),” *The Hispanic American Historical Review*, Vol.65, No.4 (Nov., 1985), pp. 725-743.

VARIOS MEXICANOS, *Consideraciones sobre la situación política y social de la República Mexicana en el año de 1847*. Mexico City: Valdés y Redondas, Impresores, 1848.

VÁZQUEZ, JOSEFINA Z., “A manera de introducción,” in Vázquez, Josefina Z. (Coord), *El establecimiento del federalismo en México (1821-1827)*. Mexico City: El Colegio de México, 2003.

_____. “Centralistas, conservadores y monarquistas 1830-1853,” in Fowler, Will and Morales Moreno, Humberto (Coord.), *El conservadurismo mexicano en el siglo XIX*. Puebla: Benemérita Universidad Autónoma de Puebla, Saint-Andrews University, Gobierno del Estado de Puebla, FFYL, 1999.

_____. (Ed.), *El establecimiento del federalismo en México (1821-1827)*. Mexico City: El Colegio de México, 2003.

_____. “El establecimiento del Federalismo en México, 1821-1827,” in Vázquez, Josefina Zoraida (Ed.), *El establecimiento del federalismo en México (1821-1827)*. Mexico City: El Colegio de México, 2003.

_____. “Los años olvidados,” *Mexican Studies/Estudios Mexicanos*, Vol.5, No.2 (Summer, 1989), pp. 313-326.

_____. (Ed.), “Introducción,” in *México al tiempo de su guerra con Estados Unidos (1846 – 1848)*. Mexico City: Secretaria de Relaciones Exteriores, El Colegio de México, Fondo de Cultura Económica, 1997.

_____. "Iglesia, ejército y centralismo," *Historia Mexicana*, Vol. 39, No. 1, Homenaje a Silvio Zavala II (Jul. - Sep., 1989), pp. 205-234.

_____. *La fundación del Estado Mexicano*. Mexico City: Editorial Patria, 1994.

_____. *México al tiempo de su guerra con Estados Unidos (1846 – 1848)*. Mexico City: Secretaria de Relaciones Exteriores, El Colegio de México, Fondo de Cultura Económica, 1997.

_____. *Planes en la Nación Mexicana 1831-1854, Libro IV*. México: Senado de la República/El Colegio de México, 1987.

_____. "Political Plans and the Collaboration Between Civilians and the Military, 1821-1846," *Bulletin of Latin American Research* 15, no. 1 (January 1996), pp. 19-38.

_____. "Un viejo tema: el federalismo y el centralismo," *Historia Mexicana* XLII:3 (1993), pp. 621-631.

VILLEGAS REVUELTAS, SILVESTRE, *El Liberalismo Moderado en México 1852 – 1864*. Mexico City; Universidad Nacional de México 1992.

WHITTEMORE, REED, "Biography and Literature," *The Sewanee Review*, Vol. 100, No. 3 (Summer, 1992), pp. 382-396.

ZAVALA CASTILLO, JOSÉ FRANCISCO, *¿Fórmula Otero? Exégesis del Artículo 25 de la Acta de Reformas de 1847*. Mexico City: FUNDAp, 2005.

ZAVALA, LORENZO, *Ensayo Histórico de las Revoluciones de México; desde 1808 hasta 1830*. Mexico City: SRA/CEHAM, 1981.