

# The Constitution of 1917 100 Years Making Mexico's Revolutionary Goals into Law<sup>1</sup>

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Mexican delegates completed the Constitution that expressed their revolutionary goals for the nation in legal terms 100 years ago, on February 5, 1917, hammering out the most socially advanced constitution of the time. By putting forward social and economic changes to create an equitable society—more than just political reforms—they codified the world's first social revolution. The new Constitution served, for example, as a partial model for the Soviet Constitution that followed the October 1917 Russian Revolution. Its 1917 labor provisions generally became laws in the United States over a decade later as part of the New Deal. Fundamentally, the new Constitution represented revolutionary, socially committed, and populist-inspired laws for ruling the nation. All the provisions required enabling legislation and governmental enforcement to become the defining practices that, among other things, restored Mexican control of its human and natural resources. This article reviews the history of Mexico's revolutionary Constitution in retrospective, explaining how one of the most progressive political agreements in the twentieth century transformed social demands into concrete principles shaping the modern Mexican legal system.

President-by-revolution Venustiano Carranza determined that the Liberal Constitution of 1857 did not provide the legal framework for the populist programs required by the Revolution. He called for a constitutional convention to be held in Querétaro in 1916 to make the necessary revisions. He had

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Original Constitution of 1917 on display in the main hall of the National Archives in Mexico City.

Photo by Luis Coronado Guel

no intention of allowing his defeated opponents of the old Porfirian regime and of Pancho Villa's and Emiliano Zapata's rival revolutionary groups to have a role in remaking the Constitution. Only loyal Carrancistas could be chosen as convention delegates, elected by universal male suffrage.



Venustiano Carranza, circa 1916, standing by a train.

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of national income.

delegates recognized the absolutely essential need for land reform to achieve a revolutionary society. The extensive, significant statement included two themes that represent the revolutionary society, the restoration of *ejido* (village) lands and government regulation of natural resources.

The provision resulted from the work of an extra-legal committee, with *ex-officio* president Pastor Rouaix. He called on Andrés Molina Enríquez, who was not a delegate to the convention, but who in 1906 had published the seminal analysis of the agrarian problem entitled *Los grandes problemas nacionales* (The Great National Problems). The committee called on him for his expertise and ultimately Molina Enríquez wrote a draft of the article and the final form of its preface.

The amendment called for the restoration to villages of lands and resources seized from entrepreneurs and foreign companies. It also called for the restoration of lands to the the Yaqui and Mayo indigenous groups. This fundamental revolutionary law returned lands owned by the village, but worked separately by individual families; this is called the *ejido*. The delegates affirmed the Constitution's attack on vested interests and foreign exploitation. The provision stated, "Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership of lands [or] waters . . . or to obtain concessions for the development of mines, waters, or mineral fuels." Foreigners could obtain land and mineral concession only by swearing before the Ministry of Foreign Affairs that they agreed to be considered Mexican citizens and not to seek the protection of their governments. Even with these statements, foreigners could not obtain land or concessions within the strips of land 100 kilometers along the borders and 50 kilometers from the coasts.

This statement against vested interests applied not only to foreigners and corporations, but also to religious institutions—for the most part this meant the Roman Catholic Church. The provision said that all properties of these churches, including the churches themselves, reverted to the ownership of the federal government. It also restored the ownership of all underground minerals, water, and other resources to the nation. This provided the nation with the inalienable

The delegates assembled amidst the turmoil of Zapata's renewed resistance in the state of Morelos, Villa's attack on Columbus, New Mexico Territory, and U.S. President Woodrow Wilson's ordering of the Pershing Punitive Expedition into Chihuahua. Sitting the 220 delegates proved contentious, but was finally resolved. Overall, the delegates were young, committed to the nation, and determined to do what was best for their people by confirming the revolution. Indicative of the delegates' intentions was the election of the five-member Committee on the Constitution, with Francisco J. Mújica as its president. This committee reviewed the proposal for a revised Constitution submitted by President Carranza (after its preparation by a group of legal supporters) and rejected most of the moderate changes, choosing more revolutionary provisions.

The most immediately celebrated and excoriated constitutional provisions redefined the legal status of property, labor, and the Catholic Church in society. The most illustrative amendment explained property ownership, as it represents a fundamental character of the revolutionary society. Under Article 27, property ownership does not result from the individual's inherent right, but rather only as a social responsibility.

Property is defined in the agrarian reform amendment. This was the last amendment discussed by the delegates because of its momentous character. Moreover, agrarian reform, fundamental in a society that remained largely rural, continued to be slogan of Emiliano Zapata, one of Carranza's main rivals. Zapata's demand for land reform had begun in 1910 and was expressed in his famous Plan of Ayala, which ultimately could be succinctly stated as "Land and Freedom." Even though Zapata remained in revolt against Carranza, the



Andrés Molina Enríquez.

INAH, Online Photo Collection

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sions, such as in Article 23 on property rights. Under attack was the Church as an institution, not the faith. That is to say, the delegates created a Constitution that is anticlerical, not anti-religion or atheistic. In various articles, the delegates confirmed marriage as a civil contract and removed all special status for religious figures, including priests. Public worship was prohibited outside of church buildings, and state legislatures were authorized to decide the maximum number of priests allowed within the state. All priests had to be native-born Mexicans and clergy was prohibited from forming political parties or taking part in political activities. Moreover, in Article 3 on education, the delegates determined that primary education for all Mexicans would be free, mandatory, and secular.

The result of the enforcement of the anti-church provisions ultimately resulted in the *Cristero* Rebellion, from 1926 to 1929. Regarding this critical episode in the history of the Revolution, recently there has been an effort to redeem the *Cristeros*, including the role of the Papacy in creating several as saints of the Church.

ownership of essential national resources. By 1964, this provision had led to the redistribution of 16 004 169 hectares of land, about 28 percent of all national territory and most of the country's arable land.

Article 123, concerning labor and social welfare, although not as monumental in 1917 as the one dealing with agrarian reform, quickly and over the years has become a singular statement. It can be paraphrased as a commitment to enhancing the quality of life for workers and workers' families, restoring the worker's dignity as a human being, and providing him/her with a fair share of national income. These goals were expressed in specific provisions for an 8-hour work day; a 6-day work week; equal pay for equal work for men and women and for Mexicans and foreigners; safe working conditions; and the right to organize, collectively bargain, and strike. Workers quickly asserted these rights; for example, during the six years of the Cárdenas administration (1934-1940), workers organized over 200 strikes a year. In 1944, workers went on strike a record 887 times. The most iconic strike was that of the oil workers in the 1930s that resulted in the March 18, 1938 expropriation of the foreign oil companies who had refused to comply with the constitutional provisions.

The third aspect of the Constitution that had immediate and lasting effects on society focused on the Roman Catholic Church. Some of the legislation appeared in other provi-



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Original decree granting women the right to vote.



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The five original Constitutions of Independent Mexico on display in Mexico's National Palace.

Since the Constitution of 1917 was completed, the history of Mexico can be seen as a struggle to implement its provisions in everyday life. Above all, this effort continues to use the Constitution to create an inclusive, humane society, set of laws, and culture. It has been a continuous struggle to achieve an equitable, humane, just society that guarantees the human rights of every Mexican. This has resulted in amendments to the Constitution; surely the most significant came in 1953, when President Adolfo Ruiz Cortines worked with Congress to modify Articles 34 and 115 giving women the right to vote.

Other amendments came in the 1990s, and some have been highly criticized. President Carlos Salinas, prompted in part by the popularity of the visit in 1990 of Pope John Paul II, initiated the restoration of political rights to priests and the recognition of the church as an institution. He did not change the status of church property, which continued to belong to the government.

Article 27 was also modified under President Salinas, giving individuals title to *ejido* lands and allowing them to be sold, rented, or mortgaged. This completely altered the nature of the *ejido*, one of the icons of the Revolution, but given the growth of the population, especially of families in the countryside, it can be argued that this modification was essential.

A far greater change came in 1992 in Article 4, which provided a definition of the Mexican people stating the population is “multicultural with an indigenous base.” This made

a clear statement of the essential nature of the multicultural society and the opportunity for indigenous communities to use their traditional rights and privileges to govern themselves.

Two significant enabling provisions strengthened the Constitution. The first was the creation of the Mexican agency to enforce anti-trust legislation and fair trade in the economy (this came 100 years after the U.S. Sherman Anti-Trust Law), with its goals of eliminating corruption in the marketplace and making competition possible. A second critical enabling law was the 1988 Law of Standardization and Metrology, updated in 1992. In this law, the government undertook an ambitious project to revamp its entire system for formulating product standards, testing, and labeling and certification regulations. This legislation provided for greater transparency and access by the public and interested parties to the standards development process. For example, under this law, tequila is defined by the percentage of blue agave required in its production—a surprising discovery is that tequilas not labeled as made with 100 percent blue agave may contain as little as 50 percent, with other sugars and additives making up the rest—and mescal has much higher ingredient standards. Artisanal tequila and mescal continue to be the most Mexican of beverages.

Two final amendments to the Constitution should be mentioned. In 2011, Articles 4 and 27 were changed to stipulate that all persons are entitled to the food necessary for their well-being and earlier in 2005 an amendment passed banning capital punishment in all cases. These two modifications emphatically showed that the Constitution defines the human rights of the people of Mexico. The rights are the law. Of course, the Constitution has not been fully implemented, but every discussion about the rule of law is a discussion to achieve the human rights framed in the Mexican Constitution of 1917. It is the law. **NMM**

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## NOTES

<sup>1</sup> For this essay the author consulted the Constitution of 1917; E. V. Niemeyer, Jr., *Revolution at Querétaro: The Mexican Constitutional Convention of 1916-1917* (Austin: University of Texas Press, 1974); James W. Wilkie, *Federal Expenditure and Social Change* (Berkeley: University of California Press, 1968); Sarah Bowen, *Divided Spirits: Tequila, Mezcal and the Politics of Production* (Berkeley: University of California Press, 2015); and the William H. Beezley and Roderic A. Camp interviews with Felipe Calderón, Cuauhtémoc Cárdenas, and Jaime Serra Puche in the *Oxford Research Encyclopedia for Latin America*, <http://latinamericanhistory.oxfordre.com/page/videos/>.