



WOMEN'S SUFFRAGE IN MEXICO AS A CASE OF CONSTITUTIONAL DISMEMBERMENT DURING AUTHORITARIANISM¹

EL SUFRAGIO FEMENINO EN MÉXICO COMO UN CASO DE DESMEMBRAMIENTO CONSTITUCIONAL DURANTE EL AUTORITARISMO



Mtro. Humberto Pineda Acevedo

Candidate for a PhD in Law from the Institute of Legal Research of the National Autonomous University of Mexico (Instituto de Investigaciones Jurídicas de la UNAM). Professor of the postgraduate program in Constitutional Law at the Universidad Latina de América in Morelia, Michoacán. His research areas are History, Theory and Constitutional Law. His main research topics are Authoritarian Constitutionalism and Executive Power in Mexico.
ORCID: 0000-0002-5725-2343.
Academic Profile: <https://unam.academia.edu/HumbertoPinedaAcevedo>.

Abstract: The primary objective of this article is to identify the reform of president Adolfo Ruiz Cortines that recognized citizenship for Mexican women, as a profound modification in the Mexican Constitution, which could have represented a type of constitutional dismemberment according to the political conditions of the authoritarian regime.

Keywords: Women's suffrage, constitutional reforms of the Mexican presidents, equal political rights, constitutional dismemberment.

Resumen: El objetivo primordial de este artículo consiste en identificar a la reforma del presidente Adolfo Ruiz Cortines que reconoció la ciudadanía a las mujeres mexicanas como una modificación profunda en la Constitución Mexicana, la cual pudo haber representado un tipo de desmembramiento constitucional de acuerdo con las condiciones políticas del régimen autoritario.

Palabras clave: Sufragio femenino, reformas constitucionales de los presidentes mexicanos, igualdad de derechos políticos, desmembramiento constitucional.

¹ This essay is part of a presentation of mine given in the "XVI Congreso Iberoamericano de Derecho Constitucional" on October 22, 2024 at the UNAM. The translations from Spanish to English are the responsibility of the author.

Summary: I. A short introduction: First reform attempt in 1937 and the women's vote in local elections; II. Recognition of citizenship for Mexican women; III. Conclusion; IV. References.

I. A short introduction: First reform attempt in 1937 and the women's vote in local elections

In Mexico, before the constitutional reform of 1953, there were feminist struggles to obtain recognition of suffrage. Hermila Galindo demanded women's right to vote in the 1917 Constituent Assembly, having led the demonstrations at the Iturbide Theatre, today known as Republic Theatre, in Queretaro.² Nevertheless, the final approval of article 34 in the Political Constitution of The United Mexican States excluded women.

Later, during the 1930s, the United Front for Women's Rights –Frente Único Pro Derechos de la Mujer– emerged as a group with the objective of achieving the right to vote and to be voted for, whose members carried out a hunger strike outside the house of the president Lázaro Cárdenas in 1937.³

By then, the president Cárdenas presented the initiative to reform article 34 of the Constitution to recognize full citizenship for women,⁴ which was formally voted and approved by Federal and the necessary Local Congresses to reform the constitution,⁵ but the constitutional reform procedure was not completed, as the declaration of approval by Federal Congress had not been issued.

In the 1940s, during the six-year term (*sexenio*) of president Miguel Alemán, an addition to article 115 of the Constitution was approved in 1947, where women were granted suffrage in municipal elections.⁶

² GALEANA, Patricia, "Un recorrido histórico por la revolución de las mujeres mexicanas", en Patricia Galeana et al., *La revolución de las mujeres en México*, México, Secretaría de Educación Pública (SEP)/Instituto Nacional de Estudios Históricos de las Revoluciones de México (INEHRM), 2014, p. 19.

³ TUÑÓN PABLOS, Enriqueta, "Tres momentos claves del movimiento sufragista en México, (1917-1953)", en Patricia Galeana et al., *La revolución de las mujeres en México*, México, SEP/INEHRM, 2014, p. 83.

⁴ *Diario de los Debates de la Cámara de Senadores de la República del Congreso de los Estados Unidos Mexicanos. Diario de los Debates de 1875-1984*, Año I, Periodo Ordinario de la XXXVII Legislatura, Volumen I, Núm. 18, Sesión del 21 de diciembre de 1937 [en línea], <https://infosen.senado.gob.mx/documentos/DIARIOS/1937_08_20-1938_08_23/1937_12_17_O.pdf>.

⁵ *Diario de los Debates de la Cámara de Diputados del Congreso de los Estados Unidos Mexicanos*, Año I, Periodo Extraordinario de la XXXVII Legislatura, Volumen II, Núm. 16, Sesión del 6 de julio de 1938 [en línea], <<http://cronica.diputados.gob.mx/DDebate/37/1er/Extra/19380706.html>>.

⁶ Decreto que Adiciona el Párrafo Primero de la Fracción Primera del Artículo 115 de la Constitución Política de los Estados Unidos Mexicanos, *Diario Oficial. Órgano del Gobierno Constitucional de los Estados Unidos Mexicanos*, 12 de febrero, 1947 [en línea], <https://www.dof.gob.mx/nota_to_imagen_fs.php?codnota=4629783&fecha=12/02/1947&cod_diario=199133>.

II. Recognition of citizenship for Mexican women

On December 9, 1952, president Adolfo Ruiz Cortines sent an initiative to the House of Representatives to reform articles 34 and 115 of the Political Mexican Constitution.⁷ On October 17, 1953, this constitutional reform was enacted,⁸ definitively recognizing the full citizenship of Mexican women.

The political effects of this reform were relevant for the hegemonic party –Institutional Revolutionary Party (PRI)–, because the number of its members increased, and it emerged stronger.⁹

Women’s suffrage had two important consequences: i) instrumental and legitimacy for the PRI in the authoritarian context, and ii) a gradual anomalous democratic effect that made Mexican society more equitable and inclusive over time.

From my perspective, the reform of constitutional article 34 meant a dismemberment, which is equivalent to a qualitatively strong and substantial change in Mexican constitutionalism.

Traditionally, constitutional change has been studied around two categories: reforms or amendments, and the enactment of a new Constitution through a Constituent Assembly.

In addition, Richard Albert considers including a third category named constitutional dismemberment, which implies a radical transformation with greater consequences than simple constitutional amendments, where the central structure of a constitution is destroyed or rebuilt, through the fact of remaking the constitutional identity of a country, allowing the improvement or weakness of the democratic context.¹⁰

According to Richard Albert, a constitutional dismemberment has certain characteristics: 1) it can erupt in a single moment or gradually appear; 2) it can happen in codified and uncodified Constitutions; 3) it can make liberal democracies better or worse (without necessarily being purely democratic contexts); 4) the dismemberments are specified through the procedural rules of amendments or constitutional reforms; and 5) they can be identified formally as amendments or as new Constitutions.¹¹

In this sense, the reform of constitutional article 34 in 1953 complies with the formal elements stated, because it was a modification carried out in accordance with the procedural rules of constitutional article 135, whose process cannot be observed as a simple irruption at a specific mo-

⁷ *Diario de los Debates de la Cámara de Diputados del Congreso de los Estados Unidos Mexicanos*, Año I, Periodo Ordinario de la XLIII Legislatura, Volumen I, Núm. 39, Sesión del 9 de diciembre de 1952 [en línea], <<http://cronica.diputados.gob.mx/DDEbates/42/1er/Ord/19521209.html>>.

⁸ Decreto que Reforma los Artículos 34 y 115 de la Constitución Política de los Estados Unidos Mexicanos, *Diario Oficial. Órgano del Gobierno Constitucional de los Estados Unidos Mexicanos*, 17 de octubre, 1953 [en línea], <https://www.dof.gob.mx/nota_to_imagen_fs.php?cod_diario=199329&pagina=1&seccion=0>.

⁹ TUÑÓN PABLOS, Enriqueta, “Tres momentos claves del movimiento sufragista en México (1917-1953)”, *op. cit.*, pp. 96 y 97.

¹⁰ ALBERT, Richard, *Constitutional amendments: Making, breaking, and changing Constitutions*, Nueva York, Oxford University Press, 2019, pp. 76-78.

¹¹ *Ibidem*, pp. 84 y 85.

RECOGNITION OF CITIZENSHIP FOR MEXICAN WOMEN

ment. On the contrary, it was a reform that was being built over almost five decades, practically since the debate that took place within the Constituent Assembly of Queretaro in 1917.

Women's suffrage meant a substantive transformation in the field of human rights, during authoritarian regime, as the Mexican government gave in to internal pressure from the PRI and international pressures. Therefore, Mexican women achieved the formal inclusion of political equality in the Constitution, since prior to the constitutional reform of 1953, women, not having had the same rights as men, in a context that their political rights were relegated to the background. Given this constitutional change, women began to have the same political rights as men, being able to vote and compete on equal political terms. Furthermore, this constitutional reform strengthened the hegemonic party.

A constitutional dismemberment modifies or alters deep characteristics of the Constitution, such as structural aspects, a human right, or even a central element of its identity, so the dismemberment of a right involves the repeal or substitution of a fundamental right protected by the Constitution which is essential for the government.¹²

The historical significance of the right to vote highlighted that it would no longer be restrictive for the exclusive benefit of men. Hence, the right to vote was replaced by a broader version, under which women would be included and consequently would begin to be decisive in national public life.

¹² *Ibidem*, p. 85.



The constitutional reforms in Latin America that recognized women's suffrage formed the first historical step towards the constitutionalism of diversity,¹³ which implied that the right to equality was really applied in different areas of society.

Mexico is also a referent within this historical event because, after the constitutional reform of 1953, openness and inclusion have grown due to the recognition of the differences that contain cultural and social pluralism; as Gabriel L. Negretto points out, the adaptations or changes that occur in a constitution arise from the need to accommodate the constitutional precepts existing at a given moment within the balance of political forces.¹⁴

The constitutional reform of 1953 recognized citizenship for Mexican women, constituting a formal change that materialized over the years, in the sense that, as Lucía Raphael points out, legal discourse constructs gender through recognition of the differences and the constitutional route is activated –reforms or judicial interpretations– to exclude all possible discriminations,¹⁵ so the political rights of women recognized in the Constitution marked an event of a before and after in Mexican constitutional history.

The struggle for the vote of Mexican women was a complex issue, because in the first decades of the 20th century it was a matter taken lightly, where women had to fight against the resistance of society and specifically with men who appeared to have a more favorable position on women's suffrage.¹⁶

¹³ The reform of constitutional article 34 included women in public decisions, which served as a precedent to include rights and duties of citizenship that emerged over time in Mexico. According to Rodrigo Uprimny, the constitutionalism of diversity is one of the variations of the constitutional dogmatic sections that were transformed in Latin America during the eighties and nineties, where rights have been built from the recognition of the differences, along with the promotion of ethnic and cultural diversity. Vid. UPRIMNY, Rodrigo, "Las transformaciones constitucionales recientes en América Latina: tendencias y desafíos", en César Rodríguez Garavito, coord., *El derecho en América Latina. Un mapa para el pensamiento jurídico del siglo XXI*, Buenos Aires, Siglo XXI Editores, 2011, pp. 111 y 112.

¹⁴ NEGRETTO, Gabriel L., "Replacing and amending constitutions: The logic of constitutional change in Latin America", en *Law & Society Review*, USA, Katharina Heyer University of Hawai'i at Mānoa/Ashley Rubin University of Hawai'i at Mānoa/Shauhin Talesh University of California, vol. 46, núm. 4, diciembre, 2012 [en línea], <<https://doi.org/10.1111/j.1540-5893.2012.00516.x>>.

¹⁵ RAPHAEL DE LA MADRID, Lucía, *Derechos humanos de las mujeres: un análisis a partir de la ausencia*, México, UNAM, Instituto de Investigaciones Jurídicas/Instituto Nacional de Estudios Históricos de las Revoluciones de México (INEHRM)/Secretaría de Cultura, 2016 (Biblioteca Constitucional INEHRM-IIJ/Nuestros Derechos), pp. 74 y 75.

¹⁶ DIOS VALLEJO, Delia Selene de, "La participación de las mujeres en la democracia", en Patricia Galeana et al., *La revolución de las mujeres en México*, México, SEP/INEHRM, 2014, p. 139.

III. Conclusion

We can conclude that historically, women were excluded from the exercise of their political rights. In a socio-political context that the women were considered as a minor, this vision was overcome during the 19th and 20th centuries, resulting in the inclusion of women within the concept of citizenship on the same legal and political terms as men.

The constitutional reform of 1953 is not limited exclusively to the events that occurred in that year but was the result of an entire historical struggle which began with the Constituent Assembly of 1917, persisted in the following decades and that also took advantage of the political circumstances in the PRI.

Consequently, derived from the previous analysis, it is possible to highlight that we realized a key electoral political moment for the PRI, under which I identified that feminist achievement would trigger safer electoral victories for the hegemonic party and women also fulfilled, simultaneously, an effect gradual democratic for its political movement, coming from its own historical struggle and not just from a political party.

Both results are not contradictory in themselves, nor do they fight against each other for one to prevail over the other, but on the contrary, these repercussions were effective for both sides: for the political position of the PRI and for the feminist movement, whose dismemberment implied a radical change that transformed Mexican constitutionalism.

IV. References

- ALBERT, Richard, *Constitutional amendments: Making, breaking, and changing Constitutions*, Nueva York, Oxford University Press, 2019.
- DIOS VALLEJO, Delia Selene de, "La participación de las mujeres en la democracia", en Patricia Galeana et al., *La revolución de las mujeres en México*, México, Secretaría de Educación Pública (SEP)/Instituto Nacional de Estudios Históricos de las Revoluciones de México (INEHRM), 2014.
- GALEANA, Patricia, "Un recorrido histórico por la revolución de las mujeres mexicanas", en Patricia Galeana et al., *La revolución de las mujeres en México*, México, SEP/INEHRM, 2014.
- JAIVEN, Ana Lau y Roxana Rodríguez Bravo, "El sufragio femenino y la Constitución de 1917. Una revisión", en *Política y Cultura*, Universidad Autónoma Metropolitana (UAM)-Xochimilco, núm. 48, septiembre-diciembre, 2017 [en línea], <<https://doi.org/10.24275/GGXA2315>>.
- NEGRETTO, Gabriel L., "Replacing and amending constitutions: The logic of constitutional change in Latin America", en *Law & Society Review*, USA, Katharina Heyer University of Hawai'i at Mānoa/Ashley Rubin University of Hawai'i at Mānoa/Shauhin Talesh University of California, vol. 46, núm. 4, diciembre, 2012 [en línea], <<https://doi.org/10.1111/j.1540-5893.2012.00516.x>>.
- RAPHAEL DE LA MADRID, Lucía, *Derechos humanos de las mujeres: un análisis a partir de la ausencia*, México, UNAM, Instituto de Investigaciones Jurídicas/Instituto Nacional de Estudios Históricos de las Revoluciones de México (INEHRM)/Secretaría de Cultura, 2016 (Biblioteca Constitucional INEHRM-IIJ/Nuestros Derechos).
- TUÑÓN PABLOS, Enriqueta, "Tres momentos claves del movimiento sufragista en México (1917-1953)", en Patricia Galeana et al., *La revolución de las mujeres en México*, México, SEP/INEHRM, 2014.
- UPRIMNY, Rodrigo, "Las transformaciones constitucionales recientes en América Latina: tendencias y desafíos", en César Rodríguez Garavito, coord., *El derecho en América Latina. Un mapa para el pensamiento jurídico del siglo XXI*, Buenos Aires, Siglo XXI Editores, 2011.

Decree

Decreto que Adiciona el Párrafo Primero de la Fracción Primera del Artículo 115 de la Constitución Política de los Estados Unidos Mexicanos, *Diario Oficial. Órgano del Gobierno Constitucional de los Estados Unidos Mexicanos*, 12 de febrero, 1947 [en línea], <https://www.dof.gob.mx/nota_to_imagen_fs.php?codnota=4629783&fecha=12/02/1947&cod_diario=199133>.

Decreto que Reforma los Artículos 34 y 115 de la Constitución Política de los Estados Unidos Mexicanos, *Diario Oficial. Órgano del Gobierno Constitucional de los Estados Unidos Mexicanos*, 17 de octubre, 1953 [en línea], <https://www.dof.gob.mx/nota_to_imagen_fs.php?cod_diario=199329&pagina=1&seccion=0>.

Documents

Diario de los Debates de la Cámara de Senadores de la República del Congreso de los Estados Unidos Mexicanos. Diario de los Debates de 1875-1984, Año I, Periodo Ordinario de la XXXVII Legislatura, Volumen I, Núm. 18, Sesión del 21 de diciembre de 1937 [en línea], <https://infosen.senado.gob.mx/documentos/DIARIOS/1937_08_20-1938_08_23/1937_12_17_O.pdf>.

Diario de los Debates de la Cámara de Diputados del Congreso de los Estados Unidos Mexicanos, Año I, Periodo Extraordinario de la XXXVII Legislatura, Volumen II, Núm. 16, Sesión del 6 de julio de 1938 [en línea], <<http://cronica.diputados.gob.mx/DDebates/37/1er/Extra/19380706.html>>.

Diario de los Debates de la Cámara de Diputados del Congreso de los Estados Unidos Mexicanos, Año I, Periodo Ordinario de la XLII Legislatura, Volumen I, Núm. 39, Sesión del 9 de diciembre de 1952 [en línea], <<http://cronica.diputados.gob.mx/DDebates/42/1er/Ord/19521209.html>>.