

CONSTITUTIONAL HISTORY IN CONTEXT: MEXICAN FEDERATION AND SPANISH LIBERAL INFLUENCE

Comparing the Spanish Constitution of 1812 and the Mexican Constitution of 1824

By Madison Chapman

Spain adopted the Constitution of Cádiz in 1812 as a response to the regime of Joseph Bonaparte, which deposed King Ferdinand VII and inspired dissent throughout Spain. Fondly known as La Pepa, the new Spanish constitution would prove short lived—but long influence the course of history and political theory. Indeed, the Constitution of Cádiz was the first truly liberal European document of the kind—drawing on Rousseau, Locke, and Voltaire, it enumerated universal male suffrage, a constitutional monarchy and democratic parliamentary body, and certain social rights previously restricted in largely closed European states. Though the Constitution of Cádiz would crumble by 1814, the immediate influence of this document was felt by New Spain, which would draft its own document and declare the Mexican Federation in 1824. This paper explores the causal link between these two events, applying theory from Rawls, Polanyi, Mill, and The Federalist Papers to determine how each document differs, where parallels emerge, why each failed to last, and how the lessons from Spain and colonial dissent encouraged Mexico to federate. By offering a textual comparison of each document and weaving in anecdotes from history, this paper provides a robust assessment of two quintessential documents for modern political theory and liberal thought in both Europe and Latin America.

I. Introduction

In 1808, Spain bowed to the expansionist pressures of the Napoleonic regime.¹ With King Ferdinand VII deposed and a nation subject to the hastily appointed Joseph Bonaparte, the Bonaparte regime inspired dissent and revolutionary sentiment amongst Spaniards, leading to the creation of provincial opposition *juntas* and unprecedented Spanish self-governance.² These *juntas* were the incubators of individual political participation in Spain, and culminated

1 Arnold Robert Veridun, *The Spanish Constitution of 1812 and the Influence of the French Revolution Thereon* (University of Wisconsin-Madison, 1930). n.p.

2 Fiona Flores Watson, “La Pepa 1812: Spain’s First Constitution of Andalucía, History of Southern Spain,” *Andalucía.com*, 2016. Accessed February 27, 2017. Web. n.p.

in Spain's first liberal constitution—the Spanish Constitution of 1812, fondly known by some as the Constitution of Cádiz.³ Yet the Spanish could not have anticipated that this document would inspire the people of New Spain to constitute themselves independently as well, culminating in the Mexican Constitution of 1824. The Spanish Constitution of 1812 and the Mexican Constitution of 1824 thus offer a compelling constitutional comparison that merits a discussion both of historical progression and the context of constitutional divergence. Though the two documents share much of the same spirit and rhetoric, their institutions differ significantly, with Spain developing a constitutional monarchy and Mexico establishing a federated republic loosely based off of the United States. Both constitutions also met a quick demise, begging: why did Mexico chose to federate—and why did the Mexican constitution, like its European predecessor, also collapse in the short term? This paper will elucidate this fundamental query through an exploration of liberal constitutional theory, a review of the chronology and contemporary history of each document, and a brief yet robust textual comparison that will underscore the vast domestic and international legacy of each document.

II. Liberalism: Definitions and Metrics

In order to cogently assert that the Spanish Constitution of 1812 and the Mexican Constitution of 1824 both exemplify liberal constitutional principles, it is imperative to first denote what liberalism means in this context. John Stuart Mill provides an apt definition of the nature of liberalism pervading this discussion:

“...That rulers should be identified with the people; that their interest and will should be the interest and will of the nation... Let the rulers be effectually responsible to it, promptly removable by it, and it could afford to trust them with power of which it could itself dictate the use to be made. Their power [is] but the nation's own power, concentrated, and in a form convenient for exercise.”⁴

Furthermore, Mill expounds the individual rights inherent in free, liberal societies:

“...The liberty of conscience, in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people; but, being almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow; without impediment from our fellow-creatures, so long as what we do does not harm them even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to others: the persons combining being supposed to be of full age, and not forced or deceived.”⁵

These deliberations provide an instructive and critical working definition of classical liberalism to consider throughout this paper. Certain characteristics of both the Spanish and Mexican constitutions prominently fit Mill's criteria for liberal government, though certain rights of religion and speech were notably restricted in the realization of each document. It may also be constructive to acknowledge John Rawls's compelling interpretation of political liberalism as “a plurality of reasonable yet incompatible comprehensive doctrines...within the framework of... free institutions”⁶ here. While Rawls' discussion of liberalism does not apply directly to the classical liberal institutions of the Spanish and Mexican constitutions, it helps to clarify deficiencies in Mexican constitutional institutions, where a lack of collaboration and confidence in competing and apparently incompatible doctrines

3 Ibid.

4 John Stuart Mill, *On Liberty*, 1 edition (Mineola, NY: Dover Publications, 2002), 3.

5 Mill, *On Liberty*, 10.

6 John Rawls, *Political Liberalism: Expanded Edition* (Columbia University Press, 2005), xvi.

effectively dismantled the “free institutions” of political liberalism. A later discussion in this work will validate this claim.

The Spanish Constitution of 1812 introduced liberal government to Spain and its colonies, transferring sovereignty to the Spanish nation through the formation of a democratically elected *Cortes*⁷ and a constitutional monarchy. In New Spain,⁸ property-owning individuals capitalized on new opportunities for self-governance and increased independence through provincial councils. In the process, the growth of provincial and local governments, the creation of competing Federalist⁹ and Centrist factions, and revolutionary organizing led many colonists to interpret liberalism as inextricable from federalism, and to establish an independent, federated nation—Mexico. However, weak constitutional institutions, constitutionally protected legal exemptions for groups like the military and clergy, a lack of constitutionally guaranteed checks and balances, and political infighting undercut the basic liberal tenets of the Mexican Constitution, curtailing the efficacy and longevity of the Constitution of 1824.

III. Historical Context of the Spanish Constitution of 1812

The Spanish Constitution of 1812 was significant primarily for providing the first truly liberal document in Europe and the Americas,¹⁰ that “established sovereignty in the nation and not in the king,” established a representative legislature, created the institution of elections, and guaranteed rights to property and legal representation in court.¹¹ Liberal sentiments had existed previously in Europe; however, Enlightenment rhetoric had largely failed to achieve legal substantiation through capacious constitutional rights and national sovereignty. The Spanish Constitution of 1812 enshrined these principles, trusting the rationality of the individual in the state of nature, honoring the concept of a “social contract” for government in civil society, and embodying the Jacobin ideals of the French Revolution.¹² Reflective of the reunion of Spaniards in both hemispheres, it was “the first truly transatlantic constitution”¹³ for uniting and mainland Spain against the Bonaparte regime. Indeed, the document inspired not only the Mexican Constitution of 1824, but subsequent documents in Central and South America.¹⁴ The widespread significance of this fundamental constitution is evident throughout history.

Understanding the nature of Spanish independence and its constitutive process in the context of the Napoleonic Wars and their influence on Spain is imperative to recognizing the impetus of Spanish liberalism. Ernest Gellner, in his discussion of his time zones of European nationalism, categorizes Spain in “time zone one,” which was “significantly impacted after the French Revolution.”¹⁵ Napoleonic intervention in Spain came in the midst of the Spanish War of Independence and resulted not only in a curtailment of Spain’s independence movement, but in the removal of King Ferdinand VII in exchange for Napoleon’s brother, Joseph Bonaparte. Ferdinand’s ouster ignited copious civic unrest within Spain. This unrest was exacerbated by Spanish natural law, which codifies the monarchy as a type of social contract between the monarch and the people. Per an account by Francisco Suarez, a Spanish philosopher, Spanish natural law is not indicative, but rather “preceptive,” by creating obligations for both individuals and legislators that would “otherwise not exist.”¹⁶ Additionally, it derives its moral force from God’s legislative act, which is enumerated in “the legislator expressing his will.”¹⁷ Therefore, without the consensus of the Spanish people, Joseph Bonaparte not only infringed on monarchical sovereignty,

7 Spanish term for “Parliament.”

8 Which would later become Mexico.

9 Federalists favor of a small national government with state autonomy, while Centrists preferred a larger central government with more concentrated power, albeit both imagined a republican, representative government to varying extents.

10 Mirow recognizes that the United States Constitution existed at this time, and intends to evoke Central and South America by the use of the broad term “Americas.”

11 M.C. Mirow, “Pre-Constitutional Law and Constitutions: Spanish Colonial Law and the Constitution of Cádiz,” *Washington University Global Studies Law Review* 12, no. 2 (January 1, 2013), 315.

12 Veridun, n.p.

13 Mirow, “Pre-Constitutional Law,” 316.

14 Ibid.

15 Bill Kissane and Nick Sitter, “The Marriage of State and Nation in European Constitutions,” *Nations and Nationalism* 16, no. 1 (January 1, 2010): 49–67.

16 Christopher Shields and Daniel Schwartz, “Francisco Suárez,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Winter 2016 (Metaphysics Research Lab, Stanford University, 2016), n.p.

17 Ibid.

but also usurped a highly religious and moral informal component of Spanish governance. In retaliation to what was perceived as an illegitimate government and a shattered social contract, the Spanish formed the “Supreme Central Junta for the Government of the Kingdom,” which was charged with convening a *Cortes* upon Ferdinand’s reinstatement. The *junta*, however, was momentous in its very existence: it represented the first summons to Parliament without a royal sanction in nearly a century.¹⁸ The *Cortes* that followed also, importantly, included members of the colonies, allowing New Spaniards to exercise limited self-governance. Furthermore, the *junta* permitted town councils, called *ayudamientos*, to select one representative deputy from indirectly elected provincial councils within Spain to serve. One hundred and five individual commissions were included in the establishment of the *Cortes*, representing input from various social sectors broadly ranging from agriculture and libraries to military organization and the Church.¹⁹ The amalgamation of these perspectives resulted in the formation of a new state through the swift drafting and ratification of a liberal constitution by the *Cortes*, which was under attack by French forces from its provisional quarters in Cádiz. The new constitution had the “goal of safeguarding rights and establishing a constitutional monarchy with a democratic parliamentary body” and granted universal male suffrage for Spaniards, “enshrined the legitimacy of the monarch,” and transferred sovereignty to the nation by strengthening the legislative capacities of the *Cortes* and eliminating the concept of monarchical succession.²⁰ For the Spanish dissidents, the process of constituting and governing through provincial *juntas*, regardless of military pressure, indicated the value of self-rule.²¹ According to Gellner, nations moved to establish “legitimist constitutions...after the defeat of the radical republics and kingdoms of Napoleonic Europe.”²² Indeed, Spain fits this mold, culminating in the ratification of the Constitution of 1812.

IV. The Spanish Constitution of 1812: Enumerating Rights and Representation

As both a liberal,²³ rights-based, and structurally reformist document, the Constitution of 1812 was specific as well as idealistic. It inaugurated a constitutional monarchy in Spain, regulated by liberal institutions and placement of sovereignty in the nation. Characterized by a “centralizing unitary state very different to other models of territorial organization,”²⁴ the Constitution of 1812 became “equated with modernity”²⁵ and the Jacobin ideals of the French Revolution, including the concept of a centralized bureaucracy, common taxation, and judicial and cultural homogenization.²⁶ It outlined distinct logistic and ideological features of the new Spanish state, from confirming *castellano*²⁷ as the official language²⁸ and establishing the location of the capital (Madrid), to ensuring “equal access [to government] for all Spaniards regardless of the institutional particularities of their territories of residence.”²⁹ In contrast to contemporary constitutions, including the post-revolutionary Constitution of 1791 in France from which the Spanish framers derived much of their liberal inspiration, the Constitution of 1812 guaranteed “systemic citizen liberties” and a “protection of human rights,” both expressed in the Preamble.³⁰ This specific mention of “human rights” in the Preamble should be underscored for its substantial historical importance. The language in the Constitution of 1812 ranks amongst the first uses of the term “human rights” in any constituting document, demonstrating the fundamentality of rights in the constitution and meriting further

18 Fiona Flores Watson, “La Pepa 1812: Spain’s First Constitution of Andalusia, History of Southern Spain,” accessed February 27, 2017, n.p.

19 Marta Ruiz Jiménez, *La Comisión de Guerra en las Cortes de Cádiz (1810-1813): Reportorio Documental* (Editorial CSIC - CSIC Press, 2008), n.p.

20 Watson, “La Pepa 1812,” n.p.

21 Jaime E. (editor) Rodríguez O., *The Origins of Mexican National Politics 1808-1847*, Reprint (Wilmington, Delaware: SR Books, 1997), n.p.

22 Kissane et al., “The Marriage of State and Nation,” 49–67.

23 In Mill’s context, explicated on page 2.

24 Luis Moreno, *The Federalization of Spain*, 1 edition (London; Portland, OR: Routledge, 2001), 44.

25 Ibid.

26 Moreno, *The Federalization of Spain*, n.p.

27 Castilian Spanish.

28 Spain, “The Political Constitution of the Spanish Monarchy : Promulgated in Cádiz, the 19th Day of March,” Biblioteca Virtual Miguel de Cervantes, accessed February 27, 2017,

29 Moreno, *The Federalization of Spain*, 45.

30 Spain, “The Political Constitution,” Preamble.

discussion about the origin and representation of the term *human rights* in legal language.³¹ Other rights included freedom of the press, freedom from torture, and the creation of special military court. Furthermore, on the first meeting of the constitutional *Cortes* in Cádiz, the President of the Constitutional Convention proposed that “no candidate of Bonaparte may rule because he has not the consent of the nation.”³² This sentiment invoked the “antisocial highs and anarchism of Rousseau”³³ and his treatise on *The Social Contract*, which lauded the concept of collective will and the consent of the governed. Indeed, the texts of Rousseau, as well as “Voltaire...Mirabeau, [Montesquieu]...Hobbes, Locke, Hume, Tucker...and those of Galiani Filanguri...all liberal...were all frequent in the libraries of Spanish individuals.”³⁴ Yet, perhaps most crucially for the Constitution of 1824, the Constitution of Cádiz enumerated rights for Spanish colonists in New Spain, including the right to send representatives to the constitutional *Cortes* and to participate in limited suffrage.³⁵ According to Veridun, “an American faction watching out for the interests of the colonials... and demanding absolute equality with [Europe]”³⁶ existed within Spain. The Constitution of 1812 thus emerged as a bastion of liberalism and guarantor of freedoms within New Spain, and the antecedent of liberal reform and independence movements in what would become Mexico.

V. The Spanish Constitution of 1812 in New Spain

As a result of the Constitution of 1812, “the ideas of *independence* and *constitution* [became] indefectibly united”³⁷ in New Spain. Furthermore, it “increased dramatically the scope of political activity in New Spain... [by establishing] representative government at three levels: the municipality, the province, and the empire.”³⁸ The organizing principles of the Spanish *juntas* that culminated in the drafting of the Constitution of 1812 manifested themselves through elected representatives in New Spain that served on provincial councils and local *ayudamientos*, as had been the Spanish case.³⁹ *Ayudamientos* in New Spain included localities with one thousand citizens or more, allowing certain smaller regions that had previously lacked representation to form semi-autonomous municipalities.⁴⁰ Calls for independence based on the principles of liberalism enumerated in the Constitution of 1812 prominently emerged, with the establishment of a newspaper, *El Hombre Libre* (The Free Man), by future leader Carlos Bustamante,⁴¹ and treatises calling for a liberal, republican⁴² form of government modeled off of the United States’ federal system, such as that detailed in Jose Joaquin Fernandez de Liardi’s “*Seminario Politico and Literario*” (Political and Literary Weekly). Fernandez de Liardi also widely distributed copies of the United States Declaration of Independence, The Articles of Confederation, and the United States Constitution.⁴³ New Spain under the Constitution of 1812 bristled with revolutionary discourse and liberal scholarship, despite hierarchical complaints about the new liberties of the press by landed elites.⁴⁴ However, the Constitution of 1812 proved fleeting. It ultimately met its demise with the reinstatement of King Ferdinand VII in 1814.⁴⁵ This was mirrored in Mexico, where in 1813, the Audience of the Regency proposed that the new constitution should be “suspended during the revolutionary times... to adopt a more rigorous system of government.”⁴⁶ Revolutionary sentiment bred by the introduction of the Constitution of 1812 ultimately resulted in its failure within New Spain, encouraging

31 This concept is incredibly significant and deserves notably more discussion; however, an in depth exploration of this concept is not included in this paper, as it is outside the scope of present research.

32 Veridun, *The Spanish Constitution of 1812 and the Influence of the French Revolution*, n.p.

33 Manuel Ferrer Muñoz and Juan Roberto Luna Carrasco, *Presencia de Doctrinas Constitucionales Extranjeras En El Primer Liberalismo Mexicano*, vol. 63 (Universidad Nacional Autónoma de México, 1996), n.p.

34 Veridun, *The Spanish Constitution of 1812 and the Influence of the French Revolution*, n.p.

35 Spain, “The Political Constitution,” Article 66.

36 Veridun, *The Spanish Constitution of 1812 and the Influence of the French Revolution*, n.p.

37 Muñoz et al., *Presencia de Doctrinas*, n.p.

38 Rodriguez et al., *The Origin of Mexican National Politics*, 68.

39 Nettie Lee Benson, “La Diputación Provincial y el Federalismo Mexicano,” 1955, accessed February 27, 2017. Web. n.p.

40 Rodriguez et al., *The Origin of Mexican National Politics*, n.p.

41 Benson, “La Diputación Provincial,” n.p.

42 As a matter of loose definition, I refer to the concepts of Republicanism elucidated in Federalist 10 (Madison 1787).

43 Benson, “La Diputación Provincial,” n.p.

44 Muñoz et al., *Presencia de Doctrinas*, n.p.

45 James Quayle Dealey, *The Spanish Source of the Mexican Constitution of 1824* (n.p., 1900), 161-169.

46 Muñoz, “La Constitución de Cádiz,” n.p.

leaders within the colony to consider yet another reconstitution—as an independent, autonomous liberal body in the image of the nation that the Constitution of 1812 unsuccessfully attempted to realize.

VI. Reform and Dirty Politics: Independence and Autocracy in Mexico

During the reinstatement of Ferdinand VII in Spain and the subsequent suppression of the Constitution of 1812, representative government and liberal practices in New Spain were severely curtailed, leading to louder calls for revolutionary reconstitution and enshrining of a “strong sense of nationality”⁴⁷ amongst the colonists. As *criollos* (American Spaniards) were barred from political participation⁴⁸ and as the Spanish viceroys curtailed press freedoms,⁴⁹ independence groups, now accustomed to self-government, organized with fervor. Calls for autonomy—previously initiated by “urban elites”⁵⁰—became subdued in the center yet persistent within “small localized insurgencies” that hoped to create an autonomous commonwealth within Ferdinand VII’s Spanish Empire.⁵¹ Petitions for autonomy intensified after the Constitution of 1812 was reinstated for a brief time in 1820.⁵² Spanish colonists hoped to gain independence, yet rather than constitute themselves, wanted to adopt the same constitution that had originally granted them limited self-government and pervasive, dutifully protected rights.

Establishing a constituent congress and firm leadership for the independence and reconstitution movement were the first steps toward attaining autonomy within New Spain. Representatives from each provincial government contributed to the constituent assembly, recognizing the necessity of a unified national government and agreeing to therefore partially relinquish provincial authority in the spirit of the new nation, where power sharing agreements were expected to be “dutifully upheld.”⁵³ Led by “royalist brigadier” Agustín de Iturbide, New Spain entered into the Córdoba Treaty in 1821, by which Spanish Captain General Juan O’Donojú and Iturbide peacefully agreed to recognize New Spain as a “sovereign, independent nation”⁵⁴ called Mexico. However, the treaty additionally stipulated that Ferdinand VII or, if he declined, the prince of another ruling dynasty, was to be offered the throne. The Mexican Congress would only choose the next prince if, per the agreement, neither Ferdinand nor another suitable prince accepted.⁵⁵ It was an agreement that anticipated gains for a fledgling Mexico through alliance with a powerful nation, but a modest burden for Spain, which would disassociate from its former colony yet retain limited responsibility to it. As a result, the Spanish crown rejected the Córdoba Treaty in 1822 and thus, the “reality of [Mexican] independence,”⁵⁶ prompting Mexico to reconvene the Constitutional Congress despite the fact that many within constituting body “generally still venerated the mother country.”⁵⁷ While the nature of constitution remained uncertain, the process of constitution for the newly independent nation had, albeit somewhat unwillingly, begun.

VII. The Rise and Demise of Emperor Agustín I: Toward Reconstitution

Iturbide’s role in influencing the independence process in Mexico helps to elucidate both the federalization of the new nation’s constitution and the emergence of factions that contributed to the federation’s undermining. By capitalizing on political opportunities wrought by the transfer of power from the royal bureaucracy to the army, which remained under Iturbide’s command, Iturbide established himself as Emperor Agustín I of the Mexican Empire—despite, arguably, the expectation of eventual liberal reform that emerged with independence. At the time, the desire to federate, much less to establish a republic, was weak, and then plan to do so disorganized.

47 Rodríguez et al., *The Origin of Mexican National Politics*, 8.

48 Ibid.

49 Muñoz, “La Constitución de Cádiz,” n.p.

50 Rodríguez et al., *The Origin of Mexican National Politics*, 4.

51 Ibid.

52 Miguel Artola, *Las Cortes de Cádiz* (Marcial Pons Historia, 2003), n.p.

53 Rodríguez et al., *The Origin of Mexican National Politics*, n.p.

54 Benson, “La Diputación Provincial,” n.p.

55 Ibid.

56 Ibid.

57 Ibid.

In addition to curtailing the Córdoba principles and the concept of elections, Iturbide failed to provide stability and reduce Mexico's thirty-five-million peso debt.⁵⁸ Additionally, Iturbide curtailed rights to freedom of speech and press, effectively censoring the papers *El Sol* and *El Hombre Libre*, each of which exalted liberal sentiments and encouraged opposition to the autocratic Iturbide regime.⁵⁹ After dissolving the Congress that he had helped to create only five weeks into his term as Emperor, local leaders, including future President Santa Ana, declared Iturbide a tyrant. Local revolts ensued⁶⁰ and monarchists that had supported the concept of a Mexican royal transformed into traitors. As a result, provincial groups established the *Plan de Casa Mata*, which called for the "convocation of a new Congress"⁶¹ charged with guaranteeing protections for marginalized groups under Iturbide. This was to include the clergy and Spanish born citizens residing in Mexico.⁶² Composed of representatives from each province, the new constitutional Congress provided avenues for localities to voice dissent and offer input to the creation of a new document that would unseat Iturbide and return political power to localities. These opportunities for regional participation preceded increased efforts toward establishing provincial governance and, ultimately, federation. Iturbide was deposed after one year as Emperor of Mexico.⁶³ With the decline of the short lived Mexican Empire and the seeds of provincial political participation sown, a reconstitution for Mexico was posed to provide ample opportunities to reconstruct the institutions of the state as well as expand liberal governance through federation.

Mexico's choice to federate was "evolutionary, not revolutionary."⁶⁴ Representative of the liberal influence of the Constitution of 1812 and the history of limited self-governance in early nineteenth century New Spain, the federation emerged primarily from efforts to maintain a level of provincial autonomy, which localities had become fiercely protective of throughout the process of gaining Mexican independence. However, Mexico had also learned, through the dissemination of texts facilitated by the Constitution of 1812 free press clause, from the failed example of the Articles of Confederation in the United States. In Federalist No. 15, Alexander Hamilton exemplifies arguments against confederation that applied both to the Mexican case and the United States case, cautioning against delinquent states and potentially ineffectual central government as a result of excessive state sovereignty.⁶⁵ Mexican Federalists perceived the U.S. federal system as the "great model of Republicanism" and as "guarantor of local and individual rights."⁶⁶ Consequently, Mexican leaders took careful note of its history, though arguments exist that their analysis of U.S. governance failed to adequately address the structures of other crucial American institutions that may have also contributed to its federative success.⁶⁷ Furthermore, as provincial councils continued to gain autonomy, the idea that provinces should be elevated to statehood gained traction, negating any extant arguments for a confederation as opposed to a federal system.⁶⁸ These Federalist sentiments were decidedly emphasized in the national constitutional Congress, where thoughts originated by Rousseau and Montesquieu again appeared throughout discussion. One of the provincial texts utilized during debate—*El Pacto Federal del Anáhuac* (The Federal Contract of Anáhuac Province)⁶⁹—explicitly references Rousseau and refines his ideals in the Mexican context by underscoring the social contract forged between the people of Anáhuac province. Provincial governance, political factions, influences from the United States, and the nature of Iturbide's removal from office thus provided what was arguably a mandate for Federalist government on the eve of Mexico's reconstitution.

58 Dr. Carlos Marichal, *Bankruptcy of Empire: Mexican Silver and the Wars Between Spain, Britain and France, 1760-1810*, 1 edition (New York: Cambridge University Press, 2007), n.p.

59 Benson, "La Diputación Provincial," n.p.

60 Ibid.

61 Ibid.

62 Benson, "La Diputación Provincial," n.p.

63 Anthony DePalma, *Here: A Biography of the New American Continent* (PublicAffairs, 2001), n.p.

64 Rodriguez et al., *The Origins of Mexican National Politics*, 66.

65 Alexander Hamilton, "The Federalist Papers: No. 15," accessed February 27, 2017, n.p.

66 J. Lloyd Meacham, "Mexican Federalism-Fact or Fiction?," *The Annals of the American Academy of Political and Social Science* 208 (1940): 23-38.

67 Ibid.

68 Benson, "La Diputación Provincial," n.p.

69 Muñoz, *Presencia de Doctrinas*, n.p.

VIII. The Federative Process in Mexico

As noted by Nettie Lee Benson, “decentralization did not occur brusquely with the adoption of a federal system. It had been produced gradually over a long time; its development accelerated under the Spanish Constitution of 1812 by the means of establishing provincial councils.”⁷⁰ During the Spanish rule of New Spain, Article 335 of the Constitution of 1812 stipulated that Mexico was allowed six provincial councils consisting of local representatives and directed by leaders responsible to the Spanish government in Madrid, the ministers of governance, and the viceroys present there.⁷¹ Each provincial council was permitted to administer public funds, intervene on behalf of the *pueblos* during conflict, manage local financial accounts, promote education within its localities, and create local *ayudamientos*, which, by order of Article 323 of the 1812 Constitution, were to report directly to the provincial council.⁷² As the “natural antecedent of the federal system,”⁷³ Mexican Federalists had thus learned how to self-govern on the local level and share political power as early as 1808, with the establishment of the first provincial *juntas* in Spain. These lessons in local governance were brought to New Spain and reinforced, grooming council members for representative government and local semi-autonomy. As a result, “the provinces considered themselves the arbiters of the nation in mid 1823 . . . Most sent commissioners to Mexico City to ensure that the First Constituent Congress obeyed their wishes.”⁷⁴ As a result, numerous provincial councils already referred to themselves as states upon reconstitution and refused to settle for a document that might curtail this individuality. For the provinces, federation was never a matter of significant discussion; rather, the significant issue concerned which entity within the federation would claim sovereignty—the nation or the states.

However, political factions also prominently influenced Mexico’s decision to federate. Upon Iturbide’s deposal, Bourbonists, who had been in favor of creating an autonomous state within Ferdinand VII’s Spanish Empire, accused Iturbide of “not having sought a European prince to deliver them from loans and debts.”⁷⁵ Meanwhile, those that had been opposed to Spanish monarchy in Mexico, as well as officers in the armed forces who were distrustful of military intervention in government after Iturbide’s rapid annexation of authority, maintained that Iturbide’s rise to autocracy had opposed liberalism’s basic tenets.⁷⁶ Federalism thus provided the most viable form of government for the young nation, though federal institutions were neither established immediately nor without political infighting. This was reflected in changing political factions within Mexico after Iturbide’s ouster. Former Bourbonists moved to Centrist Republicanism while monarchists were perceived as traitors to the new regime; opponents of Iturbide became Federalists and espoused the United States model, calling for a strong executive with state’s rights.⁷⁷ Ultimately, the liberal, independent state that Iturbide had helped to create and subsequently dismantle reacted swiftly and aggressively to Iturbide’s threat to independence. Considering Karl Polanyi’s political economic concept of the “double movement,” in which rapid institutional adjustment expedites sociopolitical and economic reaction to slow the rate of change,⁷⁸ the reaction to renewed autocracy after a history of monarchical repression and brief, tantalizing periods of liberal reform led to a movement against the monarchical system as a whole in favor of provincial autonomy and checks on the center.

By this perspective, federalism was both a regulatory and a rights-preservation mechanism for Mexico. The recently independent nation convened an elected, representative Constitutional Congress in 1823⁷⁹ and enshrined the new constitution, which provided for “a popular, representative, federal republican form of government”⁸⁰ and the division of powers, in 1824. In numerous regards, the institutional structure of the Mexican constitution was modeled off of the United States federal government. It established three branches of government: a strong

70 Benson, “La Diputación Provincial,” n.p.

71 Ibid.

72 Ibid.

73 Ibid.

74 Rodriguez et al., *The Origins of Mexican National Politics*, 76.

75 Leslie Bethell, *Mexico Since Independence* (Cambridge University Press, 1985), 47.

76 Ibid.

77 Ibid.

78 Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time*, 2nd edition (Boston, MA: Beacon Press, 2001), n.p.

79 Bethell, *Mexico Since Independence*, 9.

80 Mecham, “Mexican Federalism-Fact or Fiction?,” 23–38.

executive, an independent judiciary, and a bicameral legislature with an upper and lower house. However, the constitution's emphasis on liberalism and its often identical rhetoric to the Spanish constitution ensured that "much of its form and practically its entire spirit came from the Spanish Constitution of 1812,"⁸¹ meriting a discussion of the myriad similarities and divergences present between these two fundamental documents.

IX. Constitutional Comparisons: A Textual Analysis of Two Constitutions

While the Mexican Constitution of 1824 focused on allocating power and institution building, the Spanish Constitution of 1812 read essentially like a bill of rights. The Mexican constitution outlined the process of state formation, the operating procedures and election processes for state legislatures, the structure of state constitutions, and the state relationship to the national government. Nineteen federated Mexican states emerged as a result of the 1824 constitution, each independently governed yet ultimately responsible to the federal center.⁸² Four national territories "under the jurisdiction of the national Congress"⁸³ but without state status also developed. A full faith and credit clause⁸⁴ was enacted. Additionally, the national Congress rather than the high court sustained veto power over state constitutions, the authority to impeach state governors, and the ability to determine the constitutionality of laws created by states.⁸⁵ Within Congress, members of each house were also permitted to propose the impeachment of specific members of the other house, providing ample opportunity for political leveraging and factional deadlock. Such regulatory power diminished the impact of checks and balances celebrated in the United States model and allowed the national legislature to effectively overrule opposition states as well as factional minorities. Perhaps this emerged from the fact that the Mexican Constitution of 1824 was established by a national government that provided statehood and distributed rights to disconnected provinces only after federating, as opposed to the United States Constitution, which emerged from an agreement by loosely confederated states intent on strengthening national government.⁸⁶ As a result, the federal center had significantly more capacity to limit states' rights in the Mexican Constitution than in the United States Constitution, where state representatives were conscious to conservatively relinquish state powers to the center throughout the constituting process.

As states did not exist within Spain under the constitutional monarchy established by the Constitution of 1812, Mexico's decision to federate under the Constitution of 1824 and the unique political relationships and government institutions created within the federation represent the most severe divergence from the Constitution of 1812. The two documents also diverge in the nature of the executive. Though both the Spanish Constitution of 1812 and the Mexican Constitution of 1824 required the executive to open Congressional sessions with a speech,⁸⁷ Spain maintained a constitutional monarchy and Mexico a President and Vice Presidential system where the leaders "could be men of different or opposing parties with the obvious danger of a rivalry continuing between them while they were in office."⁸⁸ The split power capacity of the executive in the Mexican Constitution of 1824 contributed to the ultimate inefficacy of the Mexican Federation by further distinguishing the Federalist and Centrist camps and facilitating deadlock, political infighting, and unrest.

While government structure largely differed between the Constitution of 1812 and the Constitution of 1824, legislative institutions and several rights listed within the Constitution of 1812 were maintained, suggesting that "the Spanish Constitution was followed unless the federal republic idea compelled change."⁸⁹ Clauses concerning the sovereignty of the nation were borrowed by Mexico from the Constitution of 1812 in Article 3, which states that "the sovereignty resides especially in the Nation, and for this reason pertains to this exclusively the right

81 Dealey, *The Spanish Source of the Mexican Constitution*, 161-169.

82 Bethell, *Mexico Since Independence*, 9.

83 *Ibid.*

84 Mexico, *Constitutive Acts of the Mexican Federation*, 21 of January 1824. Also *Federal Constitution of the United Mexican States*, October 4, 1824 (Gammel Book Company, 1824), n.p.

85 Dealey, *The Spanish Source of the Mexican Constitution*, 161-169.

86 *Ibid.*

87 Dealey, *The Spanish Source of the Mexican Constitution*, 161-169.

88 Bethell, *Mexico Since Independence*, 9.

89 Dealey, *The Spanish Source of the Mexican Constitution*, 161-169.

to establish fundamental laws.”⁹⁰ Both also formed a bicameral legislature and allowed a substitute for every three deputies elected to it.⁹¹ However, this influence may also be partially attributed to the United States model. Additionally, each constitution required the national legislature to be called into session by either the executive or the legislative body, meaning the states, Congress, or President in Mexico and the King or *Cortes* in Spain.⁹² Both constitutions enumerated a Council of Government, a permanent legislative body capable of legislating in the absence of the legislature or during legislative recess.⁹³ Each also prohibited similar social groups from elected office; namely, females and those without property.⁹⁴ Further congruences include the emphases on appointed cabinet positions, with the Mexican Constitution allowing for six articles for the Secretaries of State and the Spanish Constitution nine;⁹⁵ the structure of the judicial system, where judges were elected by state legislatures by an absolute majority of votes rather than appointment as in the United States; and the organization of the courts.⁹⁶ Only inferior judges received appointments, though not from the President. Rather, the President confirmed appointments made by the Supreme Court, insulating the judiciary from the executive in an effort to curtail political leveraging.⁹⁷ However, courts could also be regulated by Congress, which may nullify this argument. The Constitution of 1812 also provided a complete, detailed description of the institution and process of elections,⁹⁸ while the Mexican Constitution of 1824 codified such processes into a separate law that might be more readily usurped or invalidated in the future.⁹⁹ By neglecting to detail electoral processes in the constitution, the Mexican Constitution eliminated the difficult process of amendment from the institution of elections, leaving elections more volatile to power shifts and political leveraging. Therefore, regardless of checking the executive and the courts, the legislature went largely unchecked in the Mexican Constitution.

Parallelism of articles, terms, sections, titles, and rights-based institutions were also common between the two constitutions, as evinced by their respective opening clauses, where syntax and derivation from God are similar, “reflecting a clear adoption by the Mexican government of the Spanish 1812 document.”¹⁰⁰ While the Spanish Constitution is far more extensive in its discussion of rights than of structure, the Mexican Constitution adopted certain liberties included in the Spanish constitution, despite its emphasis on government institutions. Included amongst these rights was the right to education, the right to private property and inheritance, and the right to organize educational institutions.¹⁰¹¹⁰² However, the Spanish Constitution did also enumerate various rights not explicitly stated in the Mexican Constitution, including the right to organize freely,¹⁰³ the right to individual petition or collective action, the right to the protection of health,¹⁰⁴ as well as and the right to enjoy a dignified living.¹⁰⁵ That these rights diverged might appear clear in Article 49 of the Mexican Constitution, which requires that states “sustain the proportional equality of obligations and rights, which the States are entitled to before the law.”¹⁰⁶ Therefore, it is evident that though the sentiment of liberalism and rights associated with it were present in the 1824 Constitution, obligations came before rights in regard to government organization and individual participation. Mexico also diverged from Spain’s tradition of rights with the extent of the legal immunities it provided to the military and the Roman Catholic Church. While both constitutions proclaimed their respective nations to be Catholic and expressed that no religion other than Catholicism should be recognized, thus severely

90 Mexico, Constitutive Acts of the Mexican Federation, Article 3.

91 Dealey, *The Spanish Source of the Mexican Constitution*, 161-169.

92 Dealey, *The Spanish Source of the Mexican Constitution*, 161-169.

93 *Ibid.*

94 *Ibid.*

95 *Ibid.*

96 *Ibid.*

97 *Ibid.*

98 Spain, “The Political Constitution,” n.p.

99 Mexico, Constitutive Acts of the Mexican Federation, n.p.

100 Dealey, *The Spanish Source of the Mexican Constitution*, 161-169.

101 Spain, “The Political Constitution,” Article 27. Mexico, Constitutive Acts of the Mexican Federation, Article 50.

102 Spain, “The Political Constitution,” Article 33. Mexico, Constitutive Acts of the Mexican Federation, Article 112.

103 Spain, “The Political Constitution,” Article 28.

104 Spain, “The Political Constitution,” Article 43.

105 Spain, “The Political Constitution,” Article 47.

106 Mexico, Constitutive Acts of the Mexican Federation, Article 49.

curtailing freedom of religion, the Mexican Constitution of 1824 did not provide for equality under the law.¹⁰⁷ Instead, it provided legal immunities, or *fueros*, for members of both the clergy and military. Therefore, members of both groups were legally immune from appearing in court for crimes otherwise punishable by law. Though Spain conditionally provided for the same immunities,¹⁰⁸ the presence of *fueros* in the Mexican constitution contributed significantly to its failure. Not only did *fueros* ensure that the executive would nearly always be a military officer, due to their ability to expand power and capitalize upon the *fueros* to their benefit, but it also divided the clergy and military along Centrist and Federalist lines, respectively. This aggravated factional disputes and introduced a measure of irresponsibility and aggression into political conflict due to legal exemptions for faction leaders. Much as the provinces contributed to Iturbide's rise and demise, the exacerbation of factions served to both federate an independent Mexico and eventually undermine the federal government.

X. Factions and *Fueros*: The Mexican Federation Deteriorates

In both Spain and Mexico, the liberal constitutions created in the wake of independence unsuccessfully instituted short term, stable liberal reform. As previously noted, the Spanish Constitution of 1812 was overthrown by Ferdinand VII upon his reinstatement as King, but was reinstated in 1820 by a civilian-supported military during the Spanish Revolution.¹⁰⁹ The Mexican Constitution, on the other hand, failed largely due to the same factions that had helped to create it, minimal legislative checks, privileges provided by the *fueros*, and the sluggish process by which states were created. The coastal provinces were granted statehood first during Mexico's transition to federalism, inciting protests and dissent in frustrated internal provinces "that sought to be states but were not."¹¹⁰ Eventually, these provinces received statehood and were allowed to elect their own legislatures as well as receive full faith and credit for laws in other states. However, the delay in granting equal rights of statehood within the federation prompted sentiments of dissatisfaction and diminishing confidence in the policymaking abilities of the new government, shrouding the young federation in public doubt.¹¹¹ Provincial councils were also dissolved as state legislatures were enacted, having completed their initial purpose of asserting the importance of regional representation in Mexico's reconstitution process.¹¹² However, the absence of these well-established provincial bodies made it so that local representation and structured citizen opposition ceased to exist when the Constitution failed and the Congress was dissolved.

It may be argued that the provincial councils in Mexico prior to reconstitution "[were] a unity and... had no need of federation, but rather a strongly integrated national state capable of holding down unruly elements."¹¹³ This accords with the rebuttal that the Federalist system established by the Mexican Constitution of 1824 more closely resembled the Articles of Confederation than the 1878 United States Constitution by submitting the executive to the legislature. This argument is not entirely unwarranted — operating under the banner of federalism, the institutional structure of the Mexican Federation did indeed more closely resemble a confederation. This dichotomy may also have contributed to confused and disorganized governance, leading to the eventual failure of a system striving to emulate an ideal it did not endorse in practice. Issues also emerged with the varying interpretations of the Constitution of 1824, which formally created state institutions, but failed to address the institutions and customs of Mexico's informal "constitutional" culture. By instead comprehensively adopting the basic structure of the United States government, it neglected to "divorce custom and legality,"¹¹⁴ resulting in "cultural and political incapacity to understand the role of the institutions and to obligate the governing people to actually conform to them."¹¹⁵

107 Bethell, *Mexico Since Independence*, 10.

108 Dealey, *The Spanish Source of the Mexican Constitution*, 161-169.

109 Dealey, *The Spanish Source of the Mexican Constitution*

110 Benson, "La Diputación Provincial," n.p.

111 *Ibid.*

112 *Ibid.*

113 Mecham, "Mexican Federalism-Fact or Fiction?," 23-38.

114 Jaime Fernando Cárdenas Gracia, *Transición Política y Reforma Constitucional en México*, vol. 158 (Universidad Nacional Autónoma de México Instituto de Investigaciones, 1994), n.p.

115 Gracia, *Transición Política*, n.p.

XI. The Federalist Papers and Constitutional Failure: Madison in Mexico

Additionally, warnings proposed in *The Federalist Papers* concerning the repercussions of factions within government appeared to have been realized in Mexico after the ratification of the Constitution of 1824. In Mexico, factional infighting was not quelled by the federation of states, contrary to James Madison's assertion in Federalist 10 that, "among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction."¹¹⁶ Yet, after Mexico's first Congressional election, the Federalists effectively won a majority over the Centrists in Congress, using their significant Congressional veto powers and ability to refuse appointments to force the Centrist leaders out of federal offices. This culminated in the executive branch, where Federalist President Victoria and Centrist Vice President Bravo sustained a tense relationship due to their conflicting factional affiliations. Centrists were assumed to favor reuniting with Spain, leading increasingly radical Federalists to suspect their loyalty to the nation.¹¹⁷ Amidst heightened tensions, "the well intentioned but ineffectual President Victoria was unable to control the ever more aggressive Federalists... so the Centrist leader and Vice President, Bravo, finally resorted to rebellion against the government."¹¹⁸ The Mexican case exemplified Madison's assertion that "liberty is to faction what air is to fire — an ailment without which it instantly expires."¹¹⁹ Yet Mexico's attempt to harness the previously efficacious properties of factions fell short in light of a constitution that lacked sufficient checks and balances and gave certain individuals immunity from the law, including Vice President Bravo, who incited revolution against the Federalist government. The final usurpation of the Constitution of 1824 came about in 1828,¹²⁰ when the Centrist faction was incapable of presenting a candidate as a consequence of Vice President Bravo's rebellion. Centrists thus generally lobbied for the moderate Federalist candidate, General Pedraza,¹²¹ as opposed to the radical Federalist candidate, General Guerrero. Therefore, when the moderate Pedraza swept the election, Guerrero, essentially immune from legal ramifications due to his military status, staged a coup and held another vote in which he was fraudulently elected with the assistance of revolutionaries in Mexico City.¹²² Madison's recognition of the negative repercussions of factions resound here— "On the other hand, the [positive] effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people."¹²³ Indeed, political infighting and prejudices in Federalist Mexico transformed the reconstitution from a bastion of regional liberty and national independence to a divisive, easily betrayed document. Guerrero dissolved the Constitution that had guaranteed Mexican independence, leaving the nation vulnerable. Spain capitalized on this disunity in 1829, invading the sovereign state.¹²⁴

XII. Comparative Contexts of Constitutional Decline

While similar in context and content, the Spanish Constitution of 1812 and the Mexican Constitution of 1824 were distinct in their failures. In Spain, the dissolution of liberalism was predicated not on a failure of the constitution created by the Spanish *Cortes*, but rather of royal irresponsibility and autocratic overhaul. Perhaps, given a stronger *Cortes* with more constitutionally guaranteed independence from the monarch, the constitution may have salvaged national sovereignty. In light of the tumult occurring at the time in Europe, however, and the rapidly changing power structure of the Continent as a result of post-Napoleonic readjustment, this appears unlikely. Mexico's failure, on the other hand, emerged from institutional inefficacy, "control from the center

116 James Madison, "The Federalist Papers No. 10," Text, (1787), n.p.

117 While it may be indicative to discuss each faction's broader policy programs here, I neglect to do so to avoid deviating from the intrinsic reasons for their factional conflict, which were preferences for Mexican government structure and attitudes toward Spain, respectively.

118 Bethell, *Mexico Since Independence*, 10.

119 Madison, "The Federalist Papers No. 10," n.p.

120 Mecham, "Mexican Federalism-Fact or Fiction?," 23–38.

121 Bethell, *Mexico Since Independence*, 11.

122 Bethell, *Mexico Since Independence*, 11.

123 Madison, "The Federalist Papers No. 10," n.p.

124 Watson, "La Pepa 1812," n.p.

exerted in disregard of Constitutional law,¹²⁵ and the *fueros*. By exempting members of the clergy and military from jurisdiction, the constitution created various loopholes through which to arrogate control. The weakness of the judiciary and executive compared to the legislature also placed a disproportionate amount of authority in the hands of one branch of government. Some additionally contend that Mexico lacked the political maturity to effectively federate, citing that such an inexperienced nation could hardly avoid “a reign of disorder and anarchy.”¹²⁶ Given the ubiquitous prior existence of provincial councils and *ayudamientos* in Mexico, as well as institutional knowledge gained from serving in the Spanish *Cortes* during the jurisdiction of the Constitution of 1812 in New Spain, this argument also appears somewhat unsubstantiated.

XIII. Spanish and Mexican Constitutional Legacies

Despite short-term failure, each constitution would be reinstated within decades of its initial ratification, demonstrating the lasting influences of the liberal ideologies espoused in each. The Spanish Constitution of 1812 document has come to be understood as the foundation of the government in Spain today, more than a century later. Certain core rights presented in the Constitution of 1812 became deeply entrenched in the Spanish conception of rights, such as the right to petition the government for grievances¹²⁷ and the notion of a constitutional body dictated by universal suffrage, which certainly contributed to civil unrest surrounding the Franco regime in the 20th century. Furthermore, provisions for colonial self-governance in the document allowed New Spain, including Mexico and Central America, to apply the Constitution of 1812 “completely and vigorously,”¹²⁸ leading to eventual revolutions throughout the region and similar attempts to gain independence and national sovereignty as in Spain. With different manifestations across Latin America, including partial applications in Andean countries such as Peru, minimal application in countries along the Platte River such as Argentina, and strong implementation in Mexico and Central America, “the diverse characteristics of the diverse Hispanic nations in the first years of independent life were precisely the application and...influence of the Constitution of Cádiz [the Constitution of 1812].”¹²⁹ The Constitution of 1824 in Mexico also enjoyed a significant legacy, becoming popular again with its resurgence in 1857. The reinstatement of the Constitution of 1824 served as an indication of the rooted impression of liberalism on Mexico. Liberal, federative principles prevailed, through “victories in the Wars of Reform ...[which] definitively disposed of the issue of centralism as an issue in Mexican politics.”¹³⁰ Despite slight breaches for periods of authoritarian influence throughout the 19th century, federalism has continued to characterize Mexican governance and has continued uninterrupted for nearly a century after its codification in Mexico’s current constitution, the Constitution of 1917.¹³¹ Mexico’s conception of liberalism remains inextricably rooted in federalism. It is “a significant fact that the novel interpretation of the Federalist principle which dictated its adoption in Mexico in 1824 continues to be the Mexican’s understanding of federalism, and stiffens his determination to preserve it.”¹³² Furthermore, the federative Mexican experience inspired and reinforced the ideas of “the Spanish democrats, radicals, and republicans during the period of 1820-1870,” leading to the federation of the Spanish nation.¹³³ Liberalism in Spain and federalism in Mexico were mutually reinforcing concepts that transformed both countries’ commitments to the sovereign nation and individual rights. Though neither country has maintained an uninterrupted liberal constitution, the liberal principles detailed in both the constitutions of 1812 and 1824, and the people subject to them, have had substantial effect on constitutional development and democratic modernization in the Hispanic world.

125 Mecham, “Mexican Federalism-Fact or Fiction?,” 23–38.

126 Ibid.

127 George E. Glos, “The New Spanish Constitution, Comments and Full Text,” *Hastings Constitutional Law Quarterly* 7 (1979-1980), 47.

128 Muñoz, “La Constitución de Cádiz,” n.p.

129 Ibid.

130 Mecham, “Mexican Federalism-Fact or Fiction?,” 23–38.

131 Ibid.

132 Ibid.

133 Muñoz, “La Constitución de Cádiz,” n.p.

XIV. Evaluative Framework and Concluding Remarks

Theorist Adam Przeworski outlines four reasons that states turn toward democracy. Should democracy be equated with the idea of liberalism, these considerations may appropriately represent the Spanish and Mexican cases as well. Przeworski suggests that democratic governments emerge 1) when the authoritarian regime has completed the tasks that it was originated to do, 2) when the regime loses legitimacy, 3) when internal conflicts cannot reconcile themselves inside of the governing coalition, and 4) when external pressures cause the regime to reverse toward an appearance of democracy.¹³⁴ If these do in fact apply to the adoption of liberalism, represented here by constitutional monarchy and federalism, as well as pure democracy in nations, then Spain's Constitution of 1812 certainly represents the second case, while the Mexican Constitution of 1824 aligns more closely with an amalgamation of the first and third cases. These simple categories also readily apply themselves to explanations of each document's fall, namely in Mexico. In Mexico's case, the third case applies both to the rise and fall of Mexican liberalism and federalism, proposing that constitutional failure results not only from the weakness of constitutionally determined institutions themselves, but also from the actors involved in implementing the document. The Spanish Constitution of 1812 and the Mexican Constitution of 1824 thus represent two impressively liberal documents with contentious histories and stand amongst the first of their kind in the 19th century. Despite deviating structurally in places, these documents are brethren which exemplify the potential for liberal principles to diffuse. This was exceptionally evidenced by the legacy of the Constitution of 1812 not only in Mexico, but in Central and South America—a legacy of lasting liberalism that has ebbed and flowed, but has never been entirely obliterated throughout the course of Spanish and Mexican history.

134 Gracia, *Transición Política*, n.p.

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