

The Significance of the Reform Period (1855-1862)

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Benito Juárez, defender of the Constitution and the rule of law.

When the government of Juan Álvarez passed the Law of the Administration of Justice, or *Ley Juárez*, in 1855, it meant that the victorious Ayutla Revolution had materialized in a legal reform that established the equality of citizens before the law in criminal matters. This was a break with the old order in a society that, besides being divided into social classes, differentiated its legal proceedings, clearly revealing two estates above the rest of Mexicans (the clergy and the army). The immediate consequence of this was the conservative rebellion that General Tomás Mejía began in the mountains of Querétaro under the banners of “religion and immunity!”

These were the issues and actions on both sides that characterize the period historiography has called the Reform. A little more than a month later, Ignacio Comonfort took office as president, and, with that, the second administration headed by a southerner launched “the liberal reform that was the only one in the country’s interests.” This began with the creation of the Regulation on Freedom of the Press, whose author, José María Lafragua, argued that given the clampdown prevailing during Santa Anna’s dictatorship, the revolution-cum-government understood that one of the undeniable rights of Man was the individual’s freedom to express his opinions about public life.

However, the Minister of the Interior added that criticisms should not be anonymous: newspapers were obliged to report who the editor in charge was and include the names of their editorialists. The edict clarified that all administration actions could be criticized, but not the private life of public officials. The printing press had been and continued to be one of humanity’s great inventions. The press should include analysis and reflection, but newspapers should not turn into an arena of individual passions, much less reproduce the “howling” of political factionalism or encourage sedition, because that would be a perversion of the freedom of expression.

Undoubtedly, the central reform of the period (1856-1857) was the Law on the Seizure of the Goods of Civil and Ecclesiastic Corporations, written by Miguel Lerdo de Tejada, “a solid radical, through and through,” who, as minister of finance worked for a moderate liberal administration. The law sparked dozens of pronouncements all over the country, was condemned from the pulpit, and shook many private individuals whose spirit was linked to religious orders but

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who as property owners also rented out real estate. On the other hand, the law sought to create a broad class of small owners in Mexico, to get public wealth moving through the expropriation, and, despite the fact that the Catholic Church was thereafter banned from acquiring more real estate properties, to allow it to invest its monies as a shareholder in private companies.

At first glance, the results were not to substantially improve tax earnings as the Comonfort administration had wanted. However, in the medium and long terms, it did create powerful interests that pressured both inside Mexico and abroad against the reversal of the expropriation/nationalization. On the other hand, although the law benefitted many individuals who finally were able to acquire a piece of property, it is also true that because officials wanted to rush the Reform, it caused the accumulation of buildings and agrarian latifundismo, to the detriment of the civic corporations: in other words, the indigenous communities’ *ejidos* or collective farms. The confiscations also negatively affected institutions like hospitals, schools, and rest homes, for centuries managed by the Catholic clergy, because, by 1856, the civilian government had neither the financial nor the human wherewithal to take them over.

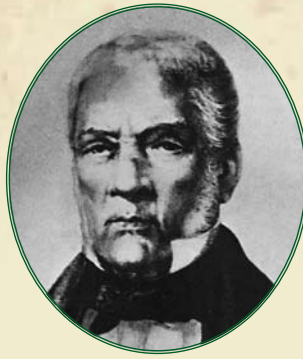
Something else that marked the beginning of the Reform were the labors of the Constituent Congress, the material result of which is the 1857 Federal Constitution, and the whole discussion about whether it was the ideal legal framework for the daily life of a country that had a foreboding of civil war. It gave the impression that the actions of one side and the other were throwing them into an unfathomable abyss reminiscent of Greek tragedies. In this sense, Mexican society was shaken when the “fair sex” protested in the streets and in the Chamber of Deputies for the first time

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Tomás Mejía, the most fervent defender of the Conservative cause.



Juan Álvarez, revolutionary hero and strongman of the South.

against the proposal to create freedom of religion. Society woke up suddenly when it found out that the government had demolished the ancient San Francisco Monastery because “reactionaries” conspired within its walls, accumulating weapons and munitions, and working a clandestine press that produced seditious leaflets. The cabinet was relieved when the deputies in the Constituent Congress put to one side the more radical issues proposed by Ponciano Arriaga, Melchor Ocampo, and José María Mata.

Issues like the agrarian reform, the rights of indigenous peoples, and universal, direct voting, among others, were still far from the minds of some liberal representatives concerned with instituting, regulating, and strengthening those powers that could give form to a true Mexican state. But at the same time, the Comonfort government looked with disapproval and concern on the cutback of the executive branch’s powers in favor of a single-chamber legislative branch that “was everything.” The executive clashed daily with the liberals’ decided enemy, who did everything from staging barracks revolts and criticizing government actions through their newspaper *La Cruz*, to entering the sacred circle of the home through the confessional. On the other hand, the legislature saw Comonfort and the figure of the president as the eternally cloaked specter of tyranny. The experience of the Santa Anna dictatorship was in the mind of all the liberals, but Don Antonio’s excesses also concerned the most enlightened conservatives.

The Constituent Congress was responsible for changing the country, and the deputies represented the sovereignty of the people. But since Mexico first became independent some conservative politicians had wanted to eliminate popular sovereignty because it did not always go along with the wishes of the president. When in early 1857, the Constitution was fin-

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ished, it satisfied no one. Deputy and chronicler Francisco Zarco said that the conservatives looked at it as a compendium of impieties; it stuck in the craw of the moderates because of its supposed excesses; and the radicals were concerned because it did not take innovations far enough. Months went by and rumors began to circulate of a coup being prepared against the Constitution. However, it was not a disaffected coronel or a clergyman who openly called for it to be disavowed, but the radical newspaper *El Monitor Republicano*, emphasizing that if it was impossible to govern with it, then, Down with the Constitution!

A mediation was arrived at with the conciliatory spirit of Zarco himself, who said that the Constitution contained the appropriate ways for legislators to make all kinds of changes, but warned that they would have to have the backing of the Mexican people.

Toward the end of November, Guanajuato Governor Manuel Doblado told Comonfort that as the future constitutional president, he should not disavow the Constitution. First, it was necessary to ask Congress to deal with a series of reforms stemming from the first executive’s well-founded concerns. If the deputies did not move on these or rejected them, then a more violent course of action could be taken.

On December 17, 1857, General Félix Zuloaga headed a barracks revolt rejecting the Constitution; days later, the move was seconded by Comonfort, who said that his legitimate title of constitutional president had been laid aside and now he had only that of a common revolutionary. The Tacubaya coup d’état had the approval of some liberals, but others opposed it, like the minister of the interior, the president of the Supreme Court, and, in the absence of the head of the executive branch, the person the Constitution designated interim president, Benito Juárez. It was the beginning of a confrontation that would end 10 years later (1857-1867) and ever since the nineteenth century, Mexican historiographers have called it “the great national decade.”



This Is the Life, anonymous, nineteenth century. Violence, drinking, and courtship among Mexicans.

The War of the Reform (also called the Three Years' War, since it lasted from January 1858 to December 1860), a conflict that could have lasted until December 1861, had several characteristics that made it different from the flood of “revolutions” that Mexico had experienced since 1829. First, from the beginning, the rebels based their power in Mexico City, and second, the representatives of the European powers gave both the Félix Zuloaga administration and the later one headed by Miguel Miramón diplomatic recognition. In contrast, the liberal regime established in Veracruz received recognition and naval back-up from the United States.

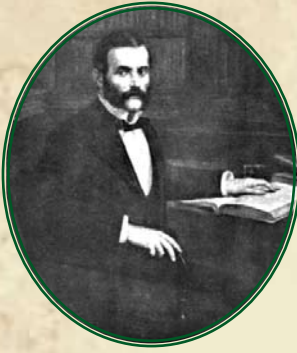
This means that for three years, there were simultaneously two conservative governments and one liberal one, something that had not happened during the times of either Iturbide or Santa Anna. The conservatives argued that Juárez was not interim president because Comonfort's coup put an end to the constitutional order, and they called him “he who had been the president of the Supreme Court.” The liberals underscored that Juárez was the legitimate president because the Title VIII, Article 128 of the Constitution stipulated that “this Constitution will not lose its force and validity even if a rebellion interrupts its implementation.”

London, Paris, Madrid, and Washington did not go into the judicial niceties and treated them all as *de facto* governments. But, using dual language, England's Prime Minister

Palmerston recognized Juárez's liberal regime as a belligerent faction in 1859. This date is crucial because it was the most violent year of the civil war, and particularly because the liberals understood that the 1857 Constitution and the legitimacy of the Juárez government were not enough to get more support and win the war.

Given this, and after carefully analyzing the dangers and advantages that could arise, the Juárez cabinet passed what were called the Laws of Reform, which radicalized the liberal edicts emitted by Ignacio Comonfort's administration. The matters the laws dealt with were not only important for their time (1859-1860), but they also make it possible to understand the cultural and political profile Mexico has developed up until today. The liberal Reform put forward the suppression of monasteries and convents, the secularization of cemeteries, matrimony as a civil contract, and a calendar based on civic holidays, although it maintained five religious ones. It stated that the contributions of the faithful to priests for religious services were completely voluntary, contrary to the obligatory tithe; and that the internal administration of the





Miguel Lerdo de Tejada, a radical reformer.

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Miguel Miramón, paladin of the Conservative armies and Mexico's youngest president.

Catholic Church and the Mexican state was completely independent and separate one from the other.

The reform ended with two central questions that linked Mexico with the world: the nationalization of all real estate in the hands of the clergy and freedom of religion officially declared in December 1860. As mentioned above, from 1856 on, foreign individuals had been buying houses and haciendas belonging to the Catholic clergy. Starting in 1861, they began to purchase churches to use for Protestant services. This meant that freedom of religion not only made worship a private, individual matter, but also established the right to publically exercise a different faith, something that, for example, would not happen in Spain for many decades.

If Mexico was seeking to attract investment, Prussians, Englishmen, Swedes, and Americans living in the country had demanded to be able to worship according to their own beliefs and, if the case arose, to be buried with dignity. This is why the monopoly over cemeteries was taken away from the Catholic clergy and civic cemeteries created as the century's "hygiene and modernity" demanded.

All this leads us to put forward the existence of another characteristic of the War of the Reform: active intervention from abroad in matters that were originally seen as local issues. The European chancelleries ended by saying that the republic's political instability had seriously affected their citizens' investments, and added that all the Mexican governments, regardless of their political persuasion—federalist or centralist, liberal or conservative—had shown their disregard for fulfilling the obligations acquired when they took out debt in terms of amounts and percentages that should be speedily and expeditely paid. The correspondence between these chancelleries reflected on the fact that the civil war being waged both in Mexico and the United States offered the opportunity to stop Washington's advance southward in

the hemisphere. Napoleon III, for example, astutely commented that it was the right time for Europe to regain importance in Latin American affairs.

The industrialized world was in the midst of competing for raw materials and diversified markets. Lord Palmerston commented in January 1862 that if Mexico's political system could be replaced with a monarchy that would calm the waters and offer appropriate guarantees for new European investment, it would be a blessing for the country itself, and manna from heaven for the powers with relations in Mexico, as well as an arrangement that could be very advantageous for his countrymen.

At the same time, large contingents of French and English soldiers were debarking in the port of Veracruz. Together with the Spaniards who had arrived in December 1861, they made up the 10,000-strong occupation force. Karl Marx said it was a mistake for European political equilibrium, but the imperial banking system had caught a glimpse on the horizon of juicy profits. **MM**

BASIC READING

- De la Portilla, Anselmo, *México en 1856 y 1857. Gobierno del general Comonfort*, Obras Fundamentales/República Liberal Collection (Mexico City: INHERM, 1987).
- Rabasa, Emilio, *La Constitución y la dictadura* (Mexico City: Porrúa, 1982).
- Sierra, Justo, *Juárez, su obra y su tiempo*, Nueva Biblioteca Mexicana Collection no. 61 (Mexico City: UNAM, 1977).
- Vázquez, Josefina Zoraida, comp., *Juárez. Historia y mito* (Mexico City: El Colegio de México, 2010).
- Villegas Revueltas, Silvestre, *Antología de textos. La Reforma y el Segundo Imperio (1853-1867)*, Biblioteca del Estudiante Universitario Collection no. 145 (Mexico City: UNAM, 2010).