

Timo H. Schaefer. *Liberalism as Utopia: The Rise and Fall of Legal Rule in Post-Colonial Mexico, 1820-1900.* Cambridge Latin American Studies Series. Cambridge: Cambridge University Press, 2017. 274 pp. \$99.99, cloth, ISBN 978-1-107-19073-3.

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The past twenty years have seen a proliferation of historical investigation of Mexico's early nineteenth century and the vast expansion of our knowledge of Mexicans' day-to-day engagement with liberal republican ideas, practices, and institutions. Demolishing long-standing assumptions about Mexican popular sectors, historians have convincingly demonstrated that mestizo townspeople, militia soldiers, and indigenous villagers actively engaged with politics and ideology. In *Liberalism as Utopia*, Timo H. Schaefer contributes to this body of knowledge but also explicitly aims to move the field forward in two ways. First, he presents his narrative as a study of legal culture and "the extra-legal fabric of values and interests that supported it" (p. 14), introducing a potential framework for assessing what was shared across Mexican contexts. And second, he links a study of several regions during the early republic with a ground-level view of the Porfirian era, providing for perhaps the first time an interpretation of the entire nineteenth century that takes years of new findings into account and assesses the significance of what we have learned.

Schaefer's archival work demonstrates that in Guanajuato, San Luis Potosí, and to a lesser extent Oaxaca, in both mestizo towns and indigenous villages, the challenge that new institutions posed to

colonial political traditions—especially those involved in municipal self-government—prompted an intense reaction. Villagers sought to turn new municipal and military institutions to their advantage and to shape them to fit both new opportunities and long-standing expectations. While his research and analysis are solid, this perspective in itself will no longer surprise. But Schaefer's inclusion of hacienda residents, mostly excluded from this kind of study, is new and compelling, and allows him to broaden the scope of his argument. Schaefer acknowledges that past failure to examine these Mexicans as political actors has a strong basis: haciendas lacked a formal political tradition for new laws and institutions to challenge, and fell instead under a property-holding regime that was more continuous with the colonial era. After independence, the new order did not entirely penetrate these spaces; in Schaefer's words, here "republican law remained at least partially suspended" (p. 128). And indeed, most hacienda residents did not engage in the way other popular sectors did, either for these institutional reasons or because they provided places for those who wished to evade the demands of the new system. But Schaefer uncovers a few tantalizing cases in which hacienda residents made legal claims that in both language and content fit squarely within

the developing popular liberal-republican tradition. That these were exceptions is clear, but that they existed lends credence to Schaefer's contention that popular political engagement across sectors in early republican Mexico rested on some common and revolutionary assertions. Mexicans, he shows, made claims about the value of labor and industriousness as closely associated with legal equality and the rule of law. In a place where labor had long been denigrated, this was a powerful and indeed possibly revolutionary notion that had the potential to validate the political participation of a wide swath of people long excluded from public life. Although they combined and used these concepts differently in different contexts, Schaefer convincingly argues, Mexico's various non-elite populations all used this language to stake their political claims. In doing so, they drew on "the mixture of liberal and democratic elements" in Mexico's first constitution that was one of its "most radical features" (p. 111).

This observation helps give shape to the mass of information historians have uncovered. Schaefer's assertion that this literature has been largely a work of "rescue" is somewhat exaggerated (p. 11), and at times the book could have engaged more directly with the global arguments that previous authors have derived from their research. But he is correct to note that there is still much work to do to make sense and use of what historians have found. In particular, his interpretations help us to answer a persistent question about the ultimate significance of widespread political engagement among popular sectors in the early republic. If all of this political fervor broke down in the civil wars of mid-century and was eclipsed under the dictatorship of Porfirio Díaz, why does it matter at all?

In asking this question, Schaefer's work shares some of the fundamental concerns of James E. Sanders's provocative recent book, *Vanguard of the Atlantic World: Creating Modernity, Nation, and Democracy in Nineteenth-Century*

Latin America (2014), which argues for the uniqueness and importance of the rise of an inclusive republicanism across early and mid-century Latin America. But Schaefer, in his close examination of Porfirian legal practice in chapter 5, does more to demonstrate the specific resonance of early republican political and legal culture in the late nineteenth-century context. While the Porfiriato has long been seen as and in many ways was an episode of rupture in Mexican history, Schaefer argues that the way in which it reversed early trends toward legal egalitarianism and the rule of law owes much to those trends themselves. He seeks out previously ignored continuities with the early republic and finds them especially in the continued power of local courts to administer justice. Although their influence was always under threat from the newly buttressed powers of higher officials, these courts represented a "larger institutional framework that, however imperfectly, continued to represent the egalitarian aspirations of Mexico's liberal-revolutionary tradition" (p. 203). Schaefer does not claim that this was by any means the dominant feature of Mexican political life during the Porfiriato. But he shows that the particular practices of the regime—attempts to create and maintain settlements where the institutions of municipal governance did not apply, the privatization of state institutions, and the increasing immunity of military forces to the rule of law—responded directly to earlier radical claims. The reassertion of structures of privilege in the late nineteenth century was thus not a reassertion of colonialism. Rather, it "evolved from the innovations of the post-independence decades" (p. 205). This claim and the evidence that Schaefer offers to back it up call simplistic visions of Mexico's nineteenth century into question and both validate and redirect historians' recent insistence on the importance of its most neglected years and actors.

There are some things about this book that are jarring, in particular, the lack of any real analysis of the era of the civil wars. Schaefer is correct

that it is difficult to study institutions during a time when institutions were largely suspended, but this does raise questions about his claims for continuity that remain unanswered. It would be exciting to see historians delve into this period with Schaefer's framework in mind. The book also raises important questions, of course, about the next great change. What, the reader will ask, made it possible to challenge the legitimacy of the Porfirian state and what, if anything, may have remained of the peculiar legal order or the nineteenth century after the revolution? Schaefer's book poses a challenge to all historians of modern Mexico to look beyond and through ruptures and to consider the significance of continuities derived not from the persistence of the colonial order but rather from the persistence of a particular popular vision of liberal republican rule.

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