

Federalism in Mexico: Lucas Alamán and Alexis de Tocqueville on Constitutional Particularity

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Introduction: Converging Verdicts from France and Mexico

As he left office, former Mexican president Andrés Manuel López Obrador proposed sweeping reforms to his country's constitution, entailing both decentralizing (devolving powers to minority communities) and centralizing measures (assigning the National Guard to the Ministry of Defense and providing for a greater military role in law enforcement).¹ His successor Claudia Sheinbaum has continued to pursue sweeping constitutional changes.² These measures, which have drawn criticism from across the political spectrum, concern the ongoing security crisis: near-open warfare among drug cartels and the effective withdrawal of federal authorities from swathes of national territory.³ That crisis itself should be interpreted in light of a broader dynamic of Mexican constitutional history: Mexico has struggled to secure a

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rule of the center not merely grounded on force and an obedience from the peripheries not merely grounded on fear. The characteristic pattern since the nineteenth century is that either the executive and the central authority of Mexico City predominate at the cost of individual and local liberty or the legislative branch predominates and becomes bogged down in deliberations, neglecting the outlying provinces and giving them effective autonomy. This dynamic became so marked so early on that the conventional categorization of the political divide of the decades immediately after independence in 1821 arrays *federalistas*, *yorkinos* (associated with the York Lodge of Freemasons), and liberals against *centralistas*, *escoceses* (associated with the Scottish Lodge), and conservatives.⁴ The first republican constitution (1824) failed to secure peaceful transfers of power, prompting popular generals to launch a series of coups. Arguably, the revised constitutions of 1835 (Las Siete Leyes), 1843 (Las Bases Orgánicas), and 1857 (La Reforma)—the latter of which precipitated the Reform War—and the currently effective constitution of 1917, which followed the Mexican Revolution, have not fundamentally overcome the centralist-federalist conflict.⁵

In 1835, Alexis de Tocqueville assessed the prospects of Mexican constitutionalism as part of his effort to understand the United States. He noted that the federal structure of the Mexican Constitution of 1824 closely resembled that of the US Constitution of 1789, but the results of each in practice were proving quite different.

The government of the Union rests almost entirely on legal fictions. The Union is an ideal nation that exists only in the mind so to speak; intelligence alone reveals its extent and its limits. This is what Mexico has demonstrated in our times. The inhabitants of Mexico, wanting to establish the federal system, took as a model and almost completely copied the federal constitution of the Anglo-Americans, their neighbors. But while importing the letter of the law, they could not at the same time import the spirit that gives it life. So they are seen constantly encumbered by the

mechanism of their double government. The sovereignty of the states and that of the Union, leaving the circle that the constitution had drawn, penetrate each other daily. Still today, Mexico is constantly dragged from anarchy to military despotism, and from military despotism to anarchy.⁶

The 1830s cycle Tocqueville identifies, “from anarchy to military despotism, and from military despotism to anarchy,” remains a real threat in the twenty-first century. What does he mean by claiming that Mexico “has demonstrated” the extent to which the American Union functions only because its citizens believe in it and that its mysterious success is attributable to “the spirit that gives it life”? Lucas Alamán, one of the most prominent statesmen of newly independent Mexico, also pronounced in 1835 that the US Constitution could not be a model for Mexico because the circumstances and cultures of the two countries differed so much. A *centralista* but an opponent of absolute government, Alamán respected *The Federalist Papers* but prescribed a very different structure—a unitary, consolidated state with a strong executive with the representative institutions and checks and balances of a mixed regime—to secure liberty and order under modern conditions.

Alamán is a relatively neglected figure in political theory; most recent scholarship on him is in history.⁷ This article builds on the existing literature by situating Alamán within the landscape of nineteenth-century political thought in the Atlantic world. Comparing him with Tocqueville highlights the themes he shares with other “liberal conservatives” and “aristocratic liberals” seeking to channel the force of popular sovereignty after the Age of Revolutions.⁸ This tradition, in France especially but across the West, derives in large measure from Montesquieu.⁹ Both Alamán and Tocqueville inherit Montesquieu’s emphasis on the habitual practices of governance and the customs of the people over formal laws and institutions. This shared verdict reflects larger similarities in their biographies and in their teachings. Edmund Burke is the canonical thinker most often compared with Alamán because the

latter frequently invokes him as an authority. But like Tocqueville (b. 1805, d. 1859), Alamán (b. 1792, d. 1853) is a thinker not of the French revolutionary era but of the following generation. Both had families who suffered revolutionary violence: Tocqueville's uncle was executed for being Louis XVI's defense lawyer, and Alamán's family was targeted for looting during the 1810 Miguel Hidalgo uprising. Despite serious misgivings about the justifications for the overthrow of the French monarchy and independence from Spain, both reconciled themselves to trying to consolidate the virtues of the new regimes and counterbalance their vices, most famously as writers but also as public officials. After years as a representative in the National Assembly, Tocqueville took office as foreign minister of the short-lived Second Republic in 1848. Alamán served five different presidents as minister of the interior and of foreign affairs, returning to office under Antonio López de Santa Anna in 1851 just weeks before the end of his life. Both men, after what they perceived as having failed in political office, turned to writing histories of their countries that criticized the revolutionary project from the roots. Their deaths in the 1850s marked the close of a political epoch; a new period of intertwinement between France and Mexico would follow, with the French intervention to install Maximilian as emperor in the 1860s followed by the effort of Porfirio Díaz starting in the 1870s to modernize along the lines of the French Second Empire.

Not just the lives but also the works of these two philosopher-statesmen form striking parallels: Alamán's *Dissertations on Mexican History* and *History of Mexico*, like Tocqueville's *Old Regime and the Revolution*, tell the story of a revolution that failed to conserve the virtues of the previous regime and yet cemented its vices.¹⁰ The "Impartial Examination of the Administration of General Vice President Don Anastasio Bustamante," although a work of constitutional theory, resembles Tocqueville's *Recollections* in serving as an apologia for the actions of an official of a deposed government. The major difference in the outlook and views of the two men lies perhaps in Alamán's technical, scientific aspect: he had a serious interest and training in both the chemistry and the

business of mining.¹¹ If Tocqueville was “a strange kind of liberal” who revered the medieval and religious inheritances that restrain modernity, Alamán might be called “a strange kind of conservative” who cherished great hopes for his country’s industrialization to build a middle class and prevent Mexican republicanism from decaying into the rule of the destitute mob.¹² Tocqueville’s constitutionalism is better known, so after establishing the common source of Alamán’s and Tocqueville’s methods of political analysis in Montesquieu, this article examines Alamán’s constitutional thought in detail through a close reading of the “Impartial Examination.” It then turns to working out the implications of Alamán’s historical project with reference to the aims of the *Old Regime*. It concludes that Alamán, through his stress on the common good, central authority, and military professionalism, addresses a lacuna in Tocqueville. Tocqueville does not offer a positive account of the role of the state in securing an order that can make liberty worth having. In France, he seems to have taken the state for granted and sought to limit its power, and in America he assumed that circumstances did not require a strong state. Perhaps his thought would have taken on different emphases had he written from Mexico; Alamán’s texts can help us to understand the value of state capacity for fragile countries today.

Montesquieuan Roots of the Method

The deepest similarity between Alamán and Tocqueville is their interpretation of political phenomena according to context and continuities, and in this way they inherit Montesquieu’s polemic against more radical Enlightenment thinkers.¹³ Both are consistently wary of appeal to abstract principles like the Rights of Man, and both tell the story of their countries and of the United States as ones of—as much as possible—an unbroken, unfolding development. They identify moments of decision as key forks in the stream, but the flow of the river is uninterrupted. Tocqueville gives a programmatic statement of this approach at the end of *Democracy in America* (IV.4.8): “Providence has created humanity neither entirely independent nor completely slave. It traces around each

man, it is true, a fatal circle out of which he cannot go; but within its vast limits, man is powerful and free; so are peoples." Thus the histories of the French, American, and Mexican peoples reveal path-dependency but not total determinism.

The intellectual debt is one Tocqueville acknowledged himself and has been widely commented on in the literature, but Alamán does not explicitly allude to Montesquieu, and so the homology requires some explication.¹⁴ Montesquieu states at the opening of the *Spirit of the Laws* that "[t]he government most in conformity with nature is the one whose particular arrangement best relates to the disposition of the people for whom it is established."¹⁵ As he exhibits his method, it becomes clear that the "disposition" entails the complete historical circumstances within which the people and their regime have developed: key variables therefore include geography, climate, technology, and especially customs.¹⁶ Montesquieu combines this empirical particularity with a theoretical pluralism. Skeptical about appeals to abstract justice, he views the desideratum in politics as moderate, free government rather than prescribing any single best regime or institutional arrangement. Here Alamán and Tocqueville both follow Montesquieu: both think regimes can be analyzed and judged (and to this extent they share in the "reflection and choice" and "new science of politics" that animate *The Federalist Papers*), but they dissent from the universalizing assumptions and ambitions of Enlightenment rationalism.¹⁷

In an anonymous 1830 essay attributable to him,¹⁸ Alamán gives a programmatic statement of agnosticism on the best form of government that closely echoes Montesquieu:

The form of government is nothing but the organization of its powers, and the powers are not in themselves the guarantee of liberty. *Natural law does not dictate that all governments be composed of one chamber or two, of an elective and temporal president, of two consuls or a directorate*: all this is relative to the particular circumstances of each people and the best organization is always relative.

What matters is to apply the general principles to the particular circumstances with exactitude, to calculate well the dosage of the peculiar compositions, and to take as much care to avoid governor's tyranny as to avoid parliamentary, demagogic, and judicial tyranny.

La forma de gobierno no es sino la organización de sus poderes, y los poderes no son en sí mismos sino la garantía de la libertad. *No es de derecho natural que todos los gobiernos sean compuestos de una cámara o de dos cámaras, de un presidente electivo y temporal, de dos cónsules o de directorio*: todo esto es relativo a las circunstancias peculiares de cada pueblo y la mejor organización siempre es relativa. Lo que importa es aplicar con exactitud los principios generales a las circunstancias particulares, calcular bien la dosis en las composiciones peculiares y cuidar tanto de evitar la tiranía gubernativa, como la tiranía parlamentaria, la tiranía demagógica y la tiranía judicial.¹⁹

For Alamán, all institutional arrangements (including the most democratic ones) and all rulers are capable of tyranny, and so all regimes must be balanced according to both their "dosage" and their "composition." The principles so hotly debated among French and American republicans as bi- and unicameralism, the unitary executive, and judicial independence are all capable both of fostering and eroding liberty. His reference to what is "relative to the circumstances of each people" and the indeterminate nature of "natural right" directly evokes Montesquieu. But there remain "general principles," which make theoretical works on politics possible.²⁰

Montesquieu also begins his study of political regimes *in medias res*, without relying on a state-of-nature-theory account of the origin of government in general.²¹ Tocqueville and Alamán, writing on the other side of revolutionary moments that could plausibly have been described as a dissolution into a state of nature and a consent to a new social contract, deliberately make a similar

move to Montesquieu's in order to refound their nations' self-understandings. Alamán stresses that the true origin of Mexico lies in the conquest of the Aztec Empire by Cortés and the assumption of authority by the Spanish Crown, rather than in the 1810 uprising or even in the Constitution of 1824. His version of the story of independence makes Emperor Iturbide and the Plan of Iguala central for having preserved as much continuity as possible with the period of Spanish rule. Tocqueville similarly minimizes the Declaration of Independence in *Democracy in America* to center the Puritan settlement of New England as the true origin story of America. James Caesar has helpfully dubbed this striking move as "Tocqueville's two-founding thesis" and argued that it should be understood as a deliberate statement of a philosophical account of the origins of government, "in order to promote a new theoretical position for the proper kind of political foundation for modern liberal democratic government."²² Tocqueville's alternative was a foundation, not on philosophy, but on what Caesar calls "customary history." Yet Tocqueville did not simply invoke customary history (what might be called path-dependency) to praise what is over what might be imagined, as in his reading of the United States; he also offered a critical two-founding thesis for France in *The Old Regime*. The republic founded by the French Revolution was in fact not so different from what went before: its tendencies to sclerotic, centralized, and petty governance are profound (negative) continuities with the despotism of the monarchical era. In other words, for better or for worse, the path of a country is set very early and can be changed only with great difficulty. But both men gave their accounts of the nation's history after a more revolutionary narrative had already established the national myth, giving their efforts some of the character of a rearguard action.

Alamán's Constitutionalism Illustrated: Diagnosis

When it comes to institutional prescriptions for moderate government, Alamán is the more orthodox Montesquieuian, since he seeks a balanced constitution that represents corporate interests, rather than rejecting the possibility of a formal mixed regime for a

mixed regime in the soul as Tocqueville does.²³ His substitute for the representation of the titled nobility is the representation of the *hombres de bien*, the propertied men of letters, whereas Tocqueville in the *Old Regime* faults men of letters without political experience for the revolutionary excesses.²⁴ The “Impartial Examination” reveals the core of Alamán’s political and constitutional views. Bustamante’s government had ruled the country from 1830 to 1832, and Alamán had served as its minister of internal and external relations. With a constitutional convention underway in 1835, the country was in ferment. Alamán’s analysis was not academic but had a real chance of affecting the outcome.²⁵ In this “Impartial Examination,” Alamán built on a set of practical suggestions for reform he had offered in an 1830 pamphlet series, *Reflections on Some Reforms to the Federal Constitution of the Mexican Republic*.²⁶ Alamán attributed the failures of that government (and in fact the instability and oscillation in Mexican politics since the Mexican Republic was founded) to fundamental flaws in the Constitution of 1824. These flaws were both internal and external to the text: the structure gave too little power to the executive, leading to a weak authority and incentivizing the generals or the state governments to rebel. But this mistaken design stemmed from a philosophical error—namely, relying on an abstract theory of the social contract. Rather than engaging in a sober consideration of Mexico’s particular situation, the constitution’s drafters had assumed the legislature was the expression of the popular will and therefore the safest organ of government. Alamán relies explicitly on Burke, whom he saw as “the man who has been able to comprehend better the tendency and outcomes of political movements in our era” (155), to set up his philosophical critique of the constitution, although his general method is Montesquieuan.

Alamán frames his diagnosis of and prescriptions for the reform of the 1824 Mexican Constitution by claiming, “The model that was in mind for the writing of our federal Constitution was the Constitution of the United States of the North” (155–56), even though the two presidencies are constituted differently. He is consistently admiring of the North American document. But, he

says, echoing Montesquieu, “that Constitution, even were it copied exactly, would [not] produce the same results operating over dissimilar elements” (156). In other words, a written constitution itself is not entirely constitutive; the preexisting “elements” do much to constitute the body politic. Alamán does not go as far as Joseph de Maistre in rejecting written constitutionalism altogether, but he does echo Burke’s “Speech on Conciliation with the Americas” in explaining the success of American constitutionalism.²⁷ “The authority constituted by [the English government] was the bond that united [the colonies] to each other and to the metropolis. When independence came to break this bond, all the legislators had to do was substitute a national union for this common bond of foreign rule, and this is what was done with the Federal Constitution” (156). The principle of unity between the colonies was the Crown that originated them. The principle of unity within each colony was not, for Alamán, the written text of the state constitutions but “the habitual customs, the ordinary way of life of all individuals . . . derived from that of England” (156). American independence was thus an act of juridical separation but did not change the essence of government in the thirteen colonies that became the United States.

However, Alamán does not believe the same can be said for Mexico at independence, either at the level of a principle of unity vis-à-vis other states or among the provinces. “While the United States were constituted from the very moment they found themselves free, we, destroying everything that existed before, found ourselves independent and in anarchy” (156). This is a singularly negative verdict. Jaime Rodríguez O. has recently argued that the United States was not the primary model for Mexican constitutionalism and in fact that there was an immediate reference point that was more organically linked to Mexico: the 1812 Spanish Constitution of Cádiz.²⁸ Alamán anticipates this objection, arguing that Cádiz was “itself nothing other than an imitation of the Constituent Assembly of France, and this latter the result of all the metaphysical errors of the speculative philosophers of the last century” (157). By attributing the constitutional tradition to a

genesis in abstract theory, Alamán can link his practical criticisms of the Constitution of 1824 to Burke's root-and-branch critique of the reasoning behind the French Revolution. A profound mismatch between form and content is the consequence of this corrupt genealogy: "The entire spirit of the Spanish Constitution was transmitted into our federal Constitution, which had the structure of the Constitution of the United States" (157). Therefore, although the document adopts the principle of the separation of powers, the legislature in fact assumes executive and judicial powers. Again channeling Burke's irony, Alamán claims that this erects "in place of the absolute power of the monarch, a power as absolute as the monarch but entirely arbitrary" (157). Both in the federal and state governments, the legislature predominates, making any attempt by the central executive to administer the whole of the nation's vast territory ineffective. Here again Alamán demonstrates his constant attention to circumstances: the extent of Mexico's territory and its forbidding geography constrain the form its governance must take.

Alamán goes on to explain in detail that the problems with the Mexican Constitution of 1824 did not just flow from its mistaken political metaphysics, what he dubs the "spirit of Cádiz," but also that the formal arrangement of powers disconnected responsibility from authority. The different branches are not just incapable of coordinated activity when the situation calls for it, but the legislature tends to stifle the executive and judiciary because of its own internal paralysis.²⁹ The Mexican president, unlike his US counterpart, has no pardon power or power to hire and fire. The latter, Alamán says, is essential for authority in the government, in order "to instill in everyone a sense of regard toward that person on whose will they absolutely depend" (160). The pardon power, with its monarchical overtones of personal will superseding the law, was vested in the Congress according to "the theoretical principles of the speculative philosophers"—that is, "that only the one who makes the law can reform it" (161).³⁰ The result is that necessary pardons are long delayed, whereas key legislators can be bribed into sponsoring general amnesties for political crimes.

Worse, the Constitution of 1824 handicaps the president by adopting a measure that Alexander Hamilton had argued against strenuously: instead of a cabinet whose members the president selects, "a Council of the government" composed of half the Senate purports to advise the executive.³¹ The overall result is that the generals feel neither loyalty for nor fear of the president, and yet each one is incentivized to think that if he can successfully take over the government, he and his supporters will be able to gain pardons.

If the ordinary mechanisms of government tip the balance far in favor of the legislature, Alamán thought, the situation is no better in times of crisis. The law does not officially provide an emergency recourse comparable to the suspension of habeas corpus in England. Congress itself can assume emergency powers; but because they are extralegal, these powers have "the stamp of odiousness" (164), and so they cannot be exercised with the "decision, activity, secrecy, and dispatch" Hamilton saw as necessary for and characteristic of the "energy" of the executive.³² In consequence, "each revolution requires a series of partial and ineffective provisions, and conspiring has come to be a true joke inasmuch as all the advantages and no risk are on the side of those who conspire" (165). Thus power frequently changes hands by force. For Alamán, Congress is at once too powerful relative to the rest of the government and too weak relative to the tasks it in fact needs to perform. The judiciary is handicapped because Supreme Court judges are selected by the congresses of the states, who therefore "have to be guided by rudimentary knowledge about persons whom they do not know and by recommendations sent to them from the capital," presumably highly politically interested recommendations (166–67). The result is that the Mexican Supreme Court lacks the prestige and the ability to challenge congressional actions of its American counterpart, which Alamán praises as composed of men "most respectable for their knowledge and virtues" (166). Mexican congresses, then, are constantly tempted to pass bills confiscating property from and even exiling political opponents.

The resulting system of government, for Alamán, is a perverse hybrid. He writes, "Our government has all the weaknesses inherent in the nature of an elective government and all the weaknesses that come from the restrictions and ties with which the somber and distrustful legislators of Cádiz bound and restrained the phantom of the king they created in their constitution" (163). Instead of a mixed regime that combines the virtues of different regime types, it unites democratic short-sightedness with a liberal suspicion of government action. Echoing Tocqueville's rhetorical maneuver of showing that the modern ideals of government have weaknesses even in the areas where they consider themselves strong—such as freedom of inquiry—Alamán quips, "In the very epoch in which the infallibility of the pope is most ridiculed, the principle of the infallibility of congresses has been consecrated" (167). Again he insists that the problem is not merely mechanical but philosophical. Against those who would reduce the problem to the distribution of powers between the national and state governments, pushing for a "centralist" constitution against the prevailing "federal" one, Alamán warns that the state governments share the same fatal weakness and that the problem stems from "a much more effective and profound cause"—namely, "the impotence of the executive to fulfill the obligations necessary for government" (168). Alamán insists that his real disagreement lies not with federalism but with the liberal theories behind the Constitution of Cádiz, which were so concerned with the potential for the abuse of government power to breed tyranny that they neglected to consider the positive tasks of government and the great goods that it can secure when administered properly. In one of his most programmatic statements, Alamán lists "the objective of [government's] creation" as entailing "suppressing the wicked, protecting the good and peaceful, ensuring order, [and] strengthening military discipline" (163). But all these specific attributes of good government are themselves in the service of "the primordial objective of all human institutions," which he presumably believes would go beyond the state to include other groupings such as the family and the Catholic Church, "[t]o enjoy the benefits of society" (163).

For him, the goodness of the common good is intrinsic, not merely instrumental; good government enables us to enjoy life together, a classical principle that Tocqueville nowhere conveys so clearly.

Alamán's Constitutionalism Illustrated: Prescription

Alamán in the "Impartial Examination" did not remain purely negative but sought to prescribe a better way forward for Mexico. Rather than simply shifting the blame for the failures of the Bustamante administration to the constitutional drafters of 1824 for creating a fatally weak executive, or attributing all the problems to the theory of the legislature as the repository of natural liberty, he sought to reconsider the definition of good government and return to the mixed-regime ideal. Empowering the legislature tends to diffuse responsibility into a numerous body, leaving no individual clearly identifiable as the source of wise and foolish decisions. For this to work requires "the most far-sighted measures . . . so that the composition of these corporations [legislative bodies] would be such that they would provide the greatest assurances for success" (169). Here Alamán quotes Burke's claim in the *Reflections* that "a perfect democracy is . . . the most shameless thing in the world. . . . No man apprehends in his person that he can be made subject to punishment" (169). This argument for responsibility again recalls Hamilton's case for a reelectable unitary executive as the focal point of praise and blame.³³ A property qualification will be the primary source of restraint in the legislature, and Alamán argues that this follows from the contractualist account of the origins of government: "If political society is nothing more than a conventional company, each individual must represent in this association whatever the capital is that he might have brought into it" (169). He invokes Burke again as an authority for the claim that property owners, even those not distinguished by their intellectual gifts or education, are "the ballast in the vessel of the commonwealth" (170). But because he agrees with Burke that the essential desideratum in government is "virtue and wisdom, actual or presumptive," he does not restrict eligibility for the legislature to large landowners (170).³⁴ For Alamán, the need to protect property

against those who might stir up envy and to foster stable ownership, especially of land, to cultivate a taste for stability and moderation, are rooted in human nature and so are not simply relative to the nature of the regime. To those who would say that Burke's argument applies only in a monarchy and not a republic, Alamán replies, "[T]he form of the executive is nothing more than an accident in a constitution . . . the bases on which the stability of society is supported is the same in all countries and in all systems, for it is based on the inclinations, emotions, and interests of men that arise from their hearts" (171). This principle suggests a property requirement for the franchise as well, not just for eligibility for election; Alamán therefore proposes "limiting the right of suffrage to property holders according to the sum they verify having paid in full as direct taxes" (172). It is a recurring theme in Alamán that the choice between republic and monarchy is largely indifferent, but that having a government that secures the loyalty and affection of its subjects by guaranteeing a common good is essential.³⁵

In addition to improving the quality of legislators by imposing a property requirement, Alamán seeks to reconsider the theory of bicameralism itself. While bicameralism should in theory serve to check the abuse of power by Congress, Alamán insists that at present the "two chambers differ only in the method of their selection and by some accident in the length of their term but *do not represent essentially different interests* whose combination must produce the general utility of the laws" (172; italics mine). To make matters worse, a two-thirds majority in the lower chamber can override disagreement from the upper chamber. With this principle, Alamán diverges dramatically from *Federalist* No. 51's account of the separation of powers and adheres much more closely to that of the *Spirit of the Laws*, XI.6.³⁶ The difference lies in the motives for which different branches are expected to come into conflict and so depends on the underlying theory of representation. Is each officeholder's zeal for honor enough to make him jealous of the encroachments of any other and willing to act to thwart them? Or must different offices in fact speak on behalf of different interests, which will characteristically pursue different policies? Hamilton

considers the latter possibility—that on matters of tax policy, for example, different economic groups, such as farmers and merchants, will be predisposed to desire different things—but he argues that for all practical purposes, these economic interests do not need to be represented directly.³⁷ In addition to opting for the latter as more effective or more secure, Alamán's language of "the general utility" combined with his earlier language of "enjoy[ing] the benefits of society" suggests that he diverges from Hamilton in his theory of the relation of parts of the body politic to the whole. A checks-and-balances theory might be mechanistic and Mandevillian: each part of the body politic, by seeking its own interest, prevents any other single part from becoming dominant and so indirectly preserves an overarching negative liberty. Alamán, however, assumes a more classical vision: there are different classes in every society, with the few and the many being the most recurring division, and yet when they are able to agree, the result can be more than a mere compromise and truly embody what is best for all.³⁸ In another anti-Rousseau polemic, Alamán dismisses "the metaphysical fiction of the general will" because it assumes that each individual need only be well intentioned and sincere to discern the correct action for all; instead, contributing to the discernment of the common good requires "that the elector [i.e., the ordinary voter casting a ballot in a congressional election] be in a position to formulate an exact idea of the political state of his country" (172). But in practice, he laments, most voters simply adhere to or reject the entire list presented to them by a given political party.³⁹

If the "Impartial Examination" establishes the principled basis for Alamán's stinging critique of Mexican congressional despotism, the companion piece, the *Reflections*, goes into more prescriptive detail on institutional reforms.⁴⁰ In addition to introducing a property qualification for the Chamber of Deputies, Alamán "proposed that the house should not be renewed completely every two years, but by half" (Andrews, "Balance," 29); the staggered terms would make the Chamber of Deputies more like the US Senate, but making each congressional cohort last four years would align more with the Westminster parliamentary system. He also proposed to

make it harder for members of Congress to propose bills: only the president, state governments, or a special congressional committee elected by peers for this purpose could propose legislation (Andrews, "Balance," 30). This would make the Senate more of an advisory body oriented toward reviewing the actions of other branches, more like the House of Lords than the US Senate. But like their North American counterparts, the Mexican senators would serve six-year terms and take office at two-year intervals. Instead of being elected by the state legislatures, the senators would have the power to choose their own successors from a list drawn up by the states. These measures make the Senate more truly independent of popular will and approach the "balanced constitution" principle that the Senate should represent the elite and the Chamber of Deputies the people. But Alamán did not propose to increase the property qualification for the upper chamber, nor did he limit eligibility to those who possessed an aristocratic family name. Instead he sought to select for excellence, or for being among the *hombres de bien*, in the language of his time. He did not assume as much as Burke did that "wisdom and virtue, actual or presumptive" could be so closely identified with large landowners. In a position closer to that of Emmanuel Sieyès, he wanted a kind of meritocracy composed of those who had demonstrated ability that would be useful to the nation.⁴¹ Thus he added to the property qualification a requirement for holding a "public literary career" (presumably meaning in one of the liberal professions, especially medicine and law) or serving in the army or the Catholic Church. "Previous service in one of the judicial, legislative or executive powers at state or national level would also qualify a citizen for a senatorial seat" (Andrews, "Balance," 31). These measures would not only select for greater experience in government but also create a reason to aspire to learning and professional excellence.

With this theoretical argument and practical suggestions for implementing a "balanced constitution" that translated the mixed-regime theory for a society lacking a monarchy and aristocracy, Alamán distinguishes himself from Tocqueville. Tocqueville

identified similar serious flaws in representative democracy, such as the information asymmetries facing the average voter. But other than federal decentralization, making government as close to the people and involving them in responsible decision-making as much as possible, Tocqueville largely turned to such extraconstitutional means as civil society to ennoble democracy, seeming to believe that democratic societies could not explicitly allow for the legitimacy of a nondemocratic principle like aristocratic excellence; they had to be cajoled into it by indirect means. *Democracy in America* holds that no constitutional arrangement, however sophisticated, can truly combine democratic and aristocratic qualities.

The government called mixed has always seemed to me a chimera. Truly speaking, there is no mixed government (in the sense that is given to this term), because, in each society, you eventually discover a principle of action that dominates all the others. . . . When a society truly comes to have a mixed government, that is a government equally divided among contrary principles, it enters into revolution or dissolves (I.2.7).

Alamán was indifferent to federalism as a means of remedying the problems he saw in Mexican republicanism. He was willing to accept it in 1830, arguing that even if an independent Mexico should not have been set up as a federation, “the federal regime suits the Mexican Republic in its current state.”⁴² But his constitutional proposals between 1830 and 1835 had some influence on the public debate. The new constitution, the *Siete Leyes*, that resulted from the constitutional convention in 1836 consolidated power in the central government, limited the franchise, and imposed property requirements for deputies and senators.⁴³ It also attempted to create stability via a fourth branch of government, the Supreme Conservative Power, but this is not identifiable with an aristocratic character in the Senate.⁴⁴ This partial failure to secure his goals may reflect the limitations of classical republicanism in an era of popular sovereignty, but Alamán is characteristically less inclined

than Tocqueville to take a stable, functioning government for granted.

History as Remedy for Constitutional Vices

Although Tocqueville is adamant that in America “it is really the people who lead” and “the opinions, prejudices, interests, and even the passions of the people cannot encounter any lasting obstacles,” he also shows how one might turn to historical development—rightly understood and conserved—as a partial solution to the problems of a popular constitution (*Democracy in America*, I.2.1). Tocqueville describes the federal Mexican Constitution as not just rooted in preexisting American practices but also having required careful guidance to become embedded in habit, crediting the “aristocratic” Federalist Party, which “wanted to limit popular power,” with allowing “the new republic [to] have time to get established” (I.2.1). Thus, “the transitional period when the Federalists held power is . . . one of the most fortunate events that accompanied the birth of the great American nation” (I.2.1). Paradoxically, a popular government that begins by being administered by a party that does not really believe in popular government can acquire the habits of self-restraint that prevent collapse into despotism and tyranny of the majority (I.2.1). But such a process requires unique circumstances to work smoothly; Alamán agreed with Tocqueville that the circumstances obtained in the young United States but not in Mexico.

Both men also turned to historiography in a more tragic vein, seeking to describe what they saw as the downward trajectories of their countries and offer them healthier self-understandings. This project of refounding certainly stems in part from their own failures in government. Tocqueville as a member of the constitutional drafting committee in 1848 failed to secure a stable chief executive, leading to his own dismissal from the post of foreign minister as Louis-Napoleon moved toward seizing power. As Sheldon Wolin has shown, the *Old Regime* is in large measure a pessimistic work, aimed to show the path-dependency of French constitutional development. “Without describing in detail the outbreak of the

revolution, or even its causes, he had, instead, given it a specific course, a progression toward despotism.”⁴⁵ Tocqueville’s is thus not a conventional history of the *events* of the French Revolution, which he presumably thought could not be recounted without the risk of glorifying them as his predecessors had done.⁴⁶ He promised a second volume, one that would cross the “threshold” of the revolution itself, but he died without ever completing it. The effect of the work as we have it is to portray the revolution as the acceleration and democratization of a despotism that already existed under the monarchy, stifling local and hierarchical liberties derived from feudalism.⁴⁷ This argument is for the causal power of what James Caesar calls “customary history,” but the lesson Tocqueville draws is not self-congratulation but pessimism.⁴⁸ This leaves unanswered the question of whether history can be used to establish a positive standard in politics.

Alamán sought to answer in the affirmative. He too repeatedly endured bitter disappointments as Mexican foreign minister in several centralist governments of the 1830s and 1840s, repeatedly warning about the need for Mexico City to exert more effective control of the outlying territories, especially given separatism in the south and Yankee ambitions in the north. Alamán spent much of the 1840s when out of office writing a five-volume *History of Mexico*, subtitled “From the First Movements that Prepared Our Independence down to the Present Day.” The disaster of 1848 and the Treaty of Guadalupe Hidalgo defined the bleak “present day.” Van Young explains the biographical context for the *History* almost as Wolin explains Tocqueville’s: the narrative arc of the *Historia*, and therefore of Mexico, can be seen to follow Alamán’s own life-course. “The story moved, roughly, from early promise to decline[,] . . . from a promising youth and early manhood to the failure . . . of most of the policies he espoused. . . . This trajectory tracked the country’s history from the heady optimism of the early 1820s to near state failure and potential dissolution in the Mexican-American war.”⁴⁹ The most famous episode of the *History* was a vivid account of the siege of Guanajuato that Alamán witnessed as a young man (he was eighteen in 1810 when Fr. Miguel Hidalgo’s

rebels came to the mining city). While he also included a dispassionate evaluation of Hidalgo's background, the political context of the power vacuum created in Mexico by the Napoleonic conquest of Spain, and the military goals of both the garrison commander and the insurgents, Alamán did not shy away from lurid details and purple prose depicting the horrors of revolution, evoking Burke's style. Like a classical historian, Alamán sought to present a tableau of virtuous images worthy of imitation. He describes the last stand of Berzabal, an officer of the garrison: "He held out . . . against the multitude that surrounded him, until he fell pierced by many lances, still without abandoning the banners he had sworn to defend. What a worthy example for Mexican soldiers, and a well-earned title of glory for the descendants of that worthy warrior!"⁵⁰ And he worked to elicit in his readers revulsion at base deeds. Describing the insurgents' sack of the city and especially of the upper-class Spanish and Creole families' homes once they had dispatched the defenders, Alamán's imagery is almost diabolical:

They ransacked more piteously than any foreign army could have done. The sad scene on that mournful night was lit by many torches of candlewood and *ocote*, and nothing was heard but the blows of doors being battered down, and the ferocious howls of the rabble who applauded upon seeing them fall and then charged as if in triumph to steal the merchandise, furniture, clothing, and all kinds of things ("Guanajuato," 184).

The bulk of the *History* recounts the military history of the turbulent period from 1808 to 1823 in order to impress on the reader how destructive the forces that Hidalgo unleashed were and what a relief it was when Iturbide eventually arose to issue the Plan of Iguala, promising independence together with security for property and the Catholic Church.

Yet the promise he saw in Iturbide had come to naught, and so Alamán developed the *History* "to explain how the political instability of the quarter-century following independence had put

Mexico in such a vulnerable political and military position" (Van Young, "Bustamante," 397). To explain that, he had again to raise the issue of continuity and discontinuity at Mexican independence, a matter that, as we have seen, he believed to have been much better handled in the United States. It turns out that what is at stake again, as in Alamán's constitutional writings, is the legitimate origin of the state. A rival historian, Carlos María de Bustamante, had already captured the public imagination with a work entitled the *Historical Portrait* celebrating the insurgents such as Hidalgo who had precipitated independence, portraying them as having recovered a pristine, complete Mexico that had existed before the arrival of the Spaniards and had suffered wrong at their hands.⁵¹ So Alamán in response preceded his *History* with the *Dissertations* analyzing the sixteenth-century Spanish conquest and focused on the figure of Cortés. Here again Alamán plays the part of a classical historian, vividly painting the virtues and vices of Cortés for his readers to learn from. Of the Spanish conquest, he called it a revolution but argued that it should be judged by its effects, not by its means: "These revolutions that change the face of the globe and have the name of conquests should not be judged either with regard to justice, nor [in terms of] the means used to achieve them, but rather by reason of their consequences."⁵² For him, the advent of Christianity and of European civilization to Mexico were chief among the good consequences of the events of the 1520s. The stability brought by centralized government had helped promote economic development, and this understanding of the past dovetailed with Alamán's case for a strong, centralized executive that could oversee development in his own day (Van Young, "Bustamante," 403). The planned final section of the *Dissertations*, assessing the virtues and vices of Spanish colonial rule and the reasons for its breakdown, instead became incorporated into the *History* (Van Young, "Bustamante," 401). Alamán would distinguish the period of the Viceroyalty of New Spain (1535–1765), which he preferred, from the late eighteenth-century period of more direct rule under the Bourbons, which precipitated independence.

Alamán's argument about Cortés implies that the true, legitimate foundation of a state lies not in the will of the majority of the inhabitants of a region but in the establishment of stable institutions that effectively secure the public good. Bustamante's view, summarized by Van Young, was that Spanish rule constituted "an unjust usurpation of the legitimate Indigenous states whose heritage the insurgency had vindicated, and from whose ruins independent Mexico was to rise, phoenix-like" ("Bustamante," 407). For Alamán, this was Romantic and Rousseauist thinking; it not only would have the practical consequence of stirring Mexicans to fight unwinnable wars like the one with the United States but also ignored the way that history and practice decisively constitute human societies. Here again he echoes Burke's principle that "art is man's nature." As Joshua Simon summarizes, for Alamán, "There was no natural man to recover under the layers of habituation. . . . Mexico was a civilization created by three centuries of Spanish rule. There was no pre-Hispanic nation ready and waiting to demand its independence."⁵³ Not only the religion, politics, and commerce of Mexico "but also the very cities and towns that defined the colony's human geography" were derived from the Spanish and "irrevocably a product of imperial rule" (Simon, *Creole Revolution*, 135). This argumentative move is reminiscent of Tocqueville's rejection in the *Old Regime* of the theory, popular during the Revolution, that France consisted of an underlying population of pure Gauls who had been waiting for centuries to throw off the shackles imposed by a conquering class of Germanic invaders.⁵⁴ For Alamán, the historical continuity of the Spanish Empire, "a government established and successively improved by the wisdom and experience of three centuries" (Alamán, 1942, 1:60–61, 221–22, cited by Van Young, "Bustamante" 412), meant that even its flaws could be reformed.

Alamán could and did acknowledge corruption and abuses in Spanish rule, though his account does not emphasize them as much as Tocqueville emphasizes those of the ancien régime. He found the Inquisition cruel and the colonial education system clumsy (Van Young, "Bustamante," 412). The Crown had in a larger

sense miseducated the population politically, for outside of a few town councils, the *ayuntamientos*, there had been very little experience with self-government through representative institutions. Alamán saw “the dependency of New Spain’s commerce within the monopolistic arrangements imposed by the metropolis” (412) as a severe retardation to economic growth and development. But these problems he attributed to the Bourbon reforms, which centralized the imperial system through appointing intendants directly from Madrid, necessarily causing resentment among the Creole upper class who had previously dominated. With the American and French Revolutions putting this already frayed system under pressure, Alamán felt that the time had become ripe by the early nineteenth century for the colonial child to leave the imperial parent’s tutelage.⁵⁵ This historical verdict late in life was consistent with the speech Alamán delivered as one of the New World delegates to the Cortés in Spain in 1821. This “Exposition,” which calls for a self-governing, autonomous Mexico under the Spanish Crown, is closely comparable to Burke’s “Speech on Conciliation with the Americas.”⁵⁶ Given that Spain rejected this proposal, Alamán opted for the next-best option, a minimally revolutionary self-declared independence that would maintain as much continuity and promise as much stability as possible. This flexible conviction, prioritizing continuity and stability but willing to exchange one political form for another, explains both Alamán’s youthful support for Iturbide and his increasingly monarchist views as time went on.

Conclusion: What the Comparison Reveals

Lucas Alamán’s agreement with Alexis de Tocqueville that a federal, constitutional republic was ill-suited to Mexico’s needs in the 1830s is no accident but in fact reflects much larger congruities in their thought. Both stress the need for political reasoning to be grounded in the history and context of particular societies and are skeptical of the appeals to abstract principles characteristic of the radical Enlightenment. Both sought to ground the origin of the politics they cared about in the establishment of effective practices

of government and habitual popular loyalty, not in a hypothetical or actual moment of consent.⁵⁷ Both saw it as imperative to counter-balance and restrain the advent of popular government and to instill a kind of aristocratic spirit within it, even if Alamán was more critical of the mass franchise and his solutions were more located at the formal, constitutional level whereas Tocqueville's turn more to culture and psychology. And both turned to history as a way of giving their countries an alternate founding narrative and of explaining the bitter experience of revolutionary changes that failed to reform the evils and yet failed to conserve the goods in the preceding regime.

Given these parallels, Alamán can be read as extending Tocqueville's insights into a new context and in so doing revealing gaps in Tocqueville's account of good government. But Alamán's account of the executive, and of the positive need for a robust government capable of securing its citizens against internal crime and its territory against external aggression, reveals a lacuna in Tocqueville. For all his nationalism and willingness to endorse the French colonial project in Algeria, for example, Tocqueville lacks a developed theory of the state, an account of the positive role of government.⁵⁸ He is more inclined to recount vivid anecdotes of the incompetence and delays of high functionaries than he is to laud the efficient civil servant. Alamán, however, warns constantly against weakness in the state and especially in the executive. Simon therefore finds Alamán to be most like Hamilton and Simón Bolívar, his fellow "Creole imperialists" who sought after independence from the metropole to secure the position of the European-descended colonists by building up the means to make independent sovereignty effective: professional militaries, self-sufficient economics, and expansive territories. Tocqueville does in fact acknowledge, at the end of his comparative discussion of the Mexican and American constitutions, that there was the urgent need for security and that the ability to have a free state not organized for war is a luxury of circumstance. Having stated that Canada, Mexico, and the Indian nations pose no existential threat to the United States, Tocqueville adds, "The great happiness of the

United States is not to have found a federal constitution that allows it to sustain great wars, but to be so situated that there are none to fear” (I.1.8). By contrast, in Europe no state confronted by other armed great powers could divide sovereignty between state and federal levels without committing suicide. Alamán therefore reveals what Tocqueville acknowledges only implicitly: the military, economic, and administrative ingredients for effective sovereignty are not necessarily the enemies of freedom but are often needed to secure it.

Notes

1. “Iniciativas del Ejecutivo federal,” Cámara de Diputados LXV Legislatura, accessed September 22, 2024, <https://reformasconstitucionales.diputados.gob.mx/Reformas>.
2. Diego Oré, “Explainer: Senate approves Mexico’s controversial judicial reform. Now what?” *Reuters*, September 11, 2024, accessed October 16, 2024, <https://www.reuters.com/world/americas/senate-approves-mexicos-controversial-judicial-reform-now-what-2024-09-11/>.
3. See, e.g., “How Will Proposed Reforms Shape Mexico’s Politics,” *The Dialogue*, Latin America Advisor, February 15, 2024, accessed September 22, 2024, <https://www.thedialogue.org/analysis/how-will-proposed-reforms-shape-mexicos-politics>.
4. For a summary and critique of this conventional historiography, see Will Fowler, “Dreams of Stability: Mexican Political Thought during the ‘Forgotten Years’: An Analysis of the Beliefs of the Creole Intelligentsia (1821–1853),” *Bulletin of Latin American Research* 14, no. 3 (1995): 287–312.
5. For an account comparing the Reforma as an attempt to resolve the contradictions inherent in the Constitution of 1824 with the American Civil War as a resolution of the Constitution of 1789’s compromises, see 382–430 of Sarah Katherine Manning Rodriguez, “‘Children of the Great Mexican Family’: Anglo-American Immigration to Texas and the Making of the American Empire, 1820–1861” (2015), *Publicly Accessible Penn Dissertations*, 1981.
6. “What Keeps the Federal System from Being within the Reach of All Peoples; and What Has Allowed the Anglo-Americans to Adopt It,” Vol. I, part 1, chap. 8 (I.1.3), in Alexis de Tocqueville, *Democracy in America*, ed. Eduardo Nolla, trans. James T. Schleifer (Indianapolis: Liberty Fund, 2012).

7. Some of the leading historical treatments are Charles A. Hale, *El liberalismo mexicano en la época de Mora*, 14th ed. (Mexico City: Siglo Veintiuno Editores, 1999 [1st English ed., 1968]); Josefina Zoraida Vázquez, “Centralistas, conservadores y monarquistas, 1830–1853,” in Humberto Morales and Will Fowler, *El conservadurismo mexicano en el siglo XIX, 1810–1910* (Mexico: Benemérita Universidad Autónoma de Puebla, 1999), 115–33; and Will Fowler, *Mexico in the Age of Proposals* (London: Greenwood Press, 1998), 75–84. Most recently, Eric Van Young’s 2021 biography *A Life Together: Lucas Alamán and Mexico* (New Haven, CT: Yale University Press, 2021) pays close attention to his rich political writings.
8. The latter phrase is from Alan Kahan, *Aristocratic Liberalism: The Social and Political Thought of Jacob Burckhardt, John Stuart Mill, and Alexis de Tocqueville* (London: Routledge, 2001).
9. For the genealogy of this tradition, see Annelien de Dijn, *French Political Thought from Montesquieu to Tocqueville: Liberty in a Leveled Society* (Cambridge: Cambridge University Press, 2008).
10. For the sake of clarity, I refer to all works by Tocqueville and Alamán with translated titles, even where an English translation is not available.
11. For a summary of Alamán on industrial and economic policy, see Van Young, *A Life Together*, esp. 255–306, 355–409, and 442–64. Tocqueville was of course capable of technical study; *The Memoir on Pauperism* and his speech “Against the Right to Work” reveal a mind keenly interested in the economic and social problems stemming from industrialization. See Alexis de Tocqueville, *Memoirs on Pauperism and Other Writings*, ed. Christine Dunn Henderson (South Bend, IN: University of Notre Dame Press, 2021), and *Contre le droit au travail*, ed. Alain Laurent (Paris: Les Belles Lettres, 2015).
12. The phrase is from Roger Boesche, *The Strange Liberalism of Alexis de Tocqueville* (Ithaca, NY: Cornell University Press, 1989).
13. The intellectual debt is one Tocqueville acknowledged himself and has been widely commented on in the literature. The link between Alamán and Montesquieu is less immediately apparent, however, and so requires some explication.
14. In a letter to Louis de Kergolay, Tocqueville wrote, “There are three men with whom I spend every day, Pascal, Montesquieu, and Rousseau,” *Oeuvres complètes*, ed. J-P. Mayer, vol. 13 (Paris: Gallimard, 1977), 418. Essential treatments of Montesquieu and Tocqueville’s relationship are Anne Cohler, *Montesquieu’s Comparative Politics and the Spirit of American Constitutionalism* (Lawrence, KS: University Press of Kansas,

- 2021, 1988), 170–90; Jean-Claude Lamberti, *Tocqueville and the Two Democracies*, trans. Arthur Goldhammer (Cambridge, MA: Harvard University Press, 1989); and Paul Rahe, *Soft Despotism, Democracy's Drift: Montesquieu, Rousseau, Tocqueville & the Modern Prospect* (New Haven, CT: Yale University Press, 2010).
15. Charles Secondat, Baron de Montesquieu, *The Spirit of the Laws*, trans. Anne Cohler, Basia Miller, and Harold Stone (Cambridge: Cambridge University Press, 1989), Book I, chap. 1.
 16. The first chapter of *Democracy in America* is “On the Exterior Configuration of North America,” while the second is “On the Point of Departure.” In other words, Tocqueville follows Montesquieu in first considering the physical circumstances and then turning to the all-important history and *moeurs* of the human beings in question.
 17. Alexander Hamilton, No. 1, in *The Federalist Papers*, ed. Clinton Rossiter (New York: Signet Classics, 1961).
 18. Catherine Andrews identifies the handwriting as his in “Discusiones en torno de la reforma de la Constitución Federal de 1824 durante el primer gobierno de Anastasio Bustamante (1830–1832),” *Historia Mexicana* 56, no.1 (2006): 71–116, esp. 100.
 19. *Registro Oficial del Gobierno de los Estados Unidos Mexicanos*, no. 7 (September 22, 1830), 28, translation mine, italics original.
 20. Aguilar compares Alamán's use of Montesquieu and of historical analogies with that of the Federalists and the French republicans: “Alamán estaba haciendo en sus reflexiones lo que los padres fundadores del sistema representativo de gobierno hicieron en Estados Unidos y Francia a finales del siglo XVIII. Tomaba teorías especulativas—como las de Montesquieu en el *Espíritu de las Leyes*—modelos institucionales preexistentes y experiencias históricas varias para formular propuestas para naciones particulares en un momento en el tiempo específico. A menudo la lectura de esas experiencias históricas, y de las formas institucionales adoptadas por diferentes países, era parcial o equivocada” (117–18).
 21. On Montesquieu's view of the origin of society, see Céline Spector, “Society,” trans. Philip Stewart, in *A Montesquieu Dictionary*, ed. Catherine Volphilac-Auger, ENS Lyon, September 2013, <https://dictionnaire-montesquieu.ens-lyon.fr/en/article/1376475173/en>.
 22. James Caesar, “Tocqueville's Two-Founding Thesis,” *Review of Politics* 73, no. 2 (Spring 2011): 219–43, esp. 220. “Foundations of [the state-of-nature] kind, Tocqueville thought, endangered the cause of liberty” (220).

23. For Montesquieu's account of the separation of powers derived from a mixed regime, see *Spirit of the Laws*, XI.6–8. On Tocqueville's mixed regime in the soul, see Luke Foster, "Can the Great Books Serve the Common Good? Tocqueville on Aristocratic Education in a Democratic Age," *The Tocqueville Review/La revue Tocqueville* 43, no. 1 (June 2022): 181–201.
24. Book III, chaps. 1–2.
25. Catherine Andrews, "In the Pursuit of Balance: Lucas Alamán's Proposals for Constitutional Reform (1830–1835)," *Historia Constitucional*, no. 8 (2007): 13–37. "[In 1835], the General Congress decided to establish itself as a constitutive power, abolish the Federal Constitution, and begin work on a second charter. This came into force in 1836 and is generally known as the *Siete Leyes*, as it was set out in the form of seven fundamental laws" (15).
26. Lucas Alamán, "Impartial Examination of the Administration of General Vice President Don Anastasio Bustamante," in José Antonio Aguilar Rivera, *Liberty in Mexico: Writings on Liberalism from the Early Republican Period to the Second Half of the Nineteenth Century*, trans. Janet Burke and Ted Humphrey, 151–78 (Indianapolis, IN: Liberty Fund, 2012), hereafter cited parenthetically by page number. See also *Reflexiones sobre algunas reformas a la Constitución Federal de la República Mexicana* (Mexico City: Ignacio Cumplido, 1835).
27. See Joseph de Maistre, *Essay on the Generative Principle of Constitutions* (Boston: Little and Brown, 1847), and "Speech of Edmund Burke on Conciliation with the Colonies" (March 22, 1775), ed. L. Du Pont Syle (Boston: Leach, Shewell & Sanborn, 1895), 85–89.
28. See Jaime E. Rodríguez O., *Political Culture in Spanish America, 1500–1830* (Lincoln: University of Nebraska Press, 2018), 157: "The U.S. Constitution of 1787 had virtually no influence on the Mexican charter" and "Mexico became a federal republic because its leaders in the Cortes of Cádiz such as Miguel Ramos Arizpe, had introduced provincial governments into the Constitution of 1812."
29. In this Alamán echoes Juan Donoso Cortés's analysis of the endless discussion of legislatures and the need for a decisive executive. See Donoso Cortés, "Speech on Dictatorship," in *Catholic Political Thought, 1789–1848*, ed. Bela Menczer (South Bend, IN: University of Notre Dame Press, 1962).
30. For a canonical point of comparison within the liberal tradition, see John Locke's *Second Treatise of Government*, chap. 14, "Of Prerogative," which endorses a wide latitude for executive action in emergencies

without the need for legislative approval. In *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 2018).

31. See Hamilton, No. 70, *The Federalist Papers*.
32. Hamilton, No. 70, *The Federalist Papers*.
33. Nos. 70, 71, and 72, *The Federalist Papers*.
34. He suggested in a companion piece, the *Reflexiones sobre algunas reformas a la Constitución Federal de la República Mexicana*, that any deputy should be required to have an annual general income of at least one thousand pesos or be the owner of a property worth six thousand pesos or more (Andrews, "Balance," 29).
35. I therefore dispute an attempt sometimes made to periodize Alamán's thought into an earlier, "liberal" phase and a later "authoritarian" phase and see an overarching unity to his political vision.
36. Catherine Andrews helpfully frames this relationship as siding with Montesquieu's "balanced constitutionalism" as opposed to Publius's "checks and balances" in order to prevent the growth of tyranny in any one part of the government ("Balance," 18). For her, this puts Alamán's view closer to that of the Anti-Federalists or of John Adams than to James Madison or Alexander Hamilton.
37. No. 35, *The Federalist Papers*.
38. In this, Alamán alludes to the Polybian and Ciceronian theory of the mixed regime and *concordia ordinum*. See Polybius, *The Histories*, VI.18, in *The Historians of Ancient Rome: An Anthology of the Major Writings*, ed. and trans. Ronald Mellor (New York: Routledge, 2012); and Cicero, *De Re Publica*, II.69, in "*The Republic*" and "*The Laws*," trans. Niall Rudd (Oxford: Oxford University Press, 2008).
39. Alamán's theory of the duty of both the citizen electing a representative and the representative acting on behalf of the citizen closely resembles the one Burke articulates in the "Speech to the Electors of Bristol," in *Edmund Burke on Government, Politics, and Society*, ed. B. W. Hill, 156–58 (Glasgow: William Collins & Sons, 1975). On the history of the concept of trusteeship, see James Conniff, "Burke, Bristol, and the Concept of Representation," *The Western Political Quarterly* 30, no. 3 (September 1977): 329–41.
40. Because this work is not available in English translation, I have relied on Catherine Andrews's analysis of it in "In the Pursuit of Balance."
41. See Emmanuel Joseph Sieyès, "What Is the Third Estate," in *Translations and Reprints from the Original Sources of European History*, ed. Merrick Whitcomb, vol. 6 (Philadelphia: University of

- Pennsylvania History Department, 1899), 32–35. Andrews notes that the idea of the upper house as a revisory body also appears in Sieyes's proposals for the French Constitution of 1799 ("Balance," 32).
42. Lucas Alamán, *Reflexiones sobre algunas reformas a la Constitución Federal de la República Mexicana*, (Mexico City: Reimpreso por Ignacio Cumplido, 1835), 1, excerpt trans. Andrews ("Balance," 26).
 43. On the political history of this period in Mexico, see Michael P. Costeloe, *The Central Republic in Mexico, 1835–1846: Hombres de bien in the Age of Santa Anna* (Cambridge: Cambridge University Press, 1993).
 44. Van Young attributes this idea to the influence of Benjamin Constant, and Andrews argues that it suggests that Alamán did not have any direct hand in drawing up the Leyes ("Balance," 34–35).
 45. Sheldon Wolin, *Tocqueville between Two Worlds: The Making of a Political and Theoretical Life* (Princeton, NJ: Princeton University Press, 2001), 554.
 46. One key foil for Tocqueville was Germaine de Staël's *Considerations on the Principal Events of the French Revolution*, ed. Aurelian Craiutu (Indianapolis, IN: Liberty Fund, 2008).
 47. "He identified political liberty with the system of local, provincial, and corporate institutions. Participation in the political life of a traditional society was, however, understood as participation by social unequals" (Wolin, *Tocqueville between Two Worlds*, 58–59).
 48. Wolin sees Tocqueville as grappling with how difficult it is to justify something merely because it is long established. "The incompleteness of *The Old Regime* signifies the political and theoretical limitations of *ancienneté*" (*Tocqueville between Two Worlds*, 555).
 49. "Between Bustamante and Burke: Lucas Alamán's Historical Project," *Korpus* 21 1, no. 3 (2021): 395–418, esp. 398. Most of the *Historia de Méjico* is not available in translation, so I am grateful for Van Young's interpretation.
 50. Lucas Alamán, "The Siege of Guanajuato," in *The Mexico Reader: History, Culture, Politics*, ed. Gilbert Joseph and Timothy Henderson, 171–88 (Durham, NC: Duke University Press, 2002), 182.
 51. Carlos María de Bustamante, *Cuadro histórico de la Revolución mexicana, comenzada en 15 de septiembre de 1810 por el ciudadano Miguel Hidalgo y Costilla, cura del pueblo de Dolores, en el opispado de Michoacán* (Mexico City: Imprenta de J. Mariano Lara, 1843–46).
 52. Lucas Alamán, *Disertaciones sobre la historia de la República Mejicana desde la época de la conquista que los españoles hicieron a fines del*

- siglo XV y principios del XVI de las islas y continente americano hasta la Independencia* (1844–1849), ed. Rafael Aguayo y Spencer, 3 vols. (Mexico City: Jus, 1942), 1:4, 102–3, trans. Van Young, “Bustamante,” 402.
53. Joshua Simon, *The Ideology of Creole Revolution* (Cambridge: Cambridge University Press, 2017), 142.
 54. The Germanic/Gallic dichotomy is first theorized by the Comte de Boulainvilliers to justify the privileges of the nobility, and then it is inverted by Sieyès and others. See Michael Dietler, “‘Our Ancestors the Gauls’: Archaeology, Ethnic Nationalism, and the Manipulation of Celtic Identity in Modern Europe,” *American Anthropologist*, n.s., 96, no. 3 (1994): 584–605, esp. 587–88.
 55. “Mexican, and more broadly, American independence was justified, fundamentally, because its time had come” (Simon *Creole Revolution*, 138).
 56. Lucas Alamán and José Mariano de Michelena, “Exposición presentada a las Cortes por los diputados de Ultramar en la sesión del 25 de junio de 1821,” *Revista de la Facultad de Derecho de México*, no. 95–96 (1974).
 57. For a dissenting view arguing that Tocqueville was in fact a state-of-nature theorist, see R. G. Rodríguez, “Tocqueville’s State of Nature Foundation,” *American Journal of Political Science* 66, no. 2 (2022): 352–64.
 58. Wolin identifies “religion, nationalism, patriotism” as Tocqueville’s “list of counters available to resist equality and enlist the masses in the mystification of politics” (*Tocqueville between Two Worlds*, 560).