Juárez, Statesman

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Francisco Toledo, *Juárez and the Mexican Republic*, 1990.
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The people and the government must respect the rights of all. Among individuals as among nations, respect for others' rights is peace.
BENITO JUÁREZ

After 11 years of fighting, Mexico's War of Independence concluded in 1821 with a conciliatory program without structural reforms, and the process of construction of the nation-state began. The following dichotomies were posed to resolve the dilemma of its organization: monarchy or republic; federalism or centralism; conservatism or liberalism.

The different national projects sought the country's political stability through a strong government.[1] The conservatives believed that monarchy was the solution. When the first empire failed, they opted for a unified republican system, then for the dictatorship of military strongman Antonio López de Santa Anna, and finally for establishing a Second Empire with a foreign prince. The liberals, for their part, believed in setting up a federal republic.

Mexican liberalism evolved throughout the nineteenth century. First it fought for independence from the Spanish empire and later for the independence of the state from the military and church forces. There was a failed attempt at reforming the state in 1833; and from 1855 to 1863, the generation headed by Benito Juárez transformed the theocratic, estate-based state into a secular national state. Dismantling the old regime and abolishing the colonial structures cost a three-year civil war and a five-year foreign intervention. The country was divided between two governments for an entire decade.

During this whole period, Juárez was president of the constitutional government. He managed to bring together the liberals and then forge a nation. He achieved respect for civic authority and subjected all forces to a single command. "Without that unity, the idea of a homeland would have evaporated, as happened in the 1847 war."[2]

Juárez led the defense of national sovereignty in the face of foreign intervention, of the republic in the face of the empire, of federalism in the face of centralism and of liberal reform in the face of conservative tradition to establish a secular state.

Juárez occupied posts in municipal, state and federal governments and in the three branches of government. In the judiciary, he was a judge, a magistrate and president of the Supreme Court. In the legislative branch, he was a state and federal deputy. And in the executive branch, he was a city councilman, four times the governor of his state, the minister of justice, church business and public instruction, the minister of the interior and president from 1858 until his death in 1872.

Dubbed "The Worthy of the Americas," he belonged to the most brilliant generation of nineteenth-century Mexico, the generation that fought against the whims of Santa Anna, the military strongman without ideology who became the arbiter of national politics for the first three decades after independence. It was also the generation that suffered the trauma of the loss of more than half the nation's territory after the invasion and war of conquest by the United States. It was one of the generations that, as Arnold Toynbee wrote, instead of disappearing, was strengthened by crisis; the generation that consummated the liberal reform.

Juárez defended national sovereignty in the face of foreign intervention, the republic in the face of the empire, federalism in the face of centralism and liberal reform in the face of conservative tradition to establish a secular state.

A member of the Zapotec nation, he did not learn Spanish until the age of 12. He went from being a servant to a seminarian and then a well-known professional. He was a teacher of Roman, canon and civil law and of experimental physics.[3]

His efficient, honest work as an attorney brought him recognition in the community. Among his legal writings is his proposal about a new form of property, about checks and balances of the branches of government, about direct elections and a law about the administration of justice which was the first step for putting an end to the immunity and privileges of the Catholic Church and the army.[4]

A man of few words, Juárez was convincing more because of the strength of his arguments than his oratory. With his austere appearance, always

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dressed in black, he was the first civilian to impose his authority over the military. His formality commanded respect and was the personification of authority. He was not only a great politician, but a great statesman, meaning someone who designs long-term public policies that transcend his own moment in history.[5]

Like any good attorney, he always believed that respect for the law was the first step a civilized society needed to take to achieve well-being:

> I believe it my duty to speak to you to urge you to double your efforts to put an end to anarchy, reestablishing the rule of law, the only guarantee of a lasting peace in our country, the only barrier to the bastardized ambitions of those who have founded their well-being in the high positions of the Republic. Outside the Constitution that the Nation has given itself through the free, spontaneous vote of its representatives, all is chaos. Any plan adopted, any promise given outside this fundamental document will lead us inexorably to anarchy and the loss of our Homeland, no matter what the background and position of the men who make it.
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> Profoundly convinced of this truth and complying with the duty that the law imposes, I did not doubt in picking up the constitutional banner that Don Ignacio Comonfort had handed over to the criminals of reaction. I considered that once legality was lost, anarchy took sway among us because the men of Tacubaya, without the impartial guidance of the law, would be led by their passions from one crime to another...taking with them the peace of the Republic.[6]

He also thought that operating within the law was the only way to legitimize authorities and make them respected by the governed. The law was the only thing that should legitimize the authorities.[7]

In his first inaugural speech as governor of Oaxaca, Juárez declared himself to be a son of the people and a defender of their rights, promising that he would make sure that the people would be educated to abandon "the ways of disorder, vice and poverty".[8] He knew how to govern with the best men and take criticism.

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At a turning point in national history, the second independence of Mexico, this time from French intervention, was consummated around Juárez, as was state independence from the Catholic Church and the army.[9]

The Reform Laws passed by Juárez in the midst of the civil war marked the birth of the secular state.[10] Mexico was the third country in the region to decree the absolute separation between church and state after a conflict around the issue.[11] The law of freedom of worship conceived of religious freedom as a natural right of Man, "without any limit except the rights of third parties and the demands of public order."[12]

Juárez fought clericalism, understood as the use of the priestly investiture for purposes other than religious worship and which has even been condemned by the Church itself at different times in its history.[13]

As the French abbe Testory warned the Mexican clergy, when the church becomes a fortress confronted with the state, it is taken like a fortress. That is why the state went from secularizing the clergy's property to its nationalization. Nevertheless, in the words of Francisco de Paula Arrangoiz, one of the most important leaders of Mexican monarchism, the church enjoyed more freedoms under Juárez's republic than under Maximilian's empire.

From the time that Miguel Hidalgo abolished slavery and castes in 1810, ratified by José María Morelos in 1814, the liberals sought to suppress the racial differences of the colonial regime. Everyone was Mexican. Juárez was westernized and became the paradigm of those who in the nineteenth century sought to incorporate indigenous communities into modernity.

With the victory of the liberal republic, thanks to the establishment of free, mandatory primary education, women also gained access to education.[14] Women were able to begin their emancipation through study.

Peoples find their paradigms in the figures that stand out in their history. Mexico has in Juárez the paradigm of the defense of national sovereignty against foreign intervention, of the rule of law versus military coups, of civil society versus corporations, of

secularism versus intolerance and of the defense of the subjected race versus racial discrimination.

From the fight against interventionism came the Juárez Doctrine, according to which no one should seek the recognition of foreign powers in exchange for ruinous treaties, but should demand equal treatment with respect for the dignity that every sovereign state deserves.

This doctrine was ratified by President Venustiano Carranza at the victory of Mexico's 1910 Revolution[15] and later by Foreign Minister Genaro Estrada in his doctrine about the recognition of foreign governments.[16] These principles are included in Article 89 of Mexico's current Constitution which deals with Mexico's foreign policy: the principles of non-intervention, the self-determination of people s, the peaceful solution of controversies, the legal equality of states and the fight for peace.

Mexico, wrote President Juárez, "is a people as free, as sovereign, as independent as the most powerful on earth....Let us have faith in the justice of our cause. Let us have faith in our own efforts, and united we will save our Homeland" and "the principles of respect and the inviolability of the sovereignty of nations."[17]

Certainly, today, these ideals seem utopian. But down through the history of humanity, it has been the utopias that have moved the noblest part of the human spirit. Let us remember that Juárez realized his utopia. VM

NOTES

[1] Edmundo O'Gorman, *México y el trauma de su historia* (Mexico City: UNAM, 1976), p. 87.

[2] José C. Valadés, *Maximiliano y Carlota en México* (Mexico City: Editorial Diana, 1993), pp. 325 on.

[3] Patricia Galeana, *Benito Juárez: el indio zapoteca que reformó a México*, second edition (Madrid: Red Editorial Iberoamericana, 1988).

[4] It was known as the Juárez Law of November 1855.

[5] "In Juárez can be found a finely balanced mix of the statesman and the politician; that is, a man of state, capable of conceiving great plans of government action, and a man versed in political manoeuvering." Daniel Cosío Villegas, *Crítica del poder* (Mexico City: Clío, 1977), pp. 320-326.

[6] Speech of Benito Juárez at the National Palace in Veracruz, December 29, 1858, Jorge L. Tamayo, comp., *Benito Juárez. Documentos, discursos y correspondencia*, vol. 2 (Mexico City: Secretaría del Patrimonio Nacional, 1966), p. 431.

[7] "The respectability of the government emanates from the law and honorable action and not from their dress or military apparatuses appropriate only for the kings of theater." Andrés Henestrosa, *Flor y látigo* (Mexico City: Secretaría de Cultura del Distrito Federal, 2006), p. 113.

[8] Speech before Congress after having been sworn in as governor of Oaxaca, October 29, 1847, in Jorge L. Tamayo, comp., *Benito Juárez. Documentos, discursos y correspondencia*, vol. 1 (Mexico City: Editorial Libros de México, 1974), p. 528.

[9] See Benito Juárez's speech on entering Mexico City at the time of the victory of the republic over French intervention and the Second Empire in 1867.

[10] José María de Jesús Diez de Sollano recognized in a memo written to Pius IX in 1861 that the fact that the Mexican government had established the separation of church and state also benefited the former. "Memorándum del señor José María de Jesús Diez de Sollano a Pío IX, 28 de septiembre de 1869," Archives of the Sacred Congregation of Extraordinary Affairs, Fac. 658, p. 201 and its appendix, annex m.

[11] After Haiti and Colombia.

[12] Felipe Tena Ramírez, *Leyes fundamentales de México, 1808-1957* (Mexico City: Editorial Porrúa, 1957), pp. 660-661.

[13] Ives M. Congar, *Sacerdocio y laicado* (Madrid: Estela, 1964), p. 47.

[14] Juárez's government program of January 20, 1861 states, "Secularizing public establishments will also provide education to women, giving them the importance they deserve by virtue of the influence they exercise in society." "Programa de Gobierno del president Benito Juárez, 20 de enero de 1861," *México a través de los informes presidenciales. La educación pública* (Mexico City: Secretaría de Educación Pública/Secretaría de la Presidencia, 1976), p. 10.

[15] The Carranza Doctrine, stated in his speech when opening Congress on September 1, 1918, emphasizes the same principles as Juárez. "That all countries are equal; they must mutually and scrupulously respect their laws and sovereignty;...that no country must intervene in any way or for any reason in the internal affairs of another. They must all subject themselves strictly and without exception to the universal principle of non-intervention;...that no individual must aspire to a better situation than that of the citizens of the country where he is going to establish himself nor make of his foreign citizenship a badge of protection or privilege. Citizens and foreigners must be equal under the sovereignty of the country they are in; and that the laws must be uniform and equal as far as possible, without establishing distinctions based on nationality, except with regard to the exercise of sovereignty." *La Revolución Mexicana. Textos de su historia*, vol. 4 (Mexico City: Instituto Mora/ Secretaría de Educación Pública, 1985).

[16] In a letter dated September 27, 1930, the Estrada Doctrine stated that Mexico did not recognize or disavow governments and that with absolute respect for the sovereignty and self-determination of nations, it limited itself to withdrawing its representatives if its security was endangered, and to reinstating them when the danger was past.

[17] Jorge L. Tamayo, comp., *Benito Juárez. Documentos, discursos y correspondencia*, vol. 6 (Mexico City: Secretaría del Patrimonio Nacional, 1966), p. 246.