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***La calidad de ciudadano. Past and Present.*  
The Nature of Citizenship in Mexico and  
the United States: 1776-1912.**

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## **Preface**

Erika Pani is professor of History at the Instituto de Investigaciones Dr. José María Luis Mora in Mexico City and has been a visiting scholar at Harvard University. During 2000 she spent three months at Yale University as a Yale University/Woodrow Wilson Center scholar, supported by a generous grant from the William and Flora Hewlett Foundation. During her period of residence, she prepared this working paper on comparative citizenship in Mexico and the United States, which sheds light on current debates on citizenship and democracy in both countries.

Mexico's transition to democratic rule has triggered much debate about the legacies of the past under which Mexicans must labor. Mexico is seen as emerging from a monolithic, murky and only rarely interrupted authoritarian past, from the Aztec *tlatoanis* to the PRI. Mexican "political culture" is seen as both the underlying principle and the creature of this historical experience. Some characterize Mexicans as lacking democratic values, with no electoral culture and with their families structured along patriarchic and authoritarian lines. Ironically, this approach, which tries to explain the present by understanding the past, is blatantly unhistorical. It speaks of static, eternal core values, of an unchanging *México Profundo* that has supposedly lurked inside every Mexican through the ages regardless of class or regional origin. Thus, writes one scholar, "behind an image of modernity and values, lies hidden the arithmetic relationship of dominion and subordination." The trappings of a modern society barely cover one that is deeply traditional, whose real values and practices are rooted in "the ancient Mesoamerican civilizations."<sup>i</sup>

This allegedly historical vision does not fit the diversity of actual experience, either of the present or the past. Nevertheless, political culture is not a useless category as long as we recognize its historicity. Although postmodernists might disagree, I would argue that the political cultures of Mexico today are inscribed in the assumptions and parameters of the modern nation-state that, in Max Weber's words, was to "monopolize all usable political resources," to govern a society of individuals who are members of the sovereign nation. Because political ideas and practices are inscribed in this long process of ruptures and continuities, it is valuable to understand the ways in which men have thought about political power in the past, the ways in which they have interpreted and

given meaning to its symbols, the tools with which they have mediated their relationship to it and the discourses that have emerged during these complex processes. This essay traces the way in which, as the modern nation-state was being constructed, Mexicans thought about, interpreted and acted upon one of the crucial concepts of modern politics: citizenship. I have focused on this historical development, not only in Mexico, but also in the United States, because a comparative analysis of two processes, which are both similar and distant, helps highlight the pivotal intricacies that too often are overlooked in the midst of factual reconstructions of the past.

## **New Citizens for New Nations**

The new circumstances under which we are placed call for new words, new phrases, and for the transfer of old words to new objects [...] Necessity obliges us to neologize.<sup>ii</sup>

As the independence revolution swept over the colonial societies of Spanish and British America, language simultaneously reflected and molded many of the transformations they underwent. As the complex ideological scaffolding that had legitimized social hierarchies and underpinned political power began falling apart, political actors had to use new words, or more often, old words infused with new meanings, both to construct new realities and to hold up collapsing structures<sup>iii</sup>. Familiar concepts such as “people”, “sovereignty”, “opinion”, “public”--“*pueblo*”, “*soberanía*”, “*opinión*”, and “*público*”--acquired new breadth and weight as they shifted to occupy center stage in post-revolutionary political imagination. Among these transformations, few were as dramatic as that of the “citizen”, a concept that would become crucial to the

political discourses of both the United States and Mexico as they launched into independent life.

J.G.A. Pocock argues that “citizen” is such a loaded term because it is riddled with the contradictory tensions of its classical origins, suggesting at the same time the active, free citizen of the Greek *polis*, and the subject of imperial Roman law.<sup>iv</sup> Nonetheless, it would seem that, by the eighteenth century, the political discourse of the British and Hispanic worlds had managed to tame these contradictions. The *Royal English Dictionary* published in 1761, defined the citizen simply as “a person who is free of a city, one who carries on a trade in a city, opposed to a gentleman, or a soldier.”<sup>v</sup> An earlier dictionary of Castilian, Sebastián de Covarrubias Orozco’s *Tesoro de la lengua castellana*, gives a similar definition grounded on the urban and socially unexceptional characteristics of the “ciudadano.” He was the “inhabitant of a city [...] [and he held] a middling status between the gentlemen and *hidalgos* on one hand, and the skilled mechanics on the other.”<sup>vi</sup> The first edition of the *Real Academia Española*’s dictionary, published in 1726, made no mention of the citizen’s place in society, describing him only as “the neighbor of a city, who enjoys its privileges and is bound by its obligations.” Nevertheless, it said of the related adjective “*civil*” that “in its correct connotation, it means sociable, urbane, courteous and with the talents characteristic of the citizen, but it is not used in this sense, and is only said of he who is contemptible, mean, despicable and of low condition and behavior”<sup>vii</sup>.

Thus, it is not surprising that mid-Eighteenth Century public men in either New Spain or the thirteen colonies rarely referred to themselves as “citizens” when pressing their suits before the Crown. When in 1771 the Mexico City *Ayuntamiento* asked Carlos

III to prefer native-born *criollos* to European Spaniards for appointment to the high offices of the Viceroyalty, the *regidores* spoke as the King's "very loyal vassals". They mentioned "citizens" only once, when speaking of the urban population's discontent, instigated by the formation of three infantry companies in 1630. The presence of even this "weak force" in the city, they argued, "injured the delicacy of our loyalty"<sup>viii</sup>. The flowery language of fealty stressed not only their faithfulness and obedience, but the mutual obligations between governor and governed that these implied, by reminding the King that

if it seems that we are asking for too much, we are not, because [what we ask for] is just; and we ask [...] of one such as Your Majesty who can, wants, and easily accomplishes all that is just, all that ensures the happiness of your very great dominions, all that means solace to your children, who will then only partially be able to dry the tears caused by the distance that separates them from Your Majesty's presence.<sup>ix</sup>

In the British colonies, in the midst of the fever of indignant pamphlet writing unleashed by London's efforts to increase revenue from its American possessions, the men who were to inspire "the Revolution [...] in the minds of the people"<sup>x</sup> seldom spoke of "citizens". In defending "the common law [that] is our birthright, and the rights and privileges confirmed and secured to us by the British constitution,"<sup>xi</sup> the pamphleteers signed their work as "freemen", as colonists--a "British American", a "North-American", a "Virginian"--as representatives of certain staid, respectable interests --a "Gentleman", a "Farmer in Pennsylvania", the "Merchants of Boston"--or as more dashing "Sons of Liberty". The use of Latin pseudonyms--"Massachusettensis", "Novangelus", "Rusticus"--

-might have been meant to suggest the heroic citizenry of Antiquity, but only one pamphlet among the most representative of the era is signed by “A Citizen”<sup>xii</sup>. Consequently, it is all the more striking that in a second flurry of American pamphleteering, this time incited by the debates over the Constitution in 1787-1788, “Citizen”--an “American Citizen”, a “Citizen of America”, “of New York”, “of Philadelphia”, “*Civis*”--had become the preferred pen-name of political writers and the most common designation for the public for which they wrote.<sup>xiii</sup>

When “An American Citizen” addressed the “Citizens of the United States”, he certainly did not mean to speak only to the inhabitants of cities, and he hopefully was not thinking of them condescendingly as not gentlemen. The American citizen that appeared in the 1780s was a new beast, as befitted the member of a novel, revolutionary system of government, wondrous to some, scary to other: the “Republic”.<sup>xiv</sup> Since the United States was the first “nation forming its own government, on the original foundations of human rights, revealed by the study of the laws of nature”, it could hardly organize its polity as others States had done, “on the inequalities which accident introduced into human relations, and which force and ambition have more whimsically diversified.”<sup>xv</sup> Because “The People” were now sovereign, free and equal, the Americans had to do away with the complex hierarchical categories of the colonial regime. They replaced them with one that was equalizing and empowering: that of the “citizen”. As Gordon Wood has noted, it is perhaps South Carolinian David Ramsay who best describes this transformation:

A citizen of the United States, means a member of this new nation. The principle of government being radically changed by the revolution, the political character of the people was also changed from subjects to citizens [...] In the eye of reason and



philosophy, the political condition of citizens is more exalted than that of noblemen.

Dukes and Earls are the creatures of Kings, and may be made by them at pleasure: but citizens possess in their own right original sovereignty.<sup>xvi</sup>

The citizen--his attributions and qualifications yet to be fleshed out--thus became the main character in the paper republic that the American pamphleteers built. This transformation, over three decades later, within the political discourses of New Spain was murkier and more complex, perhaps because it preceded independence and the birth of republican government. The imperial crisis, the strains and burdens of a ten-year long war in which every side claimed to fight for “God, the Fatherland and the King,” the requirements of mobilization and defense and the impact of the 1812 Constitution reshuffled the mental categories with which Neo-Spanish society organized and understood its world.<sup>xvii</sup> As the religious accents, the stirring exhortations and the patriotic hyperbole of the literature of the independence period make vividly clear,<sup>xviii</sup> the war was also fought over the hearts and minds of the “public”. Between 1810 and 1821, clerics, lawyers, Crown officials and insurgent generals became pamphleteers. Armed with pens from which they hoped “honey and oil would flow,”<sup>xix</sup> they sought to persuade their audiences. They all, from Miguel Hidalgo to Félix María Calleja, would find the title of *ciudadano*--or of *conciudadano*, which implied greater solidarity--to be especially effective. They would rely less frequently on older appellations, such as *vasallo*, *vecino*, or *súbdito*, although they did not abandon them completely. As early as October of 1810, when the Puebla *Ayuntamiento* organized a military battalion, it called upon its “decent and comfortable citizens” to join. The city council considered that the “very faithful

fellow citizens” of Puebla--“*Conciudadanos fidelísimos*”--should “glory in the epithet” with which it chose to address them.<sup>xx</sup>

If the title of citizen became an effective weapon in the rhetoric arsenal of the Independence period, it was obviously because it was no longer associated with the image of the almost vulgar urban dweller. It is, however, not easy to determine what they replaced this image with, for even as these publicists chose to rely on the same expressions to engage their audiences, they were not all saying the same thing. For those who were trying to uphold the bonds of the Empire, “Citizen”, as a universal label, seemed especially appropriate at a moment when the very heterogeneous societies of Spain--Old and New--seemed to be coming apart at the seams. While words such as *criollo* and *gachupín* had become designations of rivalry and separation, “citizen” seemed to breach distances, to secure a common ground where certain rights and prerogatives were protected. Thus, Pedro de Monterde, a Crown official, argued that the “security of the citizen” depended on his belonging to a “robust political body” which could shelter the innocent from the “shots of evil” and the “attacks of a foreign enemy.” As citizens of the Empire,

None [...] receives the upper hand, or a privilege such that the others are deprived of their subsistence. The European and the American Spaniard, the *castizo* and the mulatto, all enjoy the just liberty that the caring government allows them. Each and every one of them can become a large, medium or small property owner. No one is forbidden to go into trade, to labor the land or to enjoy the fruits of their industry and work.<sup>xxi</sup>

But as the *realistas* sang the praises of the “marvelous, useful, necessary, dependent chain” of laws and institutions that bound together the Spaniards of both hemispheres,<sup>xxii</sup> the insurgent leader Miguel Hidalgo rejected this view of transatlantic political community. By *conciudadanos*, he referred only to those born on American soil. For the ties of law and allegiance, he substituted those of nature--those of geographical origin--and, perhaps more importantly, those of a common moral mission. Since 1808, he argued, America had become the last rampart for the defense of family and religion, as they were being dangerously threatened not only by Napoleon but by the corrupt European Spaniards themselves, who were “catholic merely for politics’ sake,” since their only “God was money.”

How could you, my beloved *conciudadanos*, be persuaded that the *gachupines*, those perverted men who have broken the strongest ties of blood [...], who have left their parents, their brothers, their wives and their own children, could be able to love another person? How could you share with them a superior bond than that which nature itself has instilled within families? Don’t they run over it all in their rush to become rich in America? [...] Let us then join together, all those of us who were born upon this happy ground, let us perceive those who are not American as foreigners and enemies of our prerogatives.<sup>xxiii</sup>

The *publicistas* of the independence period, armed “with pens and swords, [with which] evil [would] be destroyed,”<sup>xxiv</sup> fought over the meaning of words. That of “citizen” was especially important because it both defined identity in the context of a civil war and circumscribed the individuals’ place and role within the political body. Some writers insisted that the equality and solidarity implied by the new uses of the word citizen meant little more than equal protection under the law, and that a “citizen’s rights”

were limited to “obeying legitimate authority, and conspiring, as befits his station, to the public good.”<sup>xxv</sup> But it was to little avail that these men tried to pin down and restrict the content of these “very modern and elegant” words, the “solemn barbarisms” of tumultuous times--words such as “liberty”, “liberal”, “independence” and, of course, “citizen”--which were turning people’s heads.<sup>xxvi</sup> Paradoxically for some of these pamphleteers, their efforts to provide citizens with “antidotes of healthful doctrine against the stinking venom” being spread by other “despicable writers,”<sup>xxvii</sup> to instruct them of their rights, to convince, entice and excite them, in turn persuaded real citizens of their worth within the social and political framework whose outlines were being tenuously drawn. They would construct the “citizen” in their own ideal image.

*El Indio Constitucional*, for instance, argued that if the word citizen was to erase the conflictive differences between “*criollos*” and “*gachupines*”, it was also to do away with those that had convinced the Indians of New Spain that they were “born merely to serve, be silent and obey.”

The time of justice has come, the light of happiness is dawning, the chains that oppressed you have fallen, and *you have become free citizens*. [...] You have been restored in the possession of your rights, your fortune has changed, you are free: let your countenance lose the melancholy look of servitude. You no longer have to be ashamed of the color of your skin [...] to enter the temple of heroism, you need only to embellish yourselves with moral and civic virtues.<sup>xxviii</sup>

Thus, as Michael Ducey has shown for the rural communities of northern Veracruz, Indians would defend and assert the prerogatives of their new status, even as patterns of domination and exploitation had not necessarily been swept away by the

independence crisis. In 1820, the assistant delegate of Yahualica would write despondently to his superior that the Indians under his authority were no longer willing to work.

The *alcaldes* have convinced the Indians that being now citizens, they are free to go to the corn fields [...] or not, even if they are paid, and to think that liberty is just so that they will not be made to work or render personal services unless they get paid.<sup>xxix</sup>

Revolutionary language, especially when used in defense of the Constitution of 1812, was thought to shatter the categories and institutional inequalities of corporate viceregal society, which some now perceived as constraining. In 1820, the *Americana Constitucional* went so far as to claim that citizenship could do away with all inequalities, including those of gender. As “an American on all four sides, [and] a refined patriot,” she was also “a citizen and very much a citizen,” because she was no one’s “subject or servant,” and because “the word man also means woman, and [whoever denies this] also denies that we were all created by God and redeemed by His precious blood.” As a citizen, she knew that she was entitled to “obey and to command, to declare [her] rights and those of [her] brothers,” to observe the constitution, and to make sure others did too.<sup>xxx</sup> We should not read the *Americana*’s proclamation as an early plea for women’s political equality, but rather as an assertion, voiced with stereotypically feminine *salero*, of the radicalism of the new order. In ten years, the title of *ciudadano* had gone from being neutrally descriptive--when it was not derogatory--to becoming a weapon and a shield.

In both brand-new nations, the upheavals of the independence revolutions--the readjustment of metropolitan policies during the last quarter of the eighteenth century, the breach in the colonial pacts, the turmoil of war, the demands of creating a new government--were to transform the way men and women thought about political power and what made it legitimate; about how society was and should be organized, and about their own place within its structures. The sovereignty of the nation would become one of the basic premises that would configure political thought and action throughout the nineteenth century, even as many political actors found the principle incomprehensible or unpalatable. As members of this new sovereign entity, a motley collection of colonists, yeomen, freemen, gentlemen and subjects; of *vasallos*, *caciques*, *americanos*, *uropeos*, *gachupines*, *criollos*, *mestizos*, *castas* and *indios* would put on the cloak of the “modern” citizen, which would fit some better than others. Members of the state would step onto the public arena as citizens--theoretically equal and sovereign. As such, it could not be but a contested concept.

### **Who Is a Citizen? The Rhythms of Suffrage**

At the dawn of Independence, both the American and the Mexican political class had, in different contexts, to solve the same problems. If the nation was considered sovereign, how was its “Sovereign will” to be transmitted, articulated and executed? How was the nation to be represented? Who had a right to speak for it? Who should be considered a citizen? What did being a citizen mean? In the way it defined citizenship throughout the nineteenth century, neither state fits T.H. Marshall’s classical model of a

relatively restricted citizenry being gradually expanded until the borders of the political nation coincided with those of the real one, and all could claim civil, political and social rights.<sup>xxxii</sup> But if the untidy evolution of citizenship in nineteenth century Mexico and the United States shatters the illusion of the inevitability of linear political progress, it tells us much about the interests and ideals, perceptions and misperceptions, goals and anxieties of the men who had to answer the questions posed by state-building, and about how these answers were accepted, challenged or manipulated by the citizens they sought to define--or exclude.

As we have seen, even as the image of the “citizen” that emerged from the cauldron of independence was disputed and undefined in both New World states, certain basic premises were assumed: the citizen was a member of the nation, the subject of its jurisdiction, and the bearer of certain rights and obligations. He was also supposed to be the bearer of political rights, the mouthpiece of the nation’s sovereign will. The political elite found this principle especially troublesome. The radical equality implicit in the post-revolutionary public sphere, where even the King was “a citizen like any other,”<sup>xxxiii</sup> implied that the citizen’s weight within it would be completely divorced from his personal merit, wealth, race, status or idiosyncrasies: one man, one vote, no matter who or what the voter is. The modern citizen is, by definition, the nameless, faceless, abstract individual.<sup>xxxiii</sup> How, then, were public men in both countries to translate these assumptions into prescriptions that were to govern real, flesh-and-blood individuals, many of whom they considered incapable of reasonably exercising rights, of shouldering obligations, and especially of wielding political power?

### Mexico's "Organic Citizenship"<sup>xxxiv</sup>

Throughout the nineteenth and early twentieth centuries, the men who were constructing the state in both the United States and Mexico shied away from excessive abstraction, especially when deciding who should wield the ballot. Mexican law between the 1812 Cádiz Constitution and that of 1917, established having “an honest way of life” as the only constant qualification for citizenship.<sup>xxxv</sup> The Mexican citizen who could vote, was thus not a faceless individual, but a “good man” (his gender was implicit) whose labors were “useful to society.” As Marcello Carmagnani and Alicia Hernández Chávez have shown, the figure of the citizen overlapped with the more traditional one of the *vecino*, the respectable member of the community, a locally circumscribed “qualitative condition” which implied “prestige, honorability, and a certain degree of wealth.”<sup>xxxvi</sup>

Throughout the nineteenth century, constitutional law would further flesh out this portrait of the citizen as a solid, decent, god-fearing householder. With the exception of the 1847 Reform Act and the 1865 Imperial Statute, all other fundamental laws established that although the voting age was 21, it was lowered to 18 if the citizen was married as the head of the household should have a voice in public affairs. Most citizenship qualifications echo a concern with the moral fiber of the potential voters rather than with their economic status or their knowledge and interest in political affairs. Thus citizenship rights were suspended not only for what could be described as crimes against society--infamous crimes, fraud, the misappropriation of public monies--but for not fitting the profile of an *hombre de bien*. House servants, men whose trade or address was not commonly known, those with physical or mental disabilities, vagrants, drunkards, *mal entretenidos* and professional gamblers were specifically not allowed to



vote prior to 1857, and the Provisional Statute of 1856 painted an even more colorful portrait of the social pariah by excluding from the ballot “pirates, slave traders, arsonists, forgers of money, parricides and users of poison.”

Along similar lines, in 1855, Nicolás Pizarro, a pamphleteer and novelist of socialist tendencies, even suggested that the man who reached old age without knowing “the obligations of a father” should also lose “the preeminence of the citizen.”<sup>xxxvii</sup> Most of the constitutions prior to that of 1857 established a literacy requirement that was not to be put into effect until ten or even twenty years later. Educational tests were then never put into practice. What their inclusion in electoral law reflects remains to be discovered. It could signal the optimistic hope that under the new order the spread of education would be such that a great majority of the population would become literate in a very short time, so that excluding the illiterate would only mean not including those very few who had been unable or stubbornly unwilling to take advantage of the lights of the century. By 1856, when it had become obvious that this universal enlightenment had not taken place, it was considered to be the government’s fault, and not that of the people. While the constitutional project established a literacy requirement, it was swiftly voted down by the constituent assembly.<sup>xxxviii</sup>

On the other hand, some early pamphlets seeking to influence the popular vote stress solid Christian virtues, rather than knowledge, as desirable traits for going into public life. Nothing could be safer, one of them argues, than elections in small towns, for voters would know if the candidate had “a good name,” if he was inspired by “Christian doctrine [and] the Holy fear of God,” if he took communion often, if he were a good worker and a good family man. Conversely, voters should stay away from those

“*instructed* men [...] who talk about natural rights and the absolute liberty of men,” who had “French manners” and derided “serious piety” as “womanly devotions.” Not only should Mexicans not vote for these “insects”--*vichos*--they should try to break off all communication and interaction with them.<sup>xxxix</sup> This degree of hostility towards “learned men” could be exceptional; it nevertheless suggests that book learning, or even the ability to read, as not considered an essential citizen virtue.

Because the citizen was thought of simply as the good neighbor, Mexican suffrage was, from the outset, very broad. With the possible exception of the 1812 Constitution, Mexican law never discriminated against voters based on race and only exceptionally--between 1836 and 1842, and between 1843 and 1847--on account of wealth.<sup>xi</sup> Nevertheless, suffrage was, up to 1857, indirect at two or even three levels, and it remained indirect at one level until 1912. This accurately mirrored the way in which the overwhelming majority of the Mexican political class thought about the sovereign nation. By conceiving the political community as a pyramid structured along natural and beneficial hierarchies as a society of equals in which some were undoubtedly more equal than others, this “patrician logic” allowed the domestication of elections by placing their control firmly in the hands of local elites.<sup>xli</sup> Everyone had a right to vote, but not the right to decide. Throughout the century, voting constituted the mechanism for the affirmation of political power, witnessed by the two plebiscites during the Santa Anna dictatorship (1853-1855) and the municipal pledges of allegiance to Maximilian’s Empire (1864-1867). But if the people had to be heard, the healthy, natural filters of indirect suffrage allowed their voice to be made less formidable, less threatening, less dangerous, but perhaps also less true.

Very broad, indirect suffrage thus reconciled popular participation with elite government. It also established an electoral structure that proved to be easily co-opted by a centralized political machine, as happened under the governments of the Restored Republic (1867-1876) and the Porfiriato (1876-1910). For this and other reasons, it proved unsatisfactory to certain groups within the political class who challenged the electoral system periodically. Many would condemn the tyranny of numbers imposed by popular suffrage. Shaken by the widespread popular mobilizations of the 1820s, José María Luis Mora, for instance, argued that “misunderstood equality” had proven to be “a hotbed for mistakes and a very prolific spring of grief.”

Because of *equality*, we have failed to differentiate between the wise and the ignorant man, between the judicious and moderate man and one that is restless and boisterous, between the virtuous and honest citizen and he who is perverse and selfish; because of *equality*, a multitude of men with no education and no principles have occupied all public offices [...] because of *equality*, all respect for authorities has been lost.<sup>xlii</sup>

Since they did not consider the screen of indirect suffrage to be thorough enough, men who thought like Mora introduced property qualifications into the Seven Laws of 1836 and into the *Bases orgánicas* of 1843. The first established that only those with an annual income of 100 pesos could vote, while the latter raised the minimum to 200 pesos, to ensure that a voice be given only to those who had a real stake in public order.

Nonetheless, the exclusion from voting of the poor, the dependent, the desperate and the ignorant was still seen as insufficient by some. At different moments throughout the century, certain men considered that the simple adding up of votes, be they those of a

disheveled multitude or of the more orderly electoral colleges, could not give voice to the nation. Modern suffrage, with its individual, undifferentiated, secret ballot, its feverish election days, its corrupt wheeling and dealing around the ballot box, transformed organized society into a many-headed monster. It “compressed all classes of society,” to use Mora’s expression.<sup>xliii</sup> Morality and wisdom were drowned out by the unintelligible utterances of the mob, while the specific needs of productive economic interests, which were so important to the nation’s prosperity, could not be articulated, as they were constantly overwhelmed by the cries of demagogues who claimed to defend the general interest. These were the anxieties that underlay the efforts to organize political representation so that the true voice of the nation could be understood.

Thus, in 1821, the electoral law for the first imperial congress included provisions for the election of representatives from the different classes--clerics, military men, magistrates, lawyers, farmers, public employees, artisans, merchants, miners and the nobility--to sit with those elected from the general population.<sup>xliv</sup> In 1846, general Mariano Paredes y Arrillaga called on the nation to elect a congress in which each class would be represented “in the proportion in which it represents the country’s interests and strength.”<sup>xlv</sup> The Congress would be made up of thirty-eight property owners, twenty merchants, fourteen miners, fourteen industrialists, fourteen members of the literary professions, ten magistrates, ten public officials, twenty clerics and twenty members of the military, who would each be elected by those members of their class who paid enough taxes<sup>xlvi</sup>. It was in a similar spirit that in 1864 the imperial regime called upon the merchants, agriculturists, industrialists and miners of each department to elect representatives to the commission that was to reform Mexico’s fiscal policy.

These different electoral schemes have yet to be studied closely. They are usually dismissed as the product of elitist fear of democracy in action, or as the doomed intentions of a nostalgic few who wanted a return to corporatist society. Although deep suspicion of popular elements was certainly present, the focus was, with the possible exception of the 1821 elections, on the vital, dynamic sectors of social and economic life, rather than on the bodies--guilds, *cofradías*, councils, religious orders, estates--of the old regime. This suggests that these men were more intent on solving a very modern problem--that of fleshing out the nation represented, of making its interests less opaque--than on turning back the clock. Yet it is true that these efforts to control the delegation sovereignty and the expression of the nation's will were short-lived and generally unsuccessful. In the case of the elections to the 1846 Congress, the contribution standard was so high that the elections were riddled with difficulties,<sup>xlvii</sup> and the whole project was soon swept away by opposition to Paredes' alleged monarchism and by the war with the United States.

Yet these proposals were to run against a greater obstacle than their authors' own bumbles: the relative success of a particular vision of citizenship and electoral participation. At least during the first half of the nineteenth century, widespread popular suffrage gave political actors the weight necessary to defend their interests at a local if not a national level,<sup>xlviii</sup> buttressing the authority of local and regional elites and ensuring a certain degree of stability, with the exception, perhaps, of the turbulent years between 1855 and 1867.<sup>xlix</sup> Nevertheless, the critics of this vision should not be summarily dismissed: for all their exclusionary impulses and spineless fear of "the people", they

were able to discern one of the central flaws of political representation that ensued from such a system--its lack of efficiency.

“That Priceless Treasure, the Ballot of the American Citizen”<sup>l</sup>

If on one hand Mexican lawmakers relied on the fuzzy image of the honest-living man to define the citizen, on the other, they did establish what citizenship implied (at least on paper) in terms of prerogatives and duties. With the exception of the 1822 Provisional Regulations of the Mexican Empire--in which the concepts of citizen and Mexican overlap--and the 1824 Federal Constitution--which let the states ascribe citizenship--all fundamental laws determined that the Mexican citizen was the Mexican who could vote. We find no such clear-cut definition in the 1787 Constitution, or any other of the United States’ basic documents. Despite the efforts of men like Pennsylvania’s Gouverneur Morris, who wanted the constitution to establish uniform property qualifications for suffrage throughout the nation to protect the Republic from the threat of “aristocratic” government, spawned from the votes of “mechanics and manufacturers which receive bread from employers,”<sup>li</sup> the founding fathers were reluctant to establish national parameters for suffrage or even general guidelines for citizenship.

Therefore, while Congress was to control naturalization--the procedure through which a foreigner could become a citizen--the men of 1787 considered that matters of suffrage and citizenship for the native-born were best left to the states. Because they were carefully trying to craft a strong federal government--which would hold the important power of taxation over “We the People” as individuals--that would be acceptable to the members of the Union, they were not willing to battle with the states over such a tender

point as suffrage. They argued instead that the states were “the best judges of the circumstances and temper of their own people.”<sup>lii</sup> Federalists wished to portray the “more perfect union” as less a government of men than one of states, in order to calm state fears of federal encroachment. The Maryland Federalist, for instance, would even assert that “the absurd idea of the federal constitution being a government of individuals seems too nugatory to merit serious reflection.”<sup>liii</sup> Introducing such momentous subjects as the individual’s allegiance, protection and rights into the constitutional debates threatened to shipwreck the whole project.

I agree with Rogers M. Smith that it was precisely the importance of citizenship in nineteenth century America that made it so contentious, and complex.<sup>liv</sup> In the midst of broad economic and social transformations, territorial expansion and divisive conflicts over slavery, states’ rights and federal authority, land policies, and immigration, the lack of a clear-cut legal definition of citizenship up to 1868, the judicial battles over citizen rights and obligations, and the bewildering array of state legislation on the matter stem from both the incapacity to reach a consensus as to who should enjoy the privileges of community and a pragmatic tendency not to let such issues pull the nation apart. Thus, it was not until a bloody civil war imposed the preeminence of the Union’s claim for political allegiance that the constitution was amended to define national citizenship. The Fourteenth Amendment reads that

All persons born and naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.<sup>lv</sup>

Nonetheless, voting was not considered to be one of the privileges of American citizenship. In seeking to integrate former slaves into the political community, the Fifteenth Amendment, ratified in 1869, ordered that the rights of citizens to vote should not be curtailed on account of “race, color or previous condition of servitude.” This left the door open to other types of discrimination--sex, literacy, poll-tax, residency and constitutional knowledge tests--the best example of which is perhaps the perversely creative and baroque Jim Crow laws, which kept African-Americans away from the polls in the southern states after Reconstruction and into the second half of the twentieth century.<sup>lvi</sup> Thus, when in 1874 the Supreme Court ruled against Virginia L. Minor, a woman who claimed that as a citizen under the Fourteenth Amendment, she was entitled to vote, Chief Justice Waite argued that although “for convenience” it was necessary to “give a name” to membership in the nation, the words “subject”, “inhabitant” and “citizen” were practically interchangeable: they conveyed “the idea of membership of a nation, and nothing more.” The Constitution, and consequently, the status of the American citizen, did not “confer the right of suffrage upon anyone.”<sup>lvii</sup>

As we have seen, this conception of citizenship flew in the face of that which had been constructed during the American Revolution, of the citizen as the child of independence and republicanism, the full-fledged member of the sovereign body equally entitled to the exercise of sovereignty. When in 1828 Noah Webster edited his *American Dictionary* to define the language and institutions that accounted for “the principal difference between the people of this country and of all others,” he used the same definition of citizen as Samuel Johnson did, “the native of a city, or an inhabitant who



enjoys the freedom and privilege of the city.” Nevertheless, Webster added emphatically that

*in the United States*, [a citizen is] a person native or naturalized, who has the privilege of exercising the elective form, or the qualifications which enable him to vote for rulers, and to purchase and hold real estate.<sup>lviii</sup>

Thus, political citizenship was thought to be a proudly American institution. The citizen who could not vote was a contradiction in terms: he was a mutilated citizen.

It follows that the battles to breach the distance between real and ideal citizenship would be slippery, contradictory and emotionally charged.<sup>lix</sup> Politicians perceived the conflictive nature of American citizenship practically from the beginning. As John Adams wrote to James Sullivan in 1776

It is certain, in theory, that the only moral foundation of government is the consent of the people. But to what extent shall we carry out this principle? Shall we say that every individual of the community, old and young, male and female, as well as rich and poor, must consent, expressly, to every act of legislation?<sup>lx</sup>

Adams knew that no principle of the new system would prove to be “so fruitful a source of controversy and altercation.”<sup>lxi</sup> Mexican citizenship laws had, through indirect suffrage and the figure of the honest-living man, constructed a broad, organic community, which was acceptable because power was not equally distributed within it. It was something that American elites would be unwilling or unable to do throughout the century: state constitutional laws had to painstakingly establish the borders of a

community of equals, where each “possessed in his own right” a part of the “original sovereignty.”

Subsequently, even though the American franchise was very broad and political parties and elections were more popular than anywhere else, the state legislatures sought to delimit the characteristics of the man who could wield the ballot.<sup>lxii</sup> American suffrage was thought of as exclusive rather than inclusive: “naked citizenship” would not guarantee it, as the Minor case demonstrated, and neither did “simple manhood”. State legislatures tried to flesh out the image of the suitable voter, to give him a certain profile. They established a series of tests: property, the payment of taxes, race, education, morality--religion, loyalty oaths, “good moral character”--and gender. The nature of these qualifications depended on the spirit of the times, on the fears and needs of those in power, and on the capacity of those excluded to influence the debate from without. It remains that the history of American suffrage is that of the extension of the franchise. It traveled, nevertheless, a tortuous and difficult road.

The Revolutionary War was fought over, among other things, representation, and the failure of the British Parliament to give voice and protection to the American colonists. Not surprisingly then, it was the break with Great Britain that brought about the most important expansion of suffrage in all of American history.<sup>lxiii</sup> Some form of property qualifications, which had been the basis of Colonial suffrage, was instituted in eleven of the thirteen newly independent states, as in the first constitutions of the new states of Illinois (1787), Louisiana (1804) and Tennessee (1796). The 1830 constitution of Virginia, Thomas Jefferson’s home state, still tied the right to vote to the ownership of land--generally a freehold, in property or tenancy, worth \$25.<sup>lxiv</sup> Psychologically, the

image of a Republic of freeholders--free, self-sufficient and independent men, invested in and attached to the soil they owned--remained a powerful one.

It would prove, nevertheless, untenable, not only because, as Rufus King from Massachusetts would assert during the constitutional debates, there would be a “great danger in requiring landed property as a qualification, since it would exclude the monied interest, whose aid may be essential in particular emergencies to public safety,”<sup>lxv</sup> but perhaps most importantly because the men who had mobilized and risked their lives and fortunes in the struggle for independence denied that it was landed property that proved the citizens’ “attachment and permanent common interest in society.”<sup>lxvi</sup> In the words of the good people of Northampton, who wrote to the General Court to denounce the property qualifications contained in the 1780 Massachusetts constitution:

Property owners feel and own the force of the argument for property’s having great weight in the legislature, because property ever was, and ever will be, the subject of legislation and taxation. But pray, Gentlemen, shall not the polls, the persons of the State, have some weight also, who will always be the subjects of legislation and taxation? Are life, members and liberty of no value or consideration? [...] We are shocked at the thought, that the persons of adult men should like live stock and dead chattels, be brought to account to augment the capital [of the state and then] be wholly sunk and discarded not to say like villains, but absolutely like brute beasts.<sup>lxvii</sup>

Property qualifications were not to be tolerated, because they would exclude members of the community, turning them into “intruders”, treating them the way “Britain intended and resolved to treat all the Sons of America”. It was a man’s contribution to the Republic’s welfare, through taxes, militia duty or participation in public works, and not

the virtues that landed wealth allegedly inspired, which should determine who was to have a public voice.

To secure the allegiance of the subjects-turned-patriots who had contributed to winning a war fought under the banner of “no taxation without representation,” many states abandoned property qualifications. Between the ratification of the constitution and the election of Andrew Jackson in 1829, ten states began to require the payment of any state or county tax instead. In the South, Virginia, Mississippi, North Carolina and Georgia ended property tests between 1829 and 1850. In the North, Rhode Island, shaken by Dorr’s War, gave them up in 1842, while New York maintained a property requirement for African-American voters until 1867.<sup>lxviii</sup> But while property was never linked to voting again--except for some instances in the nine Jim Crow states--the revolutionary maxim, turned on its head--no representation without taxation-- was surprisingly enduring. On the eve of the Great War, twelve states had tax-paying qualifications for suffrage that had either survived from the early nineteenth century or had been reinstated in the flurry of electoral reform during the last decades of the century, while another five required the payment of taxes when voting on issues creating public indebtedness.

Because of this, those permanently excluded from suffrage--namely African-Americans and women, who began openly campaigning for the vote in 1848--would insist on the sacred bond between taxation and representation that the Fathers of ‘76 had established. The colored men of Ohio even went so far as to ask, in 1851, that the state legislature establish “a clause providing that every colored man who owned \$300 of taxable property” would be entitled to citizenship. This was not discrimination, but “a

means of quickly making us into an industrious people.”<sup>lxix</sup> Their argument was not very effective. But their blood contribution to the Union’s triumph made African-American suffrage one of the inescapable commitments of the post-war Republican Party. Women fared relatively better. While women’s suffrage was not guaranteed under the constitution until 1920, women were allowed to vote in thirteen states during the first two decades of the century. Of these, it was only women taxpayers who were allowed to vote in Michigan and Montana. Thus the discourse of respectable African-Americans and women, who spoke as property owners and as taxpayers, suggests that the functional qualifications of property--that made you good and needed to be protected--or taxation--which proved you were interested--continued to mold the image of the ideal voter. Nevertheless, their limited success indicates that they were not the most consequential factors. There was something else at stake.

Throughout the first half of the nineteenth century and up to the Civil War, economic qualifications--property and taxes--for suffrage withered away. Starting with Kentucky in 1792, and with the exception of Ohio (1802), the new, man-hungry Western states did not include them in any of their constitutions. Many of the Eastern seaboard states followed suit<sup>lxx</sup>. These dramatic reforms paint a portrait of Jacksonian America, dear to textbooks and politicians, as the “cradle of democracy”, the nation shaped by hard-working, independent, self-starting men, regardless of their humble origins. But, Americans had very definite ideas of what these heroic individuals should be--and look--like. Not everyone was allowed in the picture.

As economic qualifications fell into disuse, “race (and gender) supplanted class as the major line” which separated those afforded the privilege to vote from those who were

not.<sup>lxxi</sup> The American citizen could not be thought of as other than a white male, who sang boisterous political songs and marched jauntily in torchlight parades on the night before the election.<sup>lxxii</sup> As the institution of slavery came increasingly under attack, the extension of suffrage in the South can be read as an effort to tighten the bonds of solidarity and interest among white southern males. As a member of the 1845 Louisiana constitutional convention stated, their mission was to

elevate every freeman in the state to an equal participation in government [...] and make the broad political difference between him and the slave. [By instituting white manhood suffrage] you will raise a wall of fire around our state institutions, against the diabolical machinations of abolitionism.<sup>lxxiii</sup>

Nevertheless, white manhood suffrage did not just represent a strong bulwark against those who hoped for slavery's demise. During this period, states from coast to coast introduced racial restrictions into the suffrage clauses of their constitutions.<sup>lxxiv</sup>

Thus, for the better part of the century, democratic values in the "land of the free" were color-coded. All non-whites--African-Americans and mulattoes, Chinese and "Indians not taxed"--were denied access to them by state constitutions. These exclusions endured even after the Fifteenth amendment made them obsolete for African-Americans. No northern state except for Iowa struck out the word "white" from its constitution before 1870; Nevada did not do so until 1880, Kentucky in 1891, Delaware in 1897. Indiana, Illinois, Iowa, Ohio and Oregon had even instituted "Black Laws" which forbade the immigration and employment of free African-Americans in the state, and punished transgressors with fines that would be used "for colonization of such negroes and

mulattoes and their descendants, as may be in the State at the drafting of the constitution, and may be willing to emigrate.”<sup>lxxv</sup> Only Massachusetts, Montana, New Hampshire, South Dakota, Vermont, Utah and Wyoming never established racial restrictions on suffrage.

The exclusion of “Indians not taxed” was justified in that, since the 1830s, they were, theoretically, members of “domestic dependent nations,”<sup>lxxvi</sup> who owed their primary allegiance to tribal governments and did not support the United States with their fiscal contributions. As such, almost all states that excluded them from the vote also established that if they “severed tribal relations,” abandoned “Indian languages” and acquired “the habits of civilization”--basically, if they stopped being Indian--they would be enfranchised.<sup>lxxvii</sup> No such argument could be made for free African-Americans. Those who fought for black suffrage consistently probed the inconsistencies of their exclusion. As J. Mercer Langston said, as he plead for “impartial suffrage” before the 1866 Missouri legislature:

Our nationality was created and our political government exists by written law, and inasmuch as the law does not exclude [...] it follows inevitably that such persons, born in the country, must be citizens [...] No plea of color or race, urged against the exactions of the Government, would avail us aught. [...] We are told that allegiance is due the Government, and protection due the subject. In the application of these sentiments, to the colored Americans as well as to the white, we ask that what God, in his wisdom, has joined together, let no man put asunder.<sup>lxxviii</sup>

This discrimination was all the more egregious in that free African-Americans who were hard-working, tax-paying, informed “native Americans” were not allowed to vote, while

“the German and Irish immigrants who never read the constitution or the laws of the state” were courted and enticed by all political parties.<sup>lxxix</sup>

Those opposed to impartial suffrage inevitably conjured up the specter of miscegenation. Were those who prayed for votes for their “black brothers [...] disposed to favor the intermarriage of the races and social equality?”<sup>lxxx</sup> African-American exclusion expressed deep-seated, visceral racism. It represented the dark side of the radicalism implied in political equality as imagined by Americans. If you went to the ballot box with a man, you should also be able to bring him into your home. He could conceivably marry your daughter.<sup>lxxxi</sup> Widespread racial attitudes made this unthinkable. It took the Civil War, the crushing defeat of the South, the abolition of slavery and the political exigencies of Reconstruction to finally bring about the African-American man’s right to vote. It would, in many ways, be a short-lived, partial victory: beginning in 1877, Jim Crow made the South his. In 1963, almost half the states had laws prohibiting interracial marriage.<sup>lxxxii</sup>

The history of citizenship in the United States is that of the struggle to give meaning to a contested concept, not a fight over inalienable rights. It is true that those who advocated suffrage for women and African-Americans claimed voting was a “natural right” conferred by God, “a right of manhood, intelligence, justice.”<sup>lxxxiii</sup> But when they claimed their right to full citizenship, to inclusion into the political community, they did so because they had fulfilled their part of the American bargain: they pledged their allegiance to the nation and to the principles of the Founding Fathers. They had “contributed to the wealth, honor, liberty, prosperity and independence of this country.” As such, they were entitled to a voice, and they believed this voice would be



taken into account.<sup>lxxxiv</sup> Moreover, political citizenship was not only a privilege; it had redeeming powers. It empowered the weak; it transformed the lazy, the selfish and the fatuous. It is probably Frederick Douglas' sexist remark that said it best.

If you want women to forget and forsake frivolity, and the negro to take pride in becoming a useful and respectable member of society, give them both the ballot.<sup>lxxxv</sup>

### **Citizenship in America: the Legacy of Two Distinct Traditions?**

As both the United States and Mexico launched into independent life, their public men undertook a similar task: constructing a state with a new set of parameters and assumptions surrounding power. On both sides of the border, the citizen became a central cog of the new machines they were trying to build. Nevertheless, they gave different sets of answers to similar problems. Because that of citizenship is a shared history, and because of this, the different paths taken raise new questions, shift perspectives and allow us to probe deeper into the ideals, compromises and fractures that underlie the construction of the modern state in each country. But does the study of this process, fascinating in and of itself, tell us something about what is going on today? This is the historian's quandary: as we question the past in the context of the doubts and uncertainties of the present, we consider our work to be pertinent. But have we reconstructed a usable past?

Fortunately, although admittedly with regret, we have left behind the notion dear to nineteenth century historians, that history is "a teacher for life," that knowing the past will enable us not to trip on the same stones as those who preceded us. If history teaches

us anything, it is that the complexities of historical experience rarely allow for the past to repeat itself. But if it provides no recipes, history does invite us to pick apart the causes and consequences as well as the influences and resistances that underlie the phenomena that interest us. This is valuable, inasmuch as it makes us think. What, then, does the history of citizenship in the United States and Mexico tell us about the transformations the Mexican political system is undergoing? What has it meant to be a citizen in Mexico? What have been its strengths and limitations?

During the struggles for independence, the birth of the new citizen was both exciting and empowering. The new status entailed a sense of belonging and the connotation of personal rights. In Mexico, as the experience of the Indians who stopped deferring to colonial officials shows,<sup>lxxxvi</sup> new citizenship, even in its most limited sense of equal protection under the law, was liberating. *Justicia seca*, justice that was not arbitrary, partial or corrupt, was, in the words of a “Citizen Catechism” published in 1820, one of the “Virtues” of the new order.<sup>lxxxvii</sup> It is also one that is notably lacking today. On the other hand, as both countries embarked on national life, they would construct divergent notions of citizenship that deeply influenced their subsequent development. In the United States, being a citizen implied a standing that was sought after, wished for, and fought over, because it meant inclusion, but also because it granted power. Conversely, in nineteenth century Mexico, there is no “fight for suffrage” to speak of.<sup>lxxxviii</sup> While American citizenship--or more precisely, the American ballot--conferred a status, Mexican “organic” citizenship merely confirmed it.

This is one of the reasons that, although elections and political representation were a central and unavoidable fact of political life in the nineteenth century Mexico,

they were not the only way of doing politics, and certainly not believed to be the most effective. Voting visually sealed the social compact of community. Indirect suffrage allowed for the relatively peaceful negotiation of power between competing elites.<sup>lxxxix</sup> But while in the American political system, representation was absolutely central, in Mexico it could not serve as a clearinghouse for conflicts within society; representation was unable to channel conflicts and give them political expression. It was the *pronunciamiento* and the *representación*, both independent from state machinery, both ritualized, legitimate outlets for the voice of the people, which proved to be the favored instruments for acting politically: struggles for power and challenges to the basic social pact are better expressed in the multitude of political *planes* than in electoral behavior and parliamentary discussions.<sup>xc</sup> Nonetheless, the side effects of these fascinating political texts--chronic instability at a national level, the decisiveness of military intervention, underlying violence--were not particularly pleasant.

The reliance on devices for parallel political action that were independent of the state machinery also seems to suggest a particular conception of the public, especially when compared to the experience of the United States. In the land of no taxation without representation, full citizenship meant you belonged to the public, but it also implied that the public, or at least part of it, belonged to you. The taxpaying citizen is theoretically entitled to demand careful spending and the provision of services. This is absent from the way Mexican citizenship was construed. Citizenship status was linked to tax payment only once, in 1846, with remarkably poor results. This both reflected and fed into popular and elite conceptions of what was public--not what belonged to everyone, but what belonged to no one, or, worse, what belonged to the state.<sup>xc1</sup> The chronic incapacity of the

Mexican state to create the legitimacy, the sense of community, accountability and mutual responsibility which underpins relatively healthy fiscal policies cannot be unrelated to the ways citizens think about the State and their own space within the grand scheme. In a context in which the public is perceived as an entity divorced from society, a sense of entitlement and procedural convention is displaced by constant negotiations to bridge the gap, the continuous efforts to reach an *arreglo*, which by definition will be unstable.

No one doubts that the citizen will be the central player of Mexico's transition to democracy. Since 1988, he has been responsible for most of the changes that have opened up the system. He should be, because of this, a preferred object of study. In looking for lessons from the past, though, we have tended to go on archeological digs of the Mexican psyche, to discover the ancestral flaws--inbred authoritarianism, *machismo*, the lack of democratic values--that have kept the Mexican citizen locked in his labyrinth of solitude and have made transition difficult. The search for the unchanging, overarching essence of the Mexican not only makes for sloppy research; it seems to condemn Mexico to some sort of authoritarian rule for centuries to come *porque así son los Mexicanos*. This essay tries to look at the ways in which the institution of citizenship was constructed, reinterpreted and adapted at different moments in the past, at the ways it did, and did not work. It certainly does not set an agenda, but hopefully gives clues to what can make citizenship a valuable, efficient and dynamic instrument for political action.

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<sup>i</sup> Andrea Revueltas, “Sistema de dominio y cultura política en México,” in Jacqueline Peschard, ed., *Cultura Política* (Mexico: Colegio Nacional de Ciencias Políticas y Administración Pública, Universidad Autónoma Metropolitana, Instituto Federal Electoral, 1996), pp. 35-52.

<sup>ii</sup> Thomas Jefferson to grammarian John Waldo, 1813.

<sup>iii</sup> On language as “part of the social structure and not epiphenomenal,” see J.G.A. Pocock, “Languages and their implications: the transformation of the study of political thought,” in J.G.A. Pocock, *Politics, Language and Time: Essays on Political Thought and History* (London: Methuen & Co. Ltd, 1972). For the role of language in the context of the American Revolution, see Cynthia S. Jordan, “‘Old Words’ in ‘New Circumstances’: Language and Leadership in Post-Revolutionary America,” in *American Quarterly*, Vol. 40, no.4 (December 1988): 491-513.

<sup>iv</sup> J.G.A. Pocock, “The Ideal of Citizenship Since Classical Times” in *Theorizing Citizenship*, Ronald Beiner, ed., Albany: State University of New York Press, 1995, pp.29-52.

<sup>v</sup> *The Royal English Dictionary, or, a Treasury of the English Language*, Third Edition (London: Printed for R. Baldwin Hawes & Co, T. Caston, S. Crowder, J. Johnson, Wilson and Fell, Robinson & Roberts, & B. Collins, 1761).

<sup>vi</sup> *Tesoro de la lengua castellana o Española, compuesto por el Lic. Don Sebastián de Covarrubias Orozco, Capellán de Su Majestad, Maestrescuela y Canónigo de la Santa Iglesia de Cuenca y Consultor del Santo Oficio de la Inquisición. Dirigido a la Majestad Católica de D. Felipe III, Nuestro Señor [1611]* (Madrid: Ediciones Turner, 1979), pp. 427-428.

<sup>vii</sup> *Diccionario de la lengua castellana, en que se explica el verdadero sentido de las voces, su naturaleza y calidad, con las frases o modos de hablar, los proverbios o refranes, y otras cosas convenientes al uso de la lengua. Dedicado al Rey nuestro Señor Don Phelipe V (que Dios guarde) a cuyas reales expensas se hace esta obra. Compuesto por la Real Academia Española, Six volumes* (Madrid: Imprenta de Francisco de Hierro. 1726), Vol. II, p. 364.

<sup>viii</sup> “Representación que hizo la ciudad de México al rey Carlos III en 1771 sobre que los criollos deben ser preferidos a los europeos en la distribución de empleos y beneficios de estos reinos,” in J.E. Hernández y Dávalos, ed., *Colección de documentos para la historia de la Guerra de independencia de México de 1808 a 1821*, Six Volumes (Nendeln, Lichtenstein: Kraus-Thomson Organization Limited, 1968), Vol. I, pp. 427-454.

<sup>ix</sup> “Representación,” p.454.

<sup>x</sup> John Adams to Thomas Jefferson, 1815, in Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Harvard University Press, 1967), p. 1.

<sup>xi</sup> James Otis, “A vindication of the British colonies, against the Aspersion of the Halifax Gentleman, in his Letter to a Rhode Island Friend,” [1765], in Bernard Bailing, ed., *Pamphlets of the American Revolution. 1750-1776* (Cambridge, MA: Belknap Press of Harvard University Press, 1965), p. 579.

<sup>xii</sup> This is not based on an exhaustive survey of the pamphlet literature of the era, but on two compilations, *Pamphlets* and Merrill Jensen, ed., *Tracts of the American Revolution*.

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1763-1776 (Indianapolis, New York, Kansas City: The Bobbs-Merrill Co., 1967). The pamphlet we are referring to is *The Nature and Extent of Parliamentary Power considered. In some Remarks upon Mr. Pitt's Speech in the House of Commons, previous to the Repeal of the Stamp Act, with an Introduction Applicable to the Present Situation of the Colonies.* [By] A Citizen, 1768.

<sup>xiii</sup> Paul Leicester Ford, ed., *Pamphlets on the Constitution of the United States* (New York: Da Capo Press, 1968).

<sup>xiv</sup> For the novelty and radicalism of the American Republic, see Cecelia M. Kenyon, "Republicanism and Radicalism in the American Revolution: An Old-fashioned Introduction", *The William and Mary Quarterly*, XIX (1962): 153-182; Bailyn, *Ideological*, p.282; Daniel T. Rodgers, "Republicanism: The Career of a Concept," in *The Journal of American History*, 79, no. 1 (June 1992): 11-38; Gordon Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1991).

<sup>xv</sup> [William vane Murray], *Political Sketches inscribed to his excellency John Adams, Minister plenipotentiary from the United States to the court of Great Britain, by a Citizen of the United States* (London: C. Dilly, 1787), pp. 5-6.

<sup>xvi</sup> [David Ramsay], *A Dissertation on the Manner of Acquiring the character and privileges of a citizen of the United States*, 1789.

<sup>xvii</sup> See Antonio Annino, "Cádiz y la revolución territorial de los pueblos mexicanos. 1812-1821" in Antonio Annino, ed., *Historia de las elecciones en Iberoamerica, siglo XIX* (Buenos Aires: Fondo de Cultura Económica, 1995), pp. 143-176; Juan Ortiz Escamilla, *Guerra y Gobierno. Los pueblos y la Independencia de México* (Sevilla: Universidad de Sevilla; México: El Colegio de México, Instituto Mora, 1997).

<sup>xviii</sup> Herón Pérez Martínez, "Hacia una tópica del discurso político mexicano del siglo XIX", in Brian Connaughton, Carlos Illades and Sonia Pérez Toledo, eds., *Construcción de la legitimidad política en México* (Zamora: El Colegio de Michoacán; México: Universidad Nacional Autónoma de México, El Colegio de México, 1999), pp. 351-383.

<sup>xix</sup> Florencio Pérez y Comoto, *Impugnación de algunos errores políticos que fomentan la insurrección de Nueva España* (México: Imprenta de Arizpe, 1812). This and all other Mexican pamphlets cited are in Yale University's Latin American Pamphlet Collection.

<sup>xx</sup> *Proclama que la muy noble y muy leal ciudad de la Puebla de los Ángeles dirige a sus vecinos fieles*, No printer.

<sup>xxi</sup> Pedro Ma. de Monterde, *Proclama que el intendente interino de la provincia de México dirige a todos los habitantes de la Nueva España y particularmente a los de su distrito* (México: D. Manuel Antonio Valdés, 1810), pp. 6-7.

<sup>xxii</sup> *Exhortación que a los habitantes de México hace un individuo del Ilustre Colegio de Abogados, relator de esta Real Audiencia* (México: Casa de Arizpe, 1810), p. 7.

<sup>xxiii</sup> "Manifiesto que el Sr. Miguel Hidalgo y Costilla, Generalísimo de las Armas Americanas, y electo por la mayor parte de los pueblos de este Reyno para defender sus derechos y los de sus conciudadanos, hace al Pueblo," *Documentos*, Vol. I, pp. 125-126.

<sup>xxiv</sup> *Con las plumas y la espada se destruye la maldad* (Mexico: Imprenta de Ontiveros, 1820).

<sup>xxv</sup> *Rudimentos político-cristianos preservativos del contagio de la filosofía antisocial revolucionaria y errónea, en los que se asientan varias proposiciones interesantes al bien común las que sostendrán en pública disputa en la función literaria capitular de la*

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*provincia capuchina de México dedicada al excelentísimo Sr. D. Félix María Calleja...* (Mexico: Oficina de D. Mariano Ontiveros, 1813), p. 21.

<sup>xxvi</sup> *Serviles y liberales* (Mexico: Oficina de D. Alejandro Valdés, 1821), pp. 1-2.

<sup>xxvii</sup> *Rudimentos*, p. 4.

<sup>xxviii</sup> *El Indio Constitucional* (Mexico: Oficina de D. Alejandro Valdés, 1820), p. 3.

Antonio Escobar suggests that the author of this pamphlet is Juan Rodríguez Puebla. “El discurso de la ‘inteligencia’ india en los primeros años independientes,” *Construcción*, pp. 263-274. The emphasis is mine.

<sup>xxix</sup> José Gómez Escalante, quoted in Michael T. Ducey, “Hijos del pueblo y ciudadanos: Identidades políticas entre los rebeldes indios del siglo XIX,” *Construcción*, pp. 127-152, quote on pp. 142-143.

<sup>xxx</sup> *Respuesta de la Americana Constitucional al Amigo de la Verdad* (Mexico: Printer unreadable, 1820), p. 3. The emphasis is in the original.

<sup>xxxi</sup> T.H. Marshall, *Class, Citizenship and Social Development* (Chicago: University of Chicago Press, 1964).

<sup>xxxii</sup> So argued D.J.C. in his *Catecismo político arreglado a la Constitución de la Monarquía Española para ilustración del Pueblo, instrucción de la juventud y uso de las escuelas de primeras letras* (Palma: Imprenta de Miguel Domingo, 1812), p. 6.

<sup>xxxiii</sup> Pierre Rosanvallon has shown the centrality of the idea of the abstract individual to the concept of citizen in the French imagination. I owe much to his *Le sacre du citoyen. Histoire du suffrage universel en France* (Paris: Gallimard, 1992), as I do to Alfredo Ávila, *En nombre de la nación. Revolución y cultura política en la formación del gobierno representativo. México 1808-1824* (Mexico: CIDE-Oceano, forthcoming).

<sup>xxxiv</sup> This insightful expression is Marcello Carmagnani and Alicia Hernández Chávez’, in “La ciudadanía orgánica mexicana, 1850-1910,” in Hilda Sabato, ed., *Ciudadanía política y formación de las naciones. Perspectivas históricas de América Latina* (Mexico: El Colegio de México, Fondo de Cultura Económica, 1999), pp. 371-404.

<sup>xxxv</sup> All references to Mexican fundamental laws are in Felipe Tena Ramírez, ed., *Leyes Fundamentales de México* (México: Editorial Porrúa, 1994). The constitution of 1824 establishes no national parameters for citizenship, leaving such matters in the hands of the states.

<sup>xxxvi</sup> “La Ciudadanía orgánica,” pp. 375-377; and also Antonio Annino, “Ciudadanía versus gobernabilidad republicana en México. Los orígenes de un dilema,” in *Ciudadanía*, pp.62-93.

<sup>xxxvii</sup> Nicolás Pizarro, *La libertad en el orden. Ensayo sobre derecho público, en el que se resuleven algunas de las más vitals cuestiones que se agitan en México desde su Independencia* (Mexico: Imprenta de Andrés Boix, 1855), pp. 102-103.

<sup>xxxviii</sup> Manuel Peña y Ramírez, in Francisco Zarco, ed., *Historia del congreso extraordinario constituyente. 1856-1857* (Mexico: El Colegio de México, 1956), p.817.

<sup>xxxix</sup> *Medio infallible para acertar en las elecciones de diputados a Cortes* (Mexico: Imprenta de D. Mariano Ontiveros, 1821), pp. 6-7.

<sup>xl</sup> The Cádiz Constitution limited citizenship to those “Spaniards who on both lines originate from both hemispheres, and are settled--*avecindados*--in any town in the [Spanish] dominions,” which was a convoluted way of excluding the *castas*, those who descended from Africans. Nevertheless, it can be argued that this was due more to the

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political interests of the Peninsular delegates--with the *casta* votes, Americans would have overwhelmed the imperial Cortes--and to moral considerations--most of the *castas* were illegitimate--than to racist attitudes. Free blacks had the “door” of citizenship open to them, by way of “virtue and merit.” I would like to thank Solange Alberro for her comments on this.

<sup>xli</sup> As described by Francois-Xavier Guerra, “The Spanish-American Tradition of Representation and its European Roots,” *Journal of Latin American Studies*, XXVI, no. 1 (February, 1989): 1-35. Guerra has also persuasively argued that the multi-level structure of indirect suffrage also allowed for the representation of different political and geographic communities. “El soberano y su reino. Reflexiones sobre la génesis del ciudadano en América Latina,” *Ciudadanía*, pp. 33-61.

<sup>xlii</sup> “Discurso sobre la necesidad de fijar el derecho de ciudadanía en la República y hacerlo esencialmente afecto a la sociedad”, in José María Luis Mora, *Obras completas. Política*, Lillian Briseño Senosián, Laura Solares Robles and Laura Suárez de la Torre, eds. Two volumes (Mexico: Instituto de Investigaciones Dr. José María Luis Mora, Secretaría de Educación Pública, 1986), pp. 369-370. The emphasis is in the original.

<sup>xliii</sup> “Discurso,” p.375.

<sup>xliv</sup> Lucas Alamán, *Historia de Méjico desde los primeros movimientos que prepararon su independencia en el ano del 1808 hasta la época presente*, Five volumes (Mexico: Editorial Jus, 1942), vol. V, pp. 256-258; *En nombre de la nación*, pp. 289-291.

<sup>xlv</sup> “Convocatoria para un congreso extraordinario a consecuencia del movimiento iniciado en San Luis Potosí el 14 de diciembre de 1845,” in Antonio García Orozco, ed., *Legislación electoral mexicana* (Mexico: Ediciones de la Gaceta Informativa de la Comisión Federal Electoral, 1978), p. 92.

<sup>xlvi</sup> *Legislación*, pp. 92-95.

<sup>xlvii</sup> Josefina Vázquez, “Centralistas, conservadores y monarquistas, 1830-1853,” in *El Conservadurismo mexicano en el Siglo XIX (1810-1910)*, William Fowler. Humberto Morales Moreno, eds., (Puebla: Benemérita Universidad Autónoma de Puebla, 1999), pp. 115-134. I would like to thank Prof. Vázquez for her comments on this election.

<sup>xlviii</sup> See, for instance, Peter Guardino’s provocative study of how the village communities of the state of Guerrero in the 1820s and 1830s managed to defend their prerogatives because the local elites needed their votes, and how the income qualifications for suffrage in 1836 upset these strategies, thus fostering popular opposition to the centralist regime and throwing the peasants’ support behind federalist caudillo Juan Álvarez. Peter Guardino, “Barbarism or Republican Law? Guerrero’s Peasants and National Politics, 1820-1846,” *Hispanic American Historical Review*, 75, no. 2 (1995): 185-213.

<sup>xlix</sup> This runs against the vision of generalized chaos that supposedly characterized the first three quarters of the nineteenth century. But if this holds true for the national level, where the consolidation of the state was a long and tortuous process, it proves to be less so from the vantage point of the regions. The relative security and consensus among regional elites is reflected in the stability of the membership of the legislatures. See Cecilia Noriega, “Los grupos de poder en los congresos mexicanos. 1810 y 1857. Notas para su estudio,” in Beatriz Rojas, ed., *El poder y el dinero. Grupos y regiones mexicanos en el siglo XIX* (Mexico: Instituto de Investigaciones Dr. José María Luis Mora, 1994), pp. 120-158.



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<sup>i</sup> Representative Barhite, in *Revised Record of the Constitutional Convention of the State of New York. May 8, 1894 to September 29, 1894*, Five Volumes (Albany: The Argus Co. Printers, 1900), Vol. I, p. 622.

<sup>ii</sup> Max Farrand, ed., *The Records of the Federal Convention of 1787*, Three volumes (New Haven: Yale University Press; London: Henry Frowde, Oxford University Press, 1911), vol. II, pp. 202-203).

<sup>iii</sup> Olliver Ellsworth, in *Records*, vol. II, p. 201. For the evolution of the American concept of citizenship, see James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: Institute of Early American History, University of North Carolina Press, 1978); Peter H. Schuck, Rogers M. Smith, *Citizenship without consent. Illegal Aliens in the American Polity* (New Haven, London: Yale University Press, 1985); Rogers M. Smith, *Civic Ideals. Conflicting Visions of Citizenship in United States History* (New Haven, London: Yale University Press, 1997).

<sup>iiii</sup> James H. Huston, "The Bill of Rights and the American Revolutionary Experience," in *A culture of rights. The Bill of Rights in Philosophy, Politics and the Law. 1787 and 1991* (Cambridge, New York, Port Chester, Melbourne, Sidney: Woodrow Wilson International Center for Scholars, Cambridge University Press, 1991), pp. 62-97.

<sup>lv</sup> *Civic Ideals*, pp. 115-116.

<sup>lv</sup> *The Development of American Citizenship*, pp. 341-345; *Citizenship without Consent*, pp. 74-86; *Civic Ideals*, pp. 286-325.

<sup>lvi</sup> The 1901 Alabama constitution, for example, reserved the right to vote to those who had "honorably served" in a war--that of 1812, with Mexico, with the Indians, between the states, with Spain--or their lawful descendants, to "all persons of good character, who understand the duties and obligations of citizenship under republican forms," those who could read and write any article of the constitution "in the English language," those who had held the same job for the greater part of twelve months, or owned or were married to the owner "in good faith" of forty acres of land, or other real estate assessed for three hundred dollars in taxes, provided these were paid in full. The constitution disqualified "all idiots and insane, those convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, false pretences, perjury, subordination to perjury, robbery, assault, battery on wife, bigamy, adultery, sodomy, incest, rape, miscegenation." *The State Constitutions and the Federal Constitution and Organic Laws of the Territory and Other Colonial Dependencies of the United States of America*, Charles Kettleborough, ed., (Indianapolis: B.F. Bowen and Co, 1918), pp. 33-35.

<sup>lvii</sup> Elizabeth Cady Stanton, Susan B. Anthony, Matilda Joslyn Gage, eds., *History of Woman Suffrage*, Six volumes (New York: Fowler and Wells, 1882), vol. II (1861-1876), pp. 735, 742. Ellen Carol DuBois, "Taking the Law into their own Hands: Voting Women during Reconstruction," in Donald W. Rogers, ed., *Voting and the Spirit of American Democracy. Essays on the History of Voting and Voting Rights in America* (Urbana, Chicago: University of Illinois Press, 1992), pp. 67-79.

<sup>lviii</sup> *An American Dictionary of the English Language: intended to exhibit, I. The Origin, Affinities and Primary Signification of English Words, as far as they have been Ascertained. / II. The Genuine orthography and pronunciation of words, according to General usage, or to Just Principles of Analogy. / III. Accurate and discriminating*

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definitions, with numerous authorities and illustrations. To which are Prefixed, an Introductory dissertation on the Origin, History and Connections of the Languages of Western Asia and of Europe, and a Concise Grammar of the English Language, by Noah Webster, LL.D, Two volumes (New York: S. Converse, 1828), vol. I, p.38. The emphasis is mine.

<sup>lix</sup> See also Judith N. Shklar, *American citizenship: The quest for inclusion* (Cambridge, London: Harvard University Press, 1991).

<sup>lx</sup> Thomas L. Pangle, *The Spirit of Modern Republicanism. The Moral Vision of the American Founders and the Philosophy of Locke* (Chicago, London: University of Chicago Press, 1988), p. 115.

<sup>lxi</sup> Ibid.

<sup>lxii</sup> As Eric Foner has written “In America, the ballot did more than identify who could vote--it defined a collective national identity.” “From Slavery to Citizenship: Blacks and the Right to Vote,” *Voting and the Spirit*, pp. 54-65.

<sup>lxiii</sup> Chilton Williamson, *American Suffrage. From Property to Democracy. 1760-1860* (Princeton: Princeton University Press, 1960), p.116. For the history of the franchise, see also Christopher Collier, “The American People as Christian White Men of Property: Suffrage and Elections in Colonial and Early National America,” *Voting and the Spirit*, pp. 19-29; Michael Schudson, *The Good Citizen. A History of American Civic Life* (Cambridge: Harvard University Press, 1998).

<sup>lxiv</sup> All information about state voting requirements in Ben Perley Poore, ed., *The Federal and State Constitutions, Colonial Charters and other Organic Laws of the United States*, Two volumes (Washington: Government Printing Office, 1878), and *The State Constitutions*.

<sup>lxv</sup> *Records*, vol. II, p. 123.

<sup>lxvi</sup> So spoke George Mason, *Records*, vol. II, p. 203.

<sup>lxvii</sup> Oscar and Mary Handlin, eds., *The Popular Sources of Political Authority. Documents on the Massachusetts Constitution of 1780* (Cambridge: The Belknap Press of Harvard University Press, 1966), pp. 583-585.

<sup>lxviii</sup> Sean Wilentz, “Property and Power: Suffrage Reform in the United States, 1787-1860,” *Voting and the Spirit*, pp. 31-39. Wilentz stresses the importance of the market revolution as a determining influence on political reform. The 1846 New York constitution established just age and residency requirements for white voters, while “men of color” had to have been citizens for three years, and be possessed of a freehold estate worth \$250, over debt and with taxes paid.

<sup>lxix</sup> *Minutes of the State Convention of the Colored Citizens of Ohio* (Columbus: E. Glover, printer, 1851).

<sup>lxx</sup> Alabama (1819) Arkansas (1836), Connecticut (1845), Florida (1838), Louisiana (1845) Maine (1820), New York (1846), Tennessee (1834), Virginia (1850). New Hampshire and Vermont had moved towards manhood suffrage earlier, in 1792 and 1777 respectively.

<sup>lxxi</sup> “From Slavery to Citizenship,” p. 58.

<sup>lxxii</sup> On the importance of the image of the citizen soldier, with its implications of brotherhood and other manly virtues, in shaping American political culture, see Jean

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Baker, "From belief into culture: Republicanism in the Antebellum North," *American Quarterly*, 37, no. 4 (Fall 1985): 532-534.

<sup>lxxiii</sup> *American Suffrage*, p.266.

<sup>lxxiv</sup> As Eric Foner shows, in 1800, no northern state restricted suffrage on the basis of race, while all but five did on the eve of the Civil War. "From Slavery to Citizenship," p.58.

<sup>lxxv</sup> Indiana 1851 Constitution, in *The Federal and State Constitutions*, vol. II, p. 516.

<sup>lxxvi</sup> As Chief Justice Marshall defined the Indian nations in 1831. See *The Development of American Citizenship*, pp. 293-300.

<sup>lxxvii</sup> California, Florida, Idaho, Maine, Michigan, Minnesota, Mississippi, New Mexico, Texas, Washington, Wisconsin, and Rhode Island all excluded Indians up to 1920.

<sup>lxxviii</sup> J. Mercer Langston, *A Speech on equality before the law delivered by J. Mercer Langston in the hall of representatives in the capitol of Missouri* (Saint Louis: The Democrat Book and Job Printing House, 1866), p. 14.

<sup>lxxix</sup> *Minutes of the State Convention of the Colored Citizens of Ohio* (Columbus: The Ohio Standard Office, 1850).

<sup>lxxx</sup> Martin I. Townsend, *The suffrage question. Remarks of Martin I. Townsend in the constitutional convention of the State of New York on the right of colored men to vote* (Troy: R.V. Wilson, Book and Job Printer, 1867), p. 13. See also *Race, law and American History. 1700-1990. The African-American Experience*, Eleven volumes, Vol. VI, Paul Finkelman, ed., *African-Americans and the right to vote* (New York, London: Garland Publishing Inc, 1992).

<sup>lxxxi</sup> In 1835, John Norvell, Democratic leader in the constitutional convention, appealed to "the delegates' sense of honor and respectability which they cherished for themselves, their wives, their sons and daughters, whether they would suffer the Negro to become an equal member of their families, whether they would go to the polls with him as a voter." Ronald P. Formisano, "The Edge of Caste: Colored Suffrage in Michigan. 1827-1861," *Race, law and American History*, p. 186.

<sup>lxxxii</sup> Robert R. Dykstra, "The Issue Squarely Met. Towards an Explanation of Iowans' Racial Attitudes," *Race, law and American History*, p. 149.

<sup>lxxxiii</sup> George B. Cheever, *Impartial Suffrage a Right and the Infamy of the Revolution against it in the proposed Amendment of the Constitution* (New York: Robert J. Johnston, Printer, 1866), p. 7.

<sup>lxxxiv</sup> *Proceedings of the Convention of the Colored Freemen of Ohio* (Cincinnati: Damas & Lawyer, 1852), p.7.

<sup>lxxxv</sup> *History of Woman Suffrage*, vol. II, p. 311.

<sup>lxxxvi</sup> See, besides what Michael Ducey describes, the experiences in Michoacán, where under-delegate Manuel Moreno complained to Calleja in 1813 that the Indians, since they had been admitted into the militia, treated him with familiarity. *Guerra y Gobierno*, p. 85

<sup>lxxxvii</sup> *Cartilla o Catecismo del ciudadano constitucional* (México: Reimpreso por la Imprenta de Ontiveros, 1820), p. 3.

<sup>lxxxviii</sup> The same seems to be true for the rest of Latin America. See Hilda Sabato, *La política en las calles. Entre le voto y la movilización. Buenos Aires, 1862-1880* (Buenos Aires: Editorial Sudamericana, 1998), esp. pp.171-175, and her "Introducción" to *Ciudadanía*, pp.11-29. I have found her work very suggestive.

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<sup>lxxxix</sup> “La ciudadanía orgánica,” pp. 380-384.

<sup>xc</sup> Annino, “Ciudadanía,” pp.78-80.

<sup>xcí</sup> I am indebted to the thought-provoking articles of Antonieta Pacheco, “De paredes y miradas. Poder municipal y vivienda. Tepotzotlán, 1874-1900,” *Historia Mexicana*, XLVI, no. 2 (Oct-Dec 1996): 359-395; and Annick Lempérière, “Reflexiones sobre la terminología política del liberalismo,” *Construcción*, pp. 35-56.