

“LA REVOLUCIÓN FEMINISTA”: HOW DISENFRANCHISED WOMEN ENACTED
CHANGE IN POSTREVOLUTIONARY MEXICO, 1916-1931

by

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(Under the Direction of Oscar Chamosa)

ABSTRACT

This thesis considers the role of feminist activism in legal changes in postrevolutionary Mexico. Histories of the Revolution tend to emphasize men’s actions, and those about women usually focus on isolated aspects of the feminist movement. This historiographical void has obscured the important role feminists played in convincing lawmakers to incorporate their suggestions. Based on documents from feminist conferences in 1916, 1922, and 1923, and laws from before and after the Revolution, this thesis argues that feminists’ petitions to Mexico’s Congress convinced revolutionary lawmakers to write laws that gave women more rights and that addressed double standards only women faced.

INDEX WORDS: Mexican history, Feminism, Feminist conferences, Legal history, Women’s history

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CHAPTER 1

INTRODUCTION AND LITERATURE REVIEW

In 1916, after six years of bloody war, and as the Revolution entered its last stage, Mexican feminists entered the public arena to carve out a place in postrevolutionary Mexico for themselves. Mexico was deeply patriarchal during this time. Not surprisingly, most narratives about the Revolution center around men's actions, while references to women are limited to the role of *soldaderas*, or female soldiers. However, in January 1916, 620 women met in Mérida, Yucatán at the *Primer Congreso Feminista de Yucatán*¹ (PCFY) to discuss the ways in which the Revolution should reform laws to benefit women.² In general, male revolutionaries did not consider women's rights as a pressing issue for the Revolution, yet revolutionary Governor Salvador Alvarado of Yucatán provided the means for these women to convene at the PCFY in the hopes they would become more interested in politics and suffrage, and support him and other Constitutionalist Revolutionaries in power. Though Alvarado and other revolutionaries believed the Revolution was beneficial to women, the feminists at this conference enumerated the ways in which Mexico's laws, especially the soon to be reformed Constitution, kept rights and equality from women. Hundreds of feminists at this conference met again later in 1916 to follow up on unresolved issues. Schoolteacher Elena Torres of Mexico City was present at both of these conferences and played a major role in two conferences in the 1920s: the 1922 Pan American Women's Conference in Baltimore, Maryland, and the *Sección Mexicana de la Liga Pan-Americana para la Elevación de la Mujer* in Mexico City in 1923.

¹ First Feminist Congress of Yucatán.

² *El Primer Congreso Feminista de Yucatán convocado por el C. Gobernador y Comandante Militar del Estado, Gral. D. Salvador Alvarado, y reunido en el Teatro "Peón Contreras" de esta ciudad, del 13 al 16 de Enero de 1916* (Mérida, Yucatán, Mexico: Talleres Tipográficos del "Ateneo Peninsular," 1916), 202. All translations my own.

Between these two sets of conferences, Mexico's feminist movement emerged. Women involved in the movement wanted the Constitution as well as the Criminal and Civil Codes to be updated to grant women equal access to education, and to remove language that gave men unfair advantages over women, especially in regards to sexual relations and marriage. These conferences illustrate how Mexican feminists with varied political stances regularly met with each other, published their views, and petitioned Congress to change laws. Though both Mexican Revolutionary men and U.S. feminists pushed agendas on Mexican feminists at these conferences, the latter carefully deliberated on what was important to them, discarding some outside ideas and accepting others, while also debating with each other.

Beginning with the PCFY of 1916, women began to gather and discuss women's rights openly, and many of their demands were eventually met as male lawmakers updated laws to enshrine greater gender equality, despite the lack of voting rights for women. Until the 1920s, unlike U.S. feminists, Mexican women were generally less interested in suffrage than they were in education, divorce rights, and violence against women. These issues dominated much of the debate and activism in the first few years after the Mexican Revolution, and women were often successful in attempts to win greater rights in these areas. Some of the most prominent feminists, such as Hermila Galindo and Elena Torres, had friendly and professional relationships with revolutionary men who had influence and power over lawmakers, but even more importantly, women at these conferences directly petitioned Congress to change specific sections of laws and codes. For example, at the first two conferences in Yucatán, the discussion focused mostly on women's education, and the delegates were rewarded with articles in the 1917 Constitution that gave all children the right to education, and that gave women more educational rights. And after feminists at the 1922 and 1923 conferences discussed the unequal divorce regulations enshrined in the 1917 Family Relations Law, lawmakers gave women the same rights as men in regards to divorce in the

1928 Civil Code. Since Mexico's lawmakers were exclusively male during this time period, scholars have not considered the ways in which women have influenced legal changes, even in laws regarding women, but these conferences and updated postrevolutionary laws clearly show that feminists at these conferences successfully initiated legal reform, even though they did not win full suffrage rights until 1953. This Master's Thesis will examine documents from these four conferences in combination with the 1917 Constitution, the 1917 Family Relations Law, the 1928 Civil Code, and the 1931 Criminal Code, in order to illustrate how feminists influenced revolutionary lawmakers to enshrine legal changes that gave women more rights.

The roots of feminism in Mexico stretch back for centuries, and throughout these years women in Mexico had often focused on women's need for education and how to fight against the sexual double standard that harmed women.³ In the late seventeenth century, poet and scholar Sor Juana Inés de la Cruz advocated for an end to the sexual double standard, and wrote frequently about the benefits of education for women. Spanish colonists respected Sor Juana and her poetry during her lifetime, and historian Anna Macías notes that Mexicans have long thought of her work as the foundation of the modern women's movement.⁴ She saw some success during her life with women's education, although schools mostly taught women how to be good mothers and wives, and not vocations or philosophical pursuits. But Sor Juana's vision for women's equality in Mexico

³ This thesis refers to the activists as feminists, since the first two congresses were explicitly *feminista*, and the women commonly used the word in their writings. For more on feminism in Mexico and Latin America more broadly, see Sarah A. Buck, "The Meaning of the Women's Vote in Mexico," in *The Women's Revolution in Mexico, 1910-1953*, ed. Stephanie Mitchell and Patience A. Schell (Lanham, MD: Rowman & Littlefield Publishers, 2007), 73–98; Shirlene Ann Soto, *Emergence of the Modern Mexican Woman: Her Participation in Revolution and Struggle for Equality, 1910-1940* (Denver: Arden Press, 1990); Anna Macías, *Against All Odds: The Feminist Movement in Mexico to 1940* (Westport, CT: Greenwood Press, 1982); Nikki Craske, *Women and Politics in Latin America* (New Brunswick, N.J.: Rutgers University Press, 1999); Maxine Molyneux, *Women's Movements in International Perspective: Latin America and Beyond* (Washington, D.C.: Brookings Institution Press, 2003); Asunción Lavrin, *Women, Feminism, and Social Change in Argentina, Chile, and Uruguay, 1890-1940*, *Engendering Latin America* (Lincoln: University of Nebraska Press, 1995).

⁴ Macías, *Against All Odds*, 4.

would have to wait. Even after Mexico achieved independence in 1821, the ensuing chaos undercut any support women's education may have had among liberal elites. The transition from colony to independence was not smooth, as various political factions and the Catholic Church vied for power, and as Mexico lost half of its land to the United States by 1848. Proponents of expanded education saw some success when liberal President Ignacio Comonfort took power in 1855, creating more secondary schools for women, especially in Mexico City. But this was only a small step, and not revolutionary or accessible for most women. These secondary schools specialized in teaching women how to be good homemakers and focused on women's professions like teaching, in order to take away any possibility of having women compete with men for professions.⁵ Even though these schools did not give equal opportunity to men and women, they still succeeded in giving some women opportunities to make a living outside of domestic life.

Though President Porfirio Díaz did not make attempts to continue expanding women's education, by the end of the Porfiriato, literacy rates among women had improved at a slightly higher rate than men, though men had higher literacy rates in general. Only 18.2% of women were literate in 1900, compared to 26.5% of men. In 1910, women's literacy rate increased to 23.7%, compared to men's rate of 31.8%.⁶ Women's literacy increased by 5.5%, while men's increased by 5.3%, which is a very small difference, but women continued to improve at a greater rate than men in the decades to come. In addition to the beginning of gains on men in literacy growth, women saw even more significant advances; more women than ever participated in public life as professionals: 1,785 women worked for the government, thousands of women were schoolteachers, and a very small

⁵ Ibid., 10.

⁶ United Nations Educational, Scientific and Cultural Organization, *Progress of Literacy in Various Countries: A Preliminary Statistical Study of Available Census Data since 1900*, 1953, 120, accessed March 16, 2017, <http://unesdoc.unesco.org/images/0000/000028/002898EB.pdf>.

number (probably no more than a few dozen) worked as doctors, lawyers, and in business.⁷

Educated women, especially teachers, led the feminist movement in Mexico, and they continued to focus on growing the movement with more education, unlike feminists in other countries like the United States. This wider access to education would prove to be crucial for the feminist movement, since most feminists in the 1910s and 20s were educated and employed by schools.

Just prior to and during the early years of the Revolution, two feminist magazines owned, edited, and published by women, *La Mujer Mexicana* (The Mexican Woman), and *La Mujer Moderna* (The Modern Woman) discussed women's issues and advocated for social reform, similar to Sor Juana's advocacy a century and a half earlier. Historians Anna Macias and Joanne Hershfield, who analyze these magazines in separate works, show that the women who wrote for these magazines argued for more educational opportunities for women, but often in terms of providing more vocational and domestic training for women as a way to improve Mexico for both women and men.⁸ This appealed to some women, but also to men who did not necessarily want women to be self-sufficient or to saturate the job market.⁹ On the other hand, the magazines also attacked the sexual double standard, a cause that, as Kathryn Sloan argues, most men did not support.¹⁰ Middle class educated women wrote and read these magazines, and in general, led the women's movement during the Revolution. They wanted more education, better wages for women, and Civil Code reform that would create a single sexual standard. This movement grew in the nineteenth century

⁷ Macías, *Against All Odds*, 12.

⁸ Joanne Hershfield, *Imagining La Chica Moderna: Women, Nation, and Visual Culture in Mexico, 1917-1936* (Durham, N.C.: Duke University Press, 2008), 38, 39; Macías, *Against All Odds*, 14.

⁹ Macías, *Against All Odds*, 14.

¹⁰ Kathryn A. Sloan, *Women's Roles in Latin America and the Caribbean* (Santa Barbara, CA: Greenwood, 2011), 175.

and liberal politicians supported some aspects of it, even as supporters of women's education criticized other aspects.¹¹

Near the beginning of the twentieth century, Hermila Galindo emerged as an inspiring leader for the Mexican women's movement, but her political views were far too radical for most feminists. Galindo, a leftist, worked as President Venustiano Carranza's private secretary, and was one of a handful of women invited to the Constitutional Convention of 1916 where she unsuccessfully advocated for limited women's suffrage to be included in the Constitution of 1917.¹² Carranza supported many of Galindo's radical ideas. He encouraged her to write propaganda for his government, and she often served as his representative abroad.¹³ Galindo left the public eye when Carranza fell from power in 1919, but she continued to inspire feminists for decades, even though she was too anti-Catholic and pro-free love for most feminists.

Galindo even shocked many of the women in attendance at the PCFY of 1916 in Yucatán, where the feminist movement had modernized at a quicker pace than in the rest of Mexico. During colonial years, middle class and wealthy colonists in Yucatán felt antagonism towards Spain, as they believed Spain deliberately kept the peninsula underdeveloped. These colonists wanted independence in order to improve the economy and push some socially progressive ideas, so Yucatán joined Mexico in the independence movement of the 1810s, although many citizens of Yucatán felt little loyalty to Mexico. In 1870, progressive feminists in Yucatán formed a society, *La Siemprevida*, which advocated for more schools for girls and women, and created a secular school for girls of the same name in the same year.¹⁴ They also formed an entirely women-run newspaper, which helped to spread their ideas and create more schools. *La Siempreviva* school, opened in 1870,

¹¹ Jocelyn Olcott, *Revolutionary Women in Postrevolutionary Mexico* (Durham, N.C.: Duke University Press, 2005), 28; Macías, *Against All Odds*, 16.

¹² Buck, "The Meaning of the Women's Vote in Mexico," 77, 78.

¹³ Macías, *Against All Odds*, 34.

¹⁴ *Ibid.*, 61.

was the first secondary school for women in Mérida, and taught varied subjects, from constitutional law, to music, to geometry.¹⁵

But while elites strove to modernize Yucatán, it held on to feudal agricultural practices, in which indigenous people had little to no opportunities to leave service as farmers on land owned by the elite, especially if they farmed henequen, which was under high demand after independence. As landowners became exponentially wealthier, they kept indigenous people in lifelong servitude on their lands.¹⁶ The violence of the Revolution did not touch Yucatán, and neither did the ideals of revolutionaries that championed indigenous rights.¹⁷ These were the conditions in Yucatán when Salvador Alvarado (with his troops) arrived as governor and military commander of the state in 1915. Alvarado had a wide variety of influences in his political philosophy, from socialism to anarchism, mixed with Victorian ideals of hard work and self-reliance, and ideas from the women's movement in the U.S. that he saw firsthand while living in Arizona for a short time as a young man.¹⁸ As a result of these varied influences, Alvarado believed in the value of self-reliance but also felt the government should do everything it could to help and protect the weak and oppressed. He opened a school for Mayan children and more schools for women, allowing women to study domestic arts and vocations, and even medicine and dentistry at the new School of Medicine in Mérida. He also outlawed debt peonage, declared a minimum wage, and put a limit on the amount of hours worked in a row for all workers. As Stephanie Smith and Macías point out, this greatly helped indigenous people who had limited opportunities, but it also benefited women of all racial

¹⁵ Ibid., 62.

¹⁶ Ibid., 63.

¹⁷ Gilbert M. Joseph, *Revolution From Without: Yucatán, Mexico, and the United States, 1880-1924* (Durham, N.C.: Duke University Press, 1997), 95.

¹⁸ Macías, *Against All Odds*, 66.

backgrounds, as the majority of domestic servants were women, and they faced many of the same issues as agricultural workers.¹⁹

Alvarado was originally from the state of Sinaloa in northwest Mexico, over 1,500 miles from Yucatán on the opposite coast of Mexico. He arrived in Yucatán in command of the Constitutionalist revolutionary military, and he brought with him his northern views about Yucatán as a regressive state. Alvarado was aware that the citizens of Yucatán would have no reason to trust or support him, and though he knew he could not force people to accept the Revolution, he sometimes alienated his constituents with overreaching reforms. He was a controversial governor because of many of his progressive views, and ironically may have created stronger Church support because of his harsh attacks on the Church. Yucatán's large Mayan population had incorporated fewer Catholic rituals within their own traditional religious beliefs than other indigenous populations in Mexico, and the Church did not have as large of a presence in Yucatán.²⁰ This also made for a less religious mestizo population. But when Alvarado closed all of Yucatán's churches in 1915, he alienated the religious as well as less religious people, because they saw no need to attack the Church or their religious friends and families.²¹

Alvarado did not hesitate to implement his reforms in Yucatán, but he also knew he and the Revolution were unpopular, and that he would need to foster support from below. When school teacher Agustín Franco suggested to Alvarado that Yucatán should host a women's conference in Mérida, Alvarado immediately decided it would be a good idea. The Congress would allow the underprivileged to learn how to exercise political rights, and it might even inspire and foster future

¹⁹ Stephanie J. Smith, *Gender and the Mexican Revolution: Yucatán Women & the Realities of Patriarchy* (Chapel Hill: University of North Carolina Press, 2009), 27; Macías, *Against All Odds*, 66.

²⁰ Smith, *Gender and the Mexican Revolution*, 89.

²¹ Macías, *Against All Odds*, 69.

leaders.²² He wanted women to claim and exercise citizenship. Alvarado might not have labeled himself as a feminist, but he called the first feminist congress in Mexico to order, and he worked to give women more rights and to give them the space to become politically active, even suggesting that they should claim the right to vote.

Contrary to Alvarado's wishes, the women at the PCFY were not interested in suffrage, and they only resolved to support more and better women's education, and more rights for married women. However, women debated controversial issues and resolved that children should have a secular education, that women should have more opportunities in higher education, that women should receive education about their own bodies upon reaching puberty, and that women should have more rights in choosing a husband and in owning property.²³ These resolutions and the discussions at this congress, when considered with later conferences, illustrate how feminists continued to commit to certain resolutions while adding and changing others in the first two decades after the Revolution.

Six years after the PCFY, in 1922, a few of these same women, led by Elena Torres, traveled to Baltimore, Maryland, to participate in the Pan American Women's Conference (PAWC). With the support of the Pan American Union, feminists from the National League of Women Voters in the United States organized this conference for women of the Americas. They invited the 21 nations (including Puerto Rico and the Philippines²⁴) of the Americas to send delegates to the conference in order to discuss the situation of women in their own countries, as well as to spread international peace after the First World War. Torres, under the blessing of the Mexican government, chose the

²² Smith, *Gender and the Mexican Revolution*, 27; Macías, *Against All Odds*, 71.

²³ Salvador Alvarado, "Primer Congreso Feminista de Yucatán," in *Diario Oficial del Gobierno Constitucionalista del Estado de Yucatán* (Mérida, 1916), 284–285, http://www.hndm.unam.mx/consulta/publicacion/visualizar/558a38cf7d1ed64f16ea59ce?intPagina=1&tipo=pagina&palabras=primer_congreso_feminista&anio=1916&mes=01&dia=17.

²⁴ Union of American Republics, *Bulletin of the Pan American Union*, vol. 54 (Washington, D.C., 1922), 351.

seven Mexican delegates that would attend the conference (eight total, including Torres), so even though they were not elected representatives of their country, they were official government sanctioned representatives.²⁵ Numerically, United States women dominated the conference, but Spanish-speaking women from many countries joined together and held a session entirely in Spanish, indicating their assertiveness. By 1922, the women's movement had changed in some aspects and stayed the same in others. Feminists, even at the progressive 1916 Yucatán congress, did not wholly support women's suffrage, but the delegates to the 1922 PAWC came to fully endorse it by the end of the conference. But the delegates to the 1922 conference were still concerned with education, marriage rights, and the sexual double standard. The Mexican branch of the Pan American League of Women, born out of the 1922 conference, held a *Sección Mexicana* (Mexican Section) in 1923 to follow-up on the resolutions of 1922 and make concrete policy proposals.²⁶ Though the women at the 1922 conference and the follow-up conference in Mexico City in 1923 decided they were ready to exercise the franchise, Mexican women did not win full suffrage rights until 1953. They did, however, see new laws that gave women more divorce rights, protections from violence, and property rights in the 1910s and 20s.

The belated acquisition of voting rights for women has attracted the attention of historians. Anna Macías's groundbreaking *Against All Odds*, published in 1982, provides an overview of feminism in Mexico, beginning, however briefly, with pre-Hispanic societies. Macías was one of the first to write a history of feminist activism during the Revolution. She focuses on activity in Yucatán, but also includes brief biographies of leading feminists who had long been overshadowed in the historiography of the Revolution. She argues that most Mexican men did not support feminism in the postrevolutionary period, and when they did, they overstepped and made the

²⁵ Union of American Republics, *Bulletin of the Pan American Union*, vol. 55 (Washington, D.C., 1922).

²⁶ *Sección Mexicana de la Liga Pan-Americana para la Elevación de la Mujer: Estatutos* (Mexico: Talleres Linotipograficos "El Modelo," 1923), Swarthmore Peace Archives.

women's movement appear too radical, which kept women from winning the right to vote until 1953.²⁷ Stephanie J. Smith's research on feminism during the Revolution also focuses on Yucatán, reaffirming Macías's argument that Revolutionary men, especially Yucatán Governor Felipe Carrillo Puerto from 1922 to 1924, maimed the feminist movement in Yucatán even though he tried to support it.²⁸ These historians argue that feminist supporters such as Alvarado and Carrillo may have done more harm than good to the women's right movement.

By focusing primarily on the process of winning national suffrage, historians of Mexican women's rights have overlooked other gains made by women before 1953. Historians have emphasized how women campaigned during this period and tried to make meaningful change concerning gender equality by advocating for suffrage, but as of yet they have tended to focus on specific case studies and have not tracked changes in the laws. When noted, these legal advances are often dismissed as insignificant because it did not involve the franchise. Jocelyn Olcott, historian of women's suffrage rights in postrevolutionary Mexico, has shown how difficult and long the road to enfranchisement was for Mexican women. Focusing on the 1930s, she notes that local and presidential politics determined the status of women's rights after the revolution, but since women had no say in these elections, their needs were marginalized. Olcott argues that in order to change politics and domestic life, women tried to make domestic concerns the purview of politics, but the numerous factions of women campaigning for different rights weakened the movement and resulted in failure for many years.²⁹ This work is illuminating for the women's movement in the 1930s, but leaves the 1910s and 20s open for further research.

²⁷ Macías, *Against All Odds*.

²⁸ Smith, *Gender and the Mexican Revolution*.

²⁹ Olcott, *Revolutionary Women in Postrevolutionary Mexico*; Jocelyn Olcott, "The Center Cannot Hold: Women on Mexico's Popular Front," in *Sex in Revolution: Gender, Politics, and Power in Modern Mexico*, ed. Jocelyn Olcott, Mary Kay Vaughan, and Gabriela Cano (Durham, NC: Duke University Press, 2006), 223–240.

In regards to the feminist conferences of 1916 and 1922, Macías and Olcott have focused on suffrage rights and activism at conferences and elsewhere, but they tend to exclusively consider work within Mexico instead of in an international context. Megan Threlkeld's instrumental book, *Pan American Women*, considers United States-Mexican relations using the 1922 PAWC in Baltimore, but she places the United States at the center and focuses on United States women's imperialist agenda of peace as pushed on Mexicans.³⁰ She also emphasizes Mexican women's intense nationalism and their focus on their own country over the interests of United States women, which is not entirely accurate for all Mexican feminists, especially those from Yucatán. While Olcott, Macías, Smith, and Threlkeld cover the many aspects of feminism from the Revolution through 1940 when combined, they focus on one specific region, conference, or aspect of the women's movement, so the longer narrative of the women's movement and its affect on legal changes remains unclear.

Historians focusing on the law in this time period in Mexico have generally investigated criminal law as it pertains to men more than women. Katherine Bliss looks at the meaning of fatherhood in postrevolutionary Mexico as described in court documents, providing insights into cultural ideas about parenthood and the roles of fathers.³¹ This is useful for considering feminists' arguments about divorce and custody laws, and the resulting changes in those laws. Pablo Piccato and Ana M. Alonso consider how violence against women became criminalized, but focus more on how criminals used or avoided the courts rather than how feminists worked for decades to explain the sexual double standard and convince lawmakers to criminalize gendered violence.³² A closer

³⁰ Megan Threlkeld, *Pan American Women: U.S. Internationalists and Revolutionary Mexico*, Politics and culture in modern America (Philadelphia: University Of Pennsylvania Press, 2014); Megan Threlkeld, "The Pan American Conference of Women, 1922: Successful Suffragists Turn to International Relations," *Diplomatic History* 31, no. 5 (November 2007): 801–828.

³¹ Katherine Bliss, "Paternity Tests: Fatherhood on Trial in Mexico's Revolution of the Family," *Journal of Family History* 24, no. 3 (July 1999): 330–351.

³² Pablo Piccato, *City of Suspects: Crime in Mexico City, 1900-1931* (Durham, NC: Duke University Press, 2001); Ana M. Alonso, "Love, Sex, and Gossip in Legal Cases from Namiquipa, Chihuahua,"

look at changes in the criminalization of rape and abortion, as well as women's writings about the issue of sexual assault illustrate how often legal changes were implemented following women's advocacy and activism.³³

In focusing on suffrage, United States imperialism, and criminology as it pertains to men, historians have not yet examined the significance of legal gains that women made through the postrevolutionary period, or the ways in which Mexican women asserted their citizenship pre-suffrage. This thesis will contribute to this historiography by considering how the Mexican feminist movement changed and stayed the same in the decades of the 1910s and 20s, and by comparing feminists' petitions with legal changes to reveal how women influenced politics even though they did not have suffrage rights. By broadening the focus from suffrage to women's rights in general, a pattern of changes in rights that reflect lawmakers' attempts to address feminists' concerns becomes readily apparent. When tracing writings by Mexican feminists and lawmakers from 1916 to 1931, it is clear that women made significant gains in civil and legal rights by making secular arguments for civil and criminal gender equality.

Documents from conferences in the 1910s and 20s when combined with updated laws from the same decades indicate that women had the most success at influencing changes in the law when downplaying Catholic ideas, advocating for mothers, and pointing out specific legislation that enshrined civil and criminal gender inequalities. The second chapter uses documents from the 1916

in *Decoding Gender: Law and Practice in Contemporary Mexico*, ed. Helga Baitenmann, Victoria Chenaut, and Ann Varley (New Brunswick, NJ: Rutgers University Press, 2007), 43–58.

³³ For more on reproductive rights in Latin America, see Cassia Paigen Roth, "A Miscarriage of Justice: Reproduction, Medicine, and the Law in Rio de Janeiro, Brazil," Dissertation (University of California Los Angeles, 2016); Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico*, American crossroads: 11 (Berkeley: University of California Press, 2002); Cristina Rivera-Garza, "The Criminalization of the Syphilitic Body: Prostitutes, Health Crimes, and Society in Mexico City, 1867-1930," in *Crime and Punishment in Latin America*, ed. Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M. Joseph (Durham, NC: Duke University Press, 2001), 147–180; Bliss, "Paternity Tests."

PCFY and its follow-up, the 1916 *Segundo Congreso Feminista de Yucatán* in Mérida, Yucatán, the 1922 PAWC, and the 1923 *Sección Mexicana de la Liga Pan-Americana para la Elevación de la Mujer* (Mexican Section of the Pan-American League for the Elevation of Women) in Mexico City to show how the women's movement evolved by expanding its scope and including new topics and debates.

Alvarado first announced the first two conferences in the *Diario Oficial del Gobierno Constitucionalista del Estado de Yucatán* (*the Official Journal of the Constitutionalist Government of the State of Yucatán*), and the *Diario* also reported on the conferences after they took place. Alvarado's remarks, as well as Hermila Galindo's opening speech, are included in the official conference proceedings from the PCFY.

Conference proceedings from the PAWC include lists of objectives the women compiled at the conference, and Mexican newspapers from Mexico City, Veracruz, and Mérida illustrate the media's sentiment about feminism at the time. The 1923 conference proceedings reveal specific legislation the attendees wanted to change, and detailed petitions they would submit to Congress. These documents illustrate how Mexican feminists collaborated and argued with each other, all while facing pressure from the Revolutionary government and U.S. women, and how they navigated these complex landscapes to send their clear message and concrete proposals to the Mexican public and legislators.

The third chapter will consider changes in several laws from 1917 to 1931, in light of the resolutions of the conferences discussed in the second chapter. Comparing laws published after the Revolution to earlier versions illustrates how the Revolutionary government considered feminists' proposals and prioritized some issues over others. Comparing the Mexican Constitutions of 1857 and 1917 illustrates how ideas of equality changed between the Reforma period and the Revolution. The Constitution of 1917, sanctioned the year after the PCFY under Constitutionalist President Carranza, used the 1857 Constitution as its base. Slight changes in wording between the two constitutions reveal that Carranza's government did intend to give women more rights, but the 1917

Family Relations Law and the 1918 Federal Elections Law both reaffirmed women legal inferiority with respect to men. This backlash against women's rights set up the conditions for renewed feminist activism, which prompted a revision of the existing codes. The 1928 Federal Civil Code updated the previous 1884 version, and also overrode discrimination against women in the 1917 Family Relations Law that women specifically targeted in their conference resolutions. The 1931 Federal Criminal Code updated the previous 1871 Code and legally removed sexual advantages men had over women.

The concluding chapter connects the main arguments from the previous two chapters, illustrating how documents from postrevolutionary conferences in concert with laws from 1857 to 1931 can reveal unknown aspects of feminism in the postrevolutionary period in Mexico. First, while historians have written numerous volumes about the Mexican Revolution, few have focused on the women's rights movement that took place during the same years, but these documents together indicate that the movement gained strength in the 1910s and 20s and saw major successes. Second, while there were fierce disagreements between feminists with different political views, feminists at these conferences cooperated to create realistic resolutions for their movement. And finally, the Revolutionary government clearly prioritized some feminists' demands over others. They kept voting rights from women until 1953, but they updated laws to allow married women to own property, have guardianship over their children, and divorce their husbands. These new laws indicate that Revolutionaries respected women as mothers, and that they were amenable to laws that removed power from the Church, as the Catholic Church did not allow divorce. Congress also responded to requests to create a single sexual standard by criminalizing rape and other violence against women, and by reducing punishments for abortion. By considering these two bodies of documents, this thesis covers a period of feminism in Mexico not often considered by historians and

also adds to legal history that lacks scholarship on women, especially in regards to criminology and reproductive rights.

CHAPTER 2

A REVOLUTION OF THEIR OWN: MEXICAN FEMINISTS' RESOLUTIONS AT FOUR CONFERENCES FROM 1916 TO 1923

Even though greater equality was one of the main aims of the Mexican Revolution and women often fought as *soldaderas*,³⁴ the revolutionary project was not inclusive for women. For the first few decades of the 1900s, women did not have suffrage rights, the right to hold political office, divorce rights, or equal rights in the workplace, but during these decades, feminist women began to organize and openly demand that the Mexican Congress should give women equal rights. Starting in 1916, Mexican feminists organized and attended conferences dedicated to debating women's rights in Mexico and abroad. The 1916 *Primer Congreso Feminista de Yucatán* (PCFY), in Mérida, Yucatán, was the first feminist conference in Mexico, and the second in Latin America.³⁵ The *Segundo Congreso Feminista de Yucatán* (SCFY) followed in the same year and place to resolve questions left unanswered at the first conference. In 1922, the Mexican government sent eight delegates—some of whom had attended the Yucatán conferences—to the Pan American Women's Conference (PAWC) in Baltimore, Maryland. This conference also had a follow-up in 1923 in Mexico City, as the Mexican delegates to the PAWC quickly created a Mexican branch of the Pan American Women's League, and they wanted to keep up momentum by meeting soon after the PAWC. These four conferences illustrate how feminists changed their views over time, and how they worked alongside revolutionaries and international women but stayed true to their ideals.

³⁴ This term refers to women combat soldiers and also women who supported men (usually kin, but not always) behind the scenes in camps on the frontlines.

³⁵ Macías, *Against All Odds*, 71.

Feminism in Mexico long predated the Revolution, but feminists first began to organize in great numbers in revolutionary spirit at the PCFY in 1916. In 1915, President Venustiano Carranza, a Constitutionalist Revolutionary, appointed feminist sympathizer Salvador Alvarado as Governor and Military Commander of Yucatán, and Alvarado immediately decided that Yucatán would host a conference for women to meet and discuss feminist ideals and even perhaps changes in governmental policy. Alvarado announced the conference and posed questions for the attendees in the *Diario Oficial del Gobierno Constitucionalista del Estado de Yucatán*, and he asked his appointed organizers to find delegates to give speeches that would debate the questions. The PCFY drew 620 attendees from all over the state of Yucatán, and some delegates from elsewhere in Mexico, to the capital city, Mérida, probably in large part due to the fact that “travel expenses and residence in [Mérida]” for the eight-day conference were “covered by the state.”³⁶ Alvarado closed all of Mérida’s schools during the conference to create temporary dormitory space for the delegates.³⁷ Most were women, teachers, educated, and part of the middle class, and they sympathized with many of the aims of the revolution, but they had their own ideas about women’s rights that did not exactly overlap with Alvarado’s vision.

In Alvarado’s official call for the conference on October 28, 1915, he outlined the state of women’s roles and rights in Mexico, and questions he wanted the women to address. Many women who read the call likely agreed that it “is a social error to educate a woman for a society that no longer exists, habituating her to remain in the home, as in antiquity,” and that “it is necessary for the woman to obtain a legal status that enhances her [and] an education that allows her to live

³⁶ *El Primer Congreso Feminista de Yucatán convocado por el C. Gobernador y Comandante Militar del Estado, Gral. D. Salvador Alvarado, y reunido en el Teatro “Peón Contreras” de esta ciudad, del 13 al 16 de Enero de 1916*, 33.

³⁷ Macías, *Against All Odds*, 72.

independently,”³⁸ but they may have balked when reading that “the Constitutionalist Revolution has freed women,”³⁹ since up to the PCFY, the Revolution had not been particularly focused on women’s rights or inclusive of women. At the PCFY, women embraced the opportunity to convene and discuss women’s rights, but they also steered the discussion and did not resolve every issue in the way Alvarado had foreseen. Six years later, United States women with an agenda of international peace gave Mexican feminists another opportunity to discuss women’s rights at the PAWC of 1922 in Baltimore, Maryland. Again, the women seized the opportunity and listened to other American women’s points-of-view, but ultimately, the Mexican feminists pushed for outcomes that were not necessarily in alignment with U.S. aims. In 1923, Mexican feminists organized their own congress for the *Sección Mexicana de la Liga Pan-Americana para la Elevación de la Mujer* (SMLPAM). At the end of this conference, they drew up resolutions that included information on how they would petition Congress to update legal codes.

Historians have performed research on some of these conferences, but they tend to focus on one specific conference or aspect of the women’s movement, usually suffrage. Documents from the conferences illustrate how Mexican women skillfully navigated the agendas of powerful groups like Constitutionalist Revolutionaries and United States women while staying committed to their own aims. These women used every opportunity to discuss and implement their own solutions to the various issues that women faced in Mexico instead of focusing solely on winning suffrage. Even though they did not have the right to vote, and often met under the eye of groups who wanted to use them to serve their own agendas, Mexican women were effective at organizing themselves and promoting their own resolutions without being co-opted by other groups.

³⁸ *El Primer Congreso Feminista de Yucatán convocado por el C. Gobernador y Comandante Militar del Estado, Gral. D. Salvador Alvarado, y reunido en el Teatro “Peón Contreras” de esta ciudad, del 13 al 16 de Enero de 1916*, 31.

³⁹ *Ibid.*, 32.

The twentieth century was not the beginning of feminism in Mexico or the first time women worked to win more rights, but at the PCFY in 1916, women had a state sanctioned opportunity to openly discuss their lack of rights and their unequal civil status with men. At the time, Mexican society in general considered women as mothers and wives first, under the guidance and authority of their husbands, and citizens second. Paradoxically, about 30% of mothers were single just before the revolution, and 80% of adult couples lived together without being married, so a large number of women did not fit into these patriarchal gender norms.⁴⁰ Illegitimate children had no rights to search for or name their fathers, which left many single mothers without adequate resources to care for their children, and would be one practical reason why women would choose to marry. But once married, women were considered minors under their husbands' control by law, so educated feminists wondered whether it was better for a woman to get married and lose her rights, or to stay single and be a social outcast.⁴¹ The women at the PCFY addressed these issues, advocating for rights for children, mothers, and wives, although Alvarado intended to focus much of the discussion on political rights.

When governor Alvarado began organizing the PCFY in 1915 with anticipation that feminists would perhaps want municipal suffrage rights and then vote for him in future elections, most other Revolutionaries, including some women like prominent moderate feminist Sofia Villa de Buentello, believed Mexican women's strong ties to the Catholic Church posed a problem for the Revolution. One of the main aims of the secular Revolution was to take power away from the Church because revolutionaries believed the Church's power and international loyalties threatened Mexican independence.⁴² The struggle between the Church and the state stretched back decades and was reinvigorated after the Revolution. Women's ties or perceived ties to the Church frightened

⁴⁰ Macías, *Against All Odds*, 13.

⁴¹ Ibid.

⁴² Olcott, *Revolutionary Women in Postrevolutionary Mexico*, 8.

Revolutionaries who believed women's votes could give more power to the Church. Still, others like Alvarado were willing to take a chance and use their government powers to sponsor a conference organized by women to let women decide what rights were most important to them, in the hopes that they would eventually support the Revolution.

Alvarado's call for the conference pointed out how the Revolution had helped women, but in the call, Alvarado also recognized that women were not equal citizens. His proposals for discussion topics reflected his interest in discovering ways to get women more involved with politics. He argued that the best way for women to achieve equality would be through better education so they would know how to "ask for their [political] interference in the State."⁴³ He wanted women to ask themselves which occupations they should pursue to help "form and sustain the State," which "public functions" they should claim to become "leaders of society," and how they could be freed of "the yoke of tradition."⁴⁴ These discussion questions suggest that Alvarado wanted women to have a more formal education so they could enter the public sphere and live political and administrative lives. The questions did not consider domestic problems that women faced, such as unfair divorce and custody laws, and they did not address the problems families would face if women simply decided to eschew their traditional roles and claim the same roles that men traditionally held. Of course, women delegates to the conference were well acquainted with these civil rights issues affecting women, and they pushed these issues at the conference even though they did not directly address Alvarado's questions.

At the beginning of the conference, Alvarado wanted the congress delegates to choose a *Junta Directiva* (board of directors) and to create committees who would later "study and formulate

⁴³ *El Primer Congreso Feminista de Yucatán convocado por el C. Gobernador y Comandante Militar del Estado, Gral. D. Salvador Alvarado, y reunido en el Teatro "Peón Contreras" de esta ciudad, del 13 al 16 de Enero de 1916*, 32.

⁴⁴ *Ibid.*

the conclusions” of discussion and then turn those resolutions into laws.⁴⁵ This was something Alvarado and the delegates both wanted. Perhaps Alvarado wanted the them to focus more on political rights, but regardless of what they decided they wanted, he encouraged the delegates to fully implement their resolutions by making them law. Even though these feminists decided they were not ready to claim suffrage rights or completely throw off the “yoke of tradition,” their conference proceedings and resolutions indicate they were well informed about legal barriers to women and that they pushed specific legal changes to remove these barriers.

Alvarado chose a politically moderate principal of a public school, Profesora Consuelo Zavala, to lead the organizational committee for the PCFY, giving them less than two months to prepare. She appointed mostly teachers who worked full-time to the committee, which meant the committee had to meet in the evenings after work. This dedication, even after they learned during the planning that there was more antifeminist sentiment in Yucatán than had thought, illustrates their commitment to promoting feminism.⁴⁶ About 620 delegates accepted the invitation to the conference, mostly middle class mestizo and white women. Alvarado had placed restrictions on who the committee could invite, requiring that the invitees had obtained a grade school education, and this resulted in the nearly total exclusion of indigenous and poor women.⁴⁷ The conference took place in Mérida, from January 13 to January 16, and covered one main theme on each of the four days: how the Revolution could make women free from tradition, what the role of education for women should be, what roles women should have in the public sphere, and what leadership roles women should claim.⁴⁸ Generally, invited delegates would give speeches on the posed topics and

⁴⁵ Ibid., 32, 33.

⁴⁶ Macías, *Against All Odds*, 72, 73.

⁴⁷ *El Primer Congreso Feminista de Yucatán convocado por el C. Gobernador y Comandante Militar del Estado, Gral. D. Salvador Alvarado, y reunido en el Teatro “Peón Contreras” de esta ciudad, del 13 al 16 de Enero de 1916*, 32.

⁴⁸ Ibid.

then the floor would be open for debate. The attendees generally agreed on some issues, like Civil Code reform, but vehemently disagreed on others, such as political rights. After debate, they would vote on any resolutions, and if applicable, create a petition to bring to the applicable governing body.⁴⁹

The PCFY opened with a shocking speech written by Hermila Galindo, friend and political ally of President Carranza, and representative of the most leftist faction of the 1916 Congress.⁵⁰ The speech began by invoking the Revolution and its successes, but counter to Alvarado's continual emphasis on the Revolution's role in improving women's lives, Galindo soon moved to critiques of the Revolution not being radical enough in regards to women's issues. She began by explaining how women had historically been considered necessary property for men, and how even in revolutionary Mexico, a man could divorce his wife "when he felt hurt or outraged," but a woman did not have the same right, so it was always her responsibility to solve any marital problems.⁵¹ She noted that "the sweet and gentle doctrine of the Nazarene [Jesus]" had not convinced men to treat women equally,⁵² but later pointed out how women could be susceptible to questionable religious beliefs. Because women were not educated as well as men, the "development of her [women's] reason" had been neglected, and so "her head is a fertile ground for all religious quackery."⁵³ These remarks also exemplify Alvarado's beliefs about women and education. Once a woman received the same education as a man, she would have plenty to think about and would not have an empty head to fill with the only thing she had access to: religious beliefs. But Galindo knew her audience better than

⁴⁹ Macías, *Against All Odds*, 77.

⁵⁰ She did not attend the conference, but it was read by Cesar A. González from the department of education.

⁵¹ Hermila Galindo, "La Mujer en el porvenir," in *El Primer Congreso Feminista de Yucatán Convocado por el C. Gobernador y Comandante Militar del Estado, Gral. D. Salvador Alvarado, y reunido en el Teatro "Peón Contreras" de esta ciudad, del 13 al 16 de Enero de 1916* (Mérida, Yucatán, 1916), 197.

⁵² *Ibid.*

⁵³ *Ibid.*, 199.

Alvarado and pitched her speech to try to appeal to them. She recognized her audience would be mostly left leaning moderates—feminist teachers who saw no need to antagonize the Church but who also had strong state sympathies—so she structured her speech to placate them while also making it clear that if women were better educated, they might be more responsible public citizens and voters.

Galindo used this focus on education to shift to an even more incendiary topic: the sexual double standard. She argued that Revolutionary men had neglected women’s education, so women needed to take charge. They should learn about their physical bodies as well, and pass this knowledge on to their children to teach them how to be strong and healthy and to guard adolescents from “malice and curiosity” because these “are the worst incentives of sexual urges.”⁵⁴ Galindo invoked philosophers to prove her point and logically structure her argument, and perhaps also to show how well educated she was. She built up evidence from Kant, Schopenhauer, and Bebel about human nature in order to argue that it was a “known scientific truth” that women had sexual needs just as much as men.⁵⁵ But the law only forced women to marry to fulfill these needs. When a man had relations with a woman, he was seen as a “Don Juan” and comparable to a “revolutionary leader” winning a battle. The man’s target, however, who had not provoked this love, was “thrown to the abyss of desperation, of misery, of madness, or of suicide.”⁵⁶ Women were so ashamed when they fell pregnant, that the “crime statistics [were] full of cases of infanticide and abortion” because women felt mortified when receiving public judgment.⁵⁷ Galindo argued that this sexual double standard was unjust. Women, like men, were sexual creatures, but women were solely punished for

⁵⁴ Ibid.

⁵⁵ Ibid., 201.

⁵⁶ Ibid.

⁵⁷ Ibid., 202.

the misconduct. Even so, government sponsored orphanages had created a record that showed men's "assaults against morality and crimes against the homeland."⁵⁸

Here, Galindo referenced the contemporary Federal Civil Code, in which men could not recognize illegitimate children, and orphans had no rights to search for their fathers. While women were shamed for illegitimate pregnancies, men were completely blameless by law. Galindo argued that for true justice and equality, "the revolution should reform the Codes" and hold men accountable.⁵⁹ She argued that women and men should be equally responsible for illegitimate children, and men who preyed upon innocent women should be punished. Galindo's speech highlighted how the sexual double standard was bad for families and children because it ruined mothers who were considered the cornerstones of the family and educators of children. The speech was controversial in 1916, but women at the later 1922 and 1923 conferences reaffirmed these views. Even though Alvarado had hoped to promote the Revolution and focus the discussion on women's educational and political rights, Galindo's speech opened the conference by addressing women's everyday lived struggles, and how men contributed to a poorer standard of living for women.

The delegates concluded the PCFY by resolving that the state should sponsor vocational education for women, and that women should have the same civil legal rights as men. Conference attendees mostly ignored Galindo's ideas in their resolutions, especially her radical suggestion of sexual education. They were also divided on Alvarado's proposed discussion topics, especially whether women should be leaders of society and how education should change for women.⁶⁰ Because of this, Alvarado announced in June—six months after the first congress—that a second congress was to be held from November 23 to December 2. He hoped that the conference would

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Macías, *Against All Odds*, 77.

draw more delegates from outside of Yucatán, but only about 230 attended the second conference, most from Yucatán and specifically Mérida.⁶¹ Galindo did not participate in the second conference, likely due to her involvement in the Constitutional Convention that took place at the same time, but radical leftists took up a greater percentage of attendees.

Alvarado proposed the conference because he wanted clearer answers to the unresolved questions, and he posed some new questions as well: Should women learn trades and arts that had historically belonged to men in order to have independence, and should the state support this? How could the government “free the woman from the yoke of tradition and make her into an agent of scientific diffusion and liberty?” Should women vote and could they vote for and elect women? Should women have more choice in marriage? In cases of divorce, who should be responsible for educating the children?⁶² Alvarado’s questions still mostly pointed to political equality, but by taking control of the discussion at the first congress, the women taught him that they were unhappy with many current laws on marriage and divorce, and he responded by drawing attention to these topics at the call for the congress.

The delegates still had not come to firm resolutions by the end of the second congress. This was partially because the conference was much less well organized than the first, and Alvarado’s mandatory attendance policy for Mérida schoolteachers resulted in wasted time due to taking attendance every day. By the end of the day when it was time to vote, often over half of the women had already left.⁶³ Regardless, they did resolve some issues. They firmly decided that women should be allowed to learn occupations and arts typically held by men, and the state should support their education. But they had difficulty with the second question of whether women should be “agent[s]

⁶¹ Ibid., 77, 78.

⁶² “Convocatoria para un Segundo Congreso Feminista,” *Diario Oficial del Gobierno Constitucionalista del Estado de Yucatán* (Mérida, June 15, 1916), 2273, accessed April 3, 2016, <http://www.hndm.unam.mx/consulta/publicacion/visualizar/558a38d57d1ed64f16eaa439>.

⁶³ Macías, *Against All Odds*, 78.

of scientific diffusion and of liberty,” only agreeing that women should receive an “eminently scientific education.” After heated debate, the delegates agreed that women should be able to vote in municipal elections, but they voted against women holding office at the municipal level, and any further suffrage rights.⁶⁴ In regards to marriage, women wanted official assurance from a doctor that their potential husbands had a clean bill of health, and for men to be “rigorously punished” if they did not follow this stipulation.⁶⁵ This was likely connected to the high rates of syphilis among men at the time. Correspondingly, in 1918, Mexican doctors proposed to address this problem by keeping an official list of men with syphilis, and by requiring a health certificate before marriage.⁶⁶ The proposal did not pass, as doctors felt it went against patient confidentiality ethics, but beginning 1929, men could be punished for spreading syphilis.⁶⁷ These resolutions indicate that at this congress, much like the PCFY, the women were more focused on addressing civil rights and family issues over claiming political rights.

Women at the second congress continued the debate about the Federal Civil Code, especially in regards to divorce. They resolved that if a couple divorced by choice, a judge should choose who would take charge of their children’s education. If the divorce was “necessary,” the adulterer would lose the right to educate the child, but had the right to notify the authorities if they noticed any irregularities or wrongdoings by the other parent.⁶⁸ These resolutions were not radical, but they did show somewhat of a break with tradition, since divorce was very controversial to religious Mexicans. The “scientific education” they resolved to pursue included physical education as pertaining to women’s bodies and emphasized a secular education, the marriage resolutions hinted at problems

⁶⁴ “Resolución del Segundo Congreso Feminista que se celebró en esta Capital,” *Diario Oficial del Gobierno Constitucionalista del Estado de Yucatán* (Mérida, December 6, 1916), 4133, accessed March 19, 2016, <http://www.hndm.unam.mx/consulta/busqueda/buscarPorLetra?letra=A>.

⁶⁵ Ibid.

⁶⁶ Rivera-Garza, “The Criminalization of the Syphilitic Body,” 148.

⁶⁷ Ibid.

⁶⁸ “Resolución del Segundo Congreso Feminista,” 4133.

women had with promiscuous men, and the divorce resolutions called for civil equality. Even though many of the women at these conferences may have been more sympathetic to the Church than their male revolutionary counterparts, their resolutions looked to the power of the state over the Church to help them. Still, they did not want too much of a break with tradition, as they focused on improving conditions for women's personal and family lives instead of pushing women into a more public role. And though they might have different solutions to the problem of the sexual double standard, regardless of their political leanings, they wanted it to end. As Galindo pointed out in her controversial opening speech: they did not want men to go unpunished for deeds that would ostracize their sexual partners.

Though Galindo was a looming presence over both of the two Mérida conferences, she did not actually attend either, but her chosen representative, Elena Torres, would become instrumental in shaping the 1922 PAWC held in Baltimore, Maryland. A progressive teacher from a working-class background, Torres was a friend of Governor Alvarado and Felipe Carrillo Puerto, a later governor of Yucatán.⁶⁹ Torres was one of eight delegates who traveled to Baltimore for the PAWC in April of 1922 at time when Mexican-United States relations were not particularly friendly.⁷⁰ U.S. investors had long held capitalist claims in Mexico, and after the Revolution, the U.S. frequently meddled in Mexico's decade of bloody civil war, backing politicians sympathetic to U.S. capitalist interest. Several revolutionary factions fought each other and the government for different reasons during this time, but most of them opposed U.S. involvement, and tensions between the neighboring countries had been especially high since 1913 when Woodrow Wilson sent troops to Veracruz.

⁶⁹ Macías, *Against All Odds*, 96.

⁷⁰ Torres chose Aurora Herrera, Luisa Garza, Eulalia Guzmán, María Rentería de Meza, Julia Nava de Ruisánchez, M. C. Conde de Ávila, and Luz Vera to round out the delegation. Most were teachers dedicated to their careers. For example, Guzmán was a professional archaeologist, and Nava established a school of social work.

In the decade leading up to the PAWC, the U.S. passed legislation to end suffrage discrimination based on sex, leaving U.S. women's suffrage organizations with more time to focus on other issues. As a response to World War I, many U.S. women became concerned with international peace, and they wanted to spread their vision throughout the Americas. The National League of Women Voters (NLWV) organized the PAWC in conjunction with their own third annual conference to take place towards the end of April in 1922 in order to discuss their vision of world peace. The PAWC technically took place over three days, from the 20th to the 23rd, but the NLWV invited the women to stay in Baltimore through the 29th to attend their meetings, and many of the delegates, including Torres, stayed for the duration and then traveled to Philadelphia.

The conference featured heavily in Mexican newspapers, especially in Mexico City, Veracruz, and Yucatán,⁷¹ as well as in the English and Spanish versions of the Pan American Union's bulletin (*Bulletin of the Pan American Union* in English, and *Boletín de la Unión Panamericana* in Spanish). These bulletins, published by the Pan American Union, typically included articles about news from countries in the Americas, as well as Pan American Union related documents and records. Most articles tended to focus on legislation, industry, the economy, foreign relations, and social issues.

⁷¹ For example, see "Una organización mundial feminista," *Revista de Yucatán* (Mérida, Yucatán, April 23, 1922), XXV edition, accessed November 23, 2016, http://infoweb.newsbank.com.proxy-remote.galib.uga.edu/iw-search/we/HistArchive/?p_product=WHNPX&p_theme=ahnp&p_nbid=F56J53CPMTQ4ODg0MjgwNS4yODU1NjA6MToxNDoxMjguMTkyLjExNC4xOQ&p_action=doc&p_queryname=6&d_viewref=browse&d_article_id=&d_db=&d_pbi=128A3BF11C952AFD&d_issue_id=129755248B54F488; "Sesión del Congreso Pan Americano Feminista," *El Dictamen* (Veracruz, April 26, 1922), sec. TELEGRAMAS DE MEXICO Y DEL EXTRANJERO, accessed November 23, 2016, http://infoweb.newsbank.com.proxy-remote.galib.uga.edu/iw-search/we/HistArchive/?p_product=WHNPX&p_theme=ahnp&p_nbid=F56J53CPMTQ4ODg0MjgwNS4yODU1NjA6MToxNDoxMjguMTkyLjExNC4xOQ&p_docref=v2:126509E3D625D7F0@WHNPX-12825C54DCC7EB80@2423171-12825C550C7AC360@4; "El derecho de voto a la mujer en la América," *Excelsior* (Mexico, D. F., April 27, 1922), accessed November 23, 2016, http://infoweb.newsbank.com.proxy-remote.galib.uga.edu/iw-search/we/HistArchive/?p_product=WHNPX&p_theme=ahnp&p_nbid=F56J53CPMTQ4ODg0MjgwNS4yODU1NjA6MToxNDoxMjguMTkyLjExNC4xOQ&p_docref=v2:126508E729B456E4@WHNPX-12B1D8934FFE0268@2423172-12B1D8938E0BB400@3.

New issues of both versions of the *Bulletin* were compiled into large volumes and printed twice a year in January and July out of Washington D.C., but they were not identical in content; the Spanish version was not simply a translation of the English version. Sometimes, features overlapped, but generally they were organized differently and included different content.

The 1922 issues of both versions covered the women's conference, and they illustrate the differences in why Spanish and English speakers were looking forward to the conference. In the Spanish version of the January edition, there was a short piece announcing the conference, posing in the first paragraph that the conference would "have a definitive and beneficial effect for cordial inter-American friendship."⁷² This indicates that generally, Latin American delegates, or at least, the governments backing these delegates, considered a friendly relationship with the U.S. to be one of the most important aims of the conference. The piece also detailed that the meetings would discuss child welfare, mothers' pensions, and other issues important to women, but it was not particularly detailed. The Spanish version in particular shied away from discussion of women's suffrage. Even though the NLWV organized the conference, the *Boletín* tactfully described the aims of the organization in such a way that left out the idea of suffrage entirely. The *Boletín* noted that the purpose of the NLWV was to "teach women to play, with intelligence, an important role as a citizen," and in the same paragraph, pointed out that "men as well as women have a legitimate and common interest" and that only together could they improve civilization.⁷³ These seemingly straightforward sentiments illustrate how women's suffrage was still controversial throughout Latin America, including in Mexico, and how women had to temper their hopes for equality by making sure men felt included and appreciated. These two peculiar turns of phrase illustrate some of the popular sentiments about suffrage and feminism in Latin America.

⁷² Union de Repúblicas Americanas, *Boletín de la Unión Panamericana*, vol. 54 (Washington, D.C., 1922), 366.

⁷³ *Ibid.*, 54:367.

The English language counterpart *Bulletin* noted that U.S. women also intended to “fittingly carry on and strengthen the friendly relations and good will” of countries in the Americas, but President of the NLWV, Maud Wood Park, took her aims further.⁷⁴ She noted that Pan American men had held many conferences, but this women’s conference would “do more to cement good fellowship and create a genuine feeling of confidence in diplomatic and international relations than any other single act could do.”⁷⁵ The *Boletín* expected the conference to be beneficial to friendly relations in the Americas, but Wood and the author of the *Bulletin*’s piece hoped women could fix international relationships that men had failed to remedy in their Pan American work. The United States Americans also aimed to “assur[e] permanent peace” in the Americas.⁷⁶ While Latin Americans hoped to create friendly relations and promote equality and reforms to benefit women and children, their northern neighbors took the idea further; they had an agenda of international peace due to the devastating First World War. United States feminists such as Maud Wood Park hoped that because women’s interests were “in common,” the United States could help in advancing women’s interests in Latin American countries, and thus international peace would naturally spread.⁷⁷ United States delegates promoted their vision of peace throughout the conference, and though Latin Americans hoped for healthy international relationships, they also emphasized their aspirations for their respective countries and asserted their national identities by flying their flags at the conference hall and speaking Spanish in many of the conference sessions. Delegates from Puerto Rico did not shy away from reminding the U.S. delegates that the U.S. “possessed” Puerto

⁷⁴ Union of American Republics, *Bulletin of the Pan American Union*, 54:35.

⁷⁵ *Ibid.*, 54:37.

⁷⁶ *Ibid.*, 54:638.

⁷⁷ *Ibid.*, 54:110. They would later be surprised to find out that some of these issues that they planned to help with, such as child-welfare, were already advanced and well supported in Latin American countries.

Rico, but only in otherwise collegial and uncontroversial contexts, and not to start conversations about U.S. imperialism.⁷⁸

Though relations between Mexico and the United States were virtually non-existent in 1922, Álvaro Obregón—the first post-revolutionary president to survive through a full term of office after the Revolution—believed building a better relationship with the United States during his presidency would legitimize Mexico internationally, and would perhaps help reduce Mexico’s enormous foreign debt. Obregon saw the women’s conference as the perfect opportunity to jumpstart relations with the U.S. without being too controversial, since the women had nothing to do with U.S. investors and the aim of the conference was to improve international relations.⁷⁹ Obregón used federal funds from the Secretariat of Public Education to finance the women’s trip to Baltimore. In tandem with women’s organizations in Mexico, the secretary of education recommended Elena Torres to lead the delegation. She chose seven other professional women to accompany her (all of whom spoke English well), and they traveled as official government sanctioned representatives, even though they were not elected politicians.⁸⁰ Since United States American women planned and hosted the Pan American conference, they tended to initiate discussion and most sessions were in English, but they did not dominate, and the delegates from all countries discussed the state of “their respective nations” in regards to marriage, divorce, suffrage, and civil and public service, sometimes holding sessions entirely in Spanish, but always making sure all attendees could understand the discussion.⁸¹

⁷⁸ Threlkeld, *Pan American Women*, 64.

⁷⁹ *Ibid.*, 54.

⁸⁰ Union of American Republics, *Bulletin of the Pan American Union*, 55:10; Threlkeld, *Pan American Women*, 55.

⁸¹ “La última sesión de la Conferencia Panamericana Feminista,” *El Dictamen* (Veracruz, April 23, 1922), accessed November 23, 2016, http://infoweb.newsbank.com.proxy-remote.galib.uga.edu/iw-search/we/HistArchive/?p_product=WHNPX&p_theme=ahnp&p_nbid=Y4EB4AMGMTQ4ODkyODUyNS43MTY2MjY6MToxNDoxMjguMTkyLjExNC4xOQ&p_docref=v2:126509E3D625D7F0@WHNPX-12825C4CFB68C938@2423168-12825C4DAF895B78@14.

As the 1922 PAWC opened, a “great Mexican silk banner, lavishly embroidered, flutter[ed]” over the building in which the conference was held.⁸² Delegates presented the flag to their “sisters from the United States” on behalf of Obregón as a public display of reconciliation and better relations between the two countries.⁸³ The Mexican press proudly covered the exchange of flags and closely followed the conference proceedings.⁸⁴ At the end of the conference, newspapers reported that the women intended to move the flag to Philadelphia and raise it over Independence Hall, but public officials refused to cooperate, so the delegates elevated it over the office of a women’s organization instead. Philadelphia officials “denied that the intention had been to insult Mexico,” stating that the Office of Municipal Property only “recognize[d] the flag of the bars and stars.”⁸⁵

This excuse must not have been enough to mollify angered Mexicans, as the misunderstanding made the news again on May 7. The Mexican delegates, however, “denied emphatically that they had received some offence in Philadelphia” when they brought their flag to the city.⁸⁶ They also said officials had never actually denied them because the women never asked to raise it over Independence Hall, and they had only been in the city two hours at that time. Not only had they “been dispensed attention and special honors as evidenced by the fact that Senorita Elena Torres was one of the three Vice Presidents” of the committee, but also Mexico City would be the

⁸² “Una organización mundial feminista.”

⁸³ Ibid.

⁸⁴ “Es aceptada en Filadelfia la bandera de Mex,” *Excelsior* (Mexico, D. F., April 28, 1922), http://infoweb.newsbank.com.proxy-remote.galib.uga.edu/iw-search/we/HistArchive/?p_product=WHNPX&p_theme=ahnp&p_nbid=F56J53CPMTQ4ODg0MjgwNS4yODU1NjA6MToxNDoxMjguMTkyLjExNC4xOQ&p_docref=v2:126508E729B456E4@WHNPX-12B1D89A05EA05D8@2423173-12B1D89A4536A010@2; “Una organización mundial feminista”; “La última sesion de la Conferencia Panamericana Feminista.”

⁸⁵ “Una organización mundial feminista.” It is clear they mean the United States flag, and not the Confederate flag.

⁸⁶ “No se ofendió a nuestro país en Filadelfia,” *Excelsior* (Mexico, D. F., May 7, 1922), accessed November 23, 2016, http://infoweb.newsbank.com.proxy-remote.galib.uga.edu/iw-search/we/HistArchive/?p_product=WHNPX&p_theme=ahnp&p_nbid=F56J53CPMTQ4ODg0MjgwNS4yODU1NjA6MToxNDoxMjguMTkyLjExNC4xOQ&p_docref=v2:126508E729B456E4@WHNPX-12B1DB03E850CD00@2423182-12B1DB042CAD650@4.

site of the next Pan American conference.⁸⁷ Mexican newspapers and Mexicans paying close attention to the proceedings saw this as an insult, but the delegates to the conference insisted it was an overblown misunderstanding. Historians have recorded the exchange of the flags as an act of diplomacy, but they have missed the mishap at Independence Hall.

This flag incident reveals Obregón's intentions and the critical nature of the press when it came to the United States, but most importantly, it demonstrates that the delegates valued their relationship with United States women. Regardless of the official political relationship between Mexico and the United States and the press's opinions, the delegates to the conference had their own agenda: to discuss, propose, and initiate policies to create gender equality. These women wanted to be on good terms with other professional women from the United States and throughout the Americas in order to improve women's lives, and they believed discussing pressing issues with international women would help them formulate policy proposals to do just that. Historians have viewed American women's international relationships as imperialist on the part of the United States, which is not incorrect, but this interpretation continues to overlook Mexican voices and Mexican intentions.⁸⁸ As the mayor of Philadelphia sent a letter of apology to President Obregón about the flag, the delegates to the Pan American conference celebrated a successful conference.

Regardless of the language, social, and political barriers at the conference, towards the end of the proceedings, the women all agreed to form a Pan American Women's Association⁸⁹ composed

⁸⁷ Ibid.

⁸⁸ The considerable amount of research on U.S.-Mexican relations does not usually focus on or even include women's political relationships. Megan Threlkeld's work is instrumental in remedying this situation, but as a U.S. historian, she mostly uses U.S. sources and writes about relationships as played out in the U.S. Anna Macías briefly discusses this relationship in writing about the SMLPAM, but more as a suggestion for future research. See Threlkeld, *Pan American Women*; Threlkeld, "The Pan American Conference of Women, 1922"; Macías, *Against All Odds*.

⁸⁹ The Pan American Women's Association only lasted for a little over two years due to lack of support and resources after Catt gave up the title of honorary president. However, a very similar

of one woman from each country to be an official delegate to future conferences and organize a branch in their own country and promote women's rights.⁹⁰ Torres was so active in the proceedings that they named her as the Vice President for North America of the new organization.⁹¹ Torres and the Vice Presidents for South and Central America directed the third session, in which the women agreed the purpose of the association would be to "procure a much higher degree of education for women," "secure the rights of married women" in regards to property and well-being, "secure the same rights for custody of children," continue to organize and have conferences, "secure the right to vote for women," and to "strengthen friendship" and "maintain a perpetual peace" throughout the Americas.⁹² Some of these resolutions were familiar to Torres and the other Mexican delegates, since women in Mexico had already started working to improve education and rights for married women and mothers. But aiming to foster relationships with other American feminists broadened the Mexican feminist movement that male Revolutionaries originally tried to fold into the Revolution narrative. Also, firmly resolving to secure women's suffrage was a departure from earlier resolutions that focused more on domestic matters.

The newspaper *Excelsior* out of Mexico City noted that even though some of the Latin American delegates "expressed themselves timidly" and said "women in their countries [were] not ready to exercise the right to vote," they listened to Carrie Chapman Catt's "vibrant speech" about

group, the Inter American Commission of Women, was founded in 1928 at a Pan American conference, and still exists to this day.

⁹⁰ *Seccion Mexicana de la Liga Pan-Americana para la Elevacion de la Mujer: Estatutos*, 6.

⁹¹ Esther Mier de Calvo of Panama was elected the Vice President of Central America and Bertha Luz as Vice President of South America. See "La lucha de las mujeres por su mejor situacion," *El Dictamen* (Veracruz, April 27, 1922), accessed November 23, 2016, http://infoweb.newsbank.com.proxy-remote.galib.uga.edu/iw-search/we/HistArchive/?p_product=WHNPX&p_theme=ahnp&p_nbid=F56J53CPMTQ4ODg0MjgwNS4yODU1NjA6MT0xND0xMjguMTkyLjExNC4xOQ&p_docref=v2:126509E3D625D7F0@WHNPX-12825C565BCFF308@2423172-12825C569CC5E7E0@4; "Es aceptada en Filadelfia la bandera de Mex"; "No se ofendió a nuestro país en Filadelfia."

⁹² *Seccion Mexicana de la Liga Pan-Americana para la Elevacion de la Mujer: Estatutos*, 6, 7.

difficulties American women overcame in regards to suffrage, and in the end, all delegates approved the formation of this new organization that would promote women's suffrage.⁹³ This shows a marked difference in feminist rhetoric among Mexican women activists. Just six years earlier, feminists in Yucatán had declined to pursue suffrage even though they had the backing of their governor, but in 1922, they not only agreed to fight for suffrage, but they also named one of their own delegates to head an organization that had women's suffrage as one of its main aims.

The women at the PAWC came from 21 different nations and thus had different political views and cultural backgrounds, but eventually they all agreed that women should have the right to vote. They believed Uruguay and then Argentina would achieve equal suffrage first, probably due to the fact that the only Latin American branches of the International Women Suffrage Alliance were in these countries, and that the rest of the nations in the Americas would soon follow.⁹⁴ This indicates their faith in international women's groups was strong; however, they knew that the "triumph" of suffrage would "be a long and hard struggle."⁹⁵ They further "concluded the session by adopting tentative initiatives to legally remove all the barriers that women face" in trying to obtain elected positions, and committed to promoting healthy relationships between the nations of the Americas.⁹⁶ At the end of the conference, all of the women agreed to work as one group across

⁹³ "El derecho de voto a la mujer en la América."

⁹⁴ "Acuerdos tomados por el Congreso Feminista," *Revista de Yucatan* (Mérida, Yucatán, April 28, 1922), accessed November 23, 2016, http://infoweb.newsbank.com.proxy-remote.galib.uga.edu/iw-search/we/HistArchive/?p_product=WHNPX&p_theme=ahnp&p_nbid=F56J53CPMTQ4ODg0MjgwNS4yODU1NjA6MToxNDoxMjguMTkyLjExNC4xOQ&p_action=doc&p_queryname=3&d_viewref=browse&d_article_id=&d_db=&d_pbi=128A3BF11C952AFD&d_issue_id=12975569E079B498; "La lucha de las mujeres por su mejor situacion"; Threlkeld, *Pan American Women*, 51.

⁹⁵ "Acuerdos tomados por el Congreso Feminista."

⁹⁶ "La última Conferencia Panamericana Femenina en Baltimore," *Revista de Yucatan* (Mérida, Yucatán, April 24, 1922), accessed February 17, 2017, http://infoweb.newsbank.com.proxy-remote.galib.uga.edu/iw-search/we/HistArchive/?p_product=WHNPX&p_theme=ahnp&p_nbid=F56J53CPMTQ4ODg0MjgwNS4yODU1NjA6MToxNDoxMjguMTkyLjExNC4xOQ&p_action=doc&p_queryname=4&d

all of the nations of the Americas to promote women's rights and international cooperation. Though the press in the U.S. would focus more on the message of peace at the conference, in Mexico, the press emphasized Torres's important role and the decision to pursue suffrage. The Mexican delegates certainly strengthened relations with U.S. women and helped to jumpstart better relations between the two countries, as Obregón and the U.S. women had hoped for, but they also came away from the conference with the aim of achieving full political equality with men.

One year later, Torres, as vice president of the Pan American Women's Association, held a Mexican Section conference in Mexico City. She sent invitations to all of the state governors of Mexico, as well as several women's organizations in the U.S. and Cuba, to send delegates for the congress that would take place in May of 1923. The meetings were not as comprehensively international as the PAWC, but women from radically different factions, such as voting organizations, peace groups, teachers' associations, Catholic groups, and the American Birth Control League attended the meetings.⁹⁷ Also in attendance was a delegation from Yucatán, who had proved to become even more radical in the years since the SCFY in 1916. In the years between these two conferences, women in Yucatán had won the right to vote and hold office in Yucatán, and many radicals in the state advocated for women to embrace their sexuality in every way possible. Some factions may have agreed in part; for example the American Birth Control League and the Yucatán delegation both advocated for birth control. But on the other end of the spectrum, Catholic groups would not want to discuss women's sexuality at all. Torres was personally in agreement with the women from Yucatán on most matters, but she had to decide whether to support her own beliefs or try to temper the Yucatán delegation, since they might alienate the other groups. In the end, she felt forced to take a moderate position because the Yucatán delegation

[_viewref=browse&d_article_id=&d_db=&d_pbi=128A3BF11C952AFD&d_issue_id=1297553B1F6AF418.](#)

⁹⁷ Macías, *Against All Odds*, 96.

dominated many of the sessions. But even though the conference was international and politically varied, the women were able to make concrete resolutions by the end of the four days.

Unlike the conferences in Yucatán and Baltimore, where the resolutions easily fit in a short numbered list on a half sheet of paper, the resolutions from this conference were detailed enough to span a 16 page booklet, and they were mostly about social problems. The women were concerned with unfair divorce laws, low literacy rates, alcoholism, prostitution, and the lack of health care access for women, and they included some fairly specific aims to fix these problems, but most importantly, these women still wanted more education. In this document, they focused not only on women's education, but education for all children. They argued that children should not be segregated by sex, and that they should receive a "biological education."⁹⁸ This was not simply so children could better understand their bodies and puberty, but it was tied to one of the most pressing and longstanding issues feminists had tried to combat: the sexual double standard. In this section of the booklet, the organization called for better education, and "declare[d] itself in favor of a single type of morality in sexual matters for men and women."⁹⁹ This was an issue that was not explicitly on the agenda for any of the four conferences under discussion, but it came up often among Mexican women, and they were determined to end the problem, even if revolutionaries and women in other countries did not see this as a pressing issue.

The women also had several specific issues that they wanted to bring before the Mexican Congress. They called for "civil equality," so that they could enter into governmental administration roles, and more specifically, they wanted to run the "Public Charity" just as men administered the

⁹⁸ La Sección Mexicana de la Liga Pan-Americana, *Primer Congreso Feminista de la Liga Pan-Americana de Mujeres: conclusiones y discurso de clausura* (Mexico: Talleres Linotipograficos "El Modelo," 1923), 5, Swarthmore Peace Archives.

⁹⁹ *Ibid.*

military.¹⁰⁰ Even though they definitively wanted equal political rights, they still saw themselves as traditionally feminine in some ways, and believed they had special skills they could bring to politics. Not only would women be better suited for running the country's charity programs, but they would also end "immoral" political campaigns. They noticed that politicians often used "civil and military pressure" to influence elections, and they wanted to end this because it gave men an unfair advantage in government and prevented women from having equal representation.¹⁰¹ These resolutions indicate that once Mexican women had a chance to organize themselves in a central location, they were ready to act on their feminist beliefs. They wanted equal suffrage, but the vote was not enough. Even though the Revolution had tried to co-opt the women's movement at times, the women still saw inequality and corruption in the revolutionary government, and they wanted to fix it by working with Congress, but also by working with each other and international women's organizations to fix other societal problems.

These resolutions may have been focused directly on Mexico, but the Mexican women did not forget the spirit of international friendliness at the PAWC in 1922. During the closing speech at the conference, Luz Vera, who was one of the delegates to Baltimore in 1922, emphasized struggles within the women's movement, and how the women could look back to 1922 for inspiration. She used the flag mishap as an anecdote, saying that the women's "spirit" persevered when the women were "involved in an International intrigue" because they had "sufficient energy to remain serene ... and knew how to face the scandal of the American press ... [which] prevent[ed] a conflict that would have had dire consequences."¹⁰² Vera included this anecdote in her speech to illustrate how important it was to have a cohesive movement. The women did not take what the press printed to heart, but believed U.S. officials when they said they did not mean to offend. One of the "dire

¹⁰⁰ Ibid., 3.

¹⁰¹ Ibid., 4.

¹⁰² Ibid., 15.

consequences” Vera alluded to was that if they had let the mishap sour their relationship, the Mexican delegates would probably have declined to create a branch of the Pan American Women’s Association, and then the 1923 conference never would have happened. It could have derailed the women’s movement in Mexico.

In this closing speech, Vera also was clearly alluding to conflicts at the 1923 conference itself. A delegation of Yucatecan women, led by Governor Felipe Carrillo Puerto and his sister Elvia Carrillo Puerto dominated much of the discussion at the conference by railing against traditional marriage, and expounding on the values of birth control, sex education, and easy access to divorce.¹⁰³ Though the delegates from Yucatán believed in these concepts because they could free women from patriarchal society and create a single sexual standard in which any person could enter or leave any relationship without blame, Carrillo Puerto’s reputation harmed any positive points they could make about these issues. Carrillo Puerto was implicated in a scandal by a newspaper article that came out shortly before the conference. He had relaxed divorce regulations in Yucatán, and the article revealed that some of the fee for processing the divorces would go directly to him.¹⁰⁴ Furthermore, Carrillo Puerto’s new divorce regulations did nothing to address the sexual double standard. Men could remarry immediately after divorce, but women had to wait 300 days to prove they were not pregnant.¹⁰⁵

None of the delegates from Yucatán had been to any international conferences and they had little interest in or sympathy for international cooperation, or even cooperation with Mexican groups that were more conservative than them, which most of the groups were, so their radical views and the way they presented them did not engender sympathy from less radical delegates. Even though

¹⁰³ Elvia Carrillo Puerto was also a politician in her own right, and would take office in the Yucatán state legislature after her brother extended the right to vote and to hold office to women in 1923.

¹⁰⁴ Macías, *Against All Odds*, 94, 95.

¹⁰⁵ *Ibid.*, 95.

Torres agreed with many of their views, she found herself trying to appease the Americans because she had worked so hard to organize the conference and did not want it to fail. She also recognized that most of the women at the conference thought the Yucatán delegates were too radical, and she feared they would discredit the women's movement in the eyes of the public.¹⁰⁶ Even though the delegates from Yucatán steered most of the conversations, the women's resolutions in the end reflected a compromise between the varied viewpoints. For instance, they noted that "in some cases, it [birth control] is necessary," but that "the establishment of prenatal and postnatal care clinics throughout the Republic" would make more sense because of Mexico's high infant mortality rate.¹⁰⁷

But regardless of the women's success in making compromises that addressed the most pressing problems, Felipe Carrillo Puerto's controversial feminist views had a negative effect on the movement, illustrating that the Revolution's stance on feminism was perhaps more harmful to women in the long run. Historian Anna Macías argues that Carrillo Puerto, even though he considered himself a champion of women's rights and promoted his work to secure them (he did greatly expand women's rights in Yucatán, but not more broadly in Mexico), he actually did quite a bit to harm the movement, as his ideas of free love and birth control were too radical for many Mexicans.¹⁰⁸ Mexicans saw the already large number of unmarried women and mothers in domestic partnerships and the high infant mortality rate as a problem, not something to promote. It was about this time that many Mexicans turned away from the feminist movement, and it would take women over three more decades to win full and equal suffrage rights in Mexico.

¹⁰⁶ Ibid., 97.

¹⁰⁷ La Sección Mexicana de la Liga Pan-Americana, *Primer Congreso Feminista de la Liga Pan-Americana de Mujeres: conclusiones y discurso de clausura*, 5.

¹⁰⁸ Macías, *Against All Odds*, 100.

Macías does give Carrillo Puerto credit for convincing the women at the 1923 conference to fight for voting rights, but Torres and the other PAWC delegates had already decided to fight for suffrage in 1922. Perhaps Carrillo Puerto deserves credit for encouraging women in Yucatán to claim suffrage, but Torres's tireless work with women all over Mexico in the year between the conferences likely influenced more women. Even though Carrillo Puerto and feminists wanted women's suffrage by 1922, Carrillo Puerto's strong views offended much of the country and created more obstacles for women. Carrillo Puerto would claim feminist ideals as part of the Revolution, but most of the women involved in feminist work did not necessarily agree with him, and had to distance themselves from him even if they did. Despite the fact that many Revolutionaries were feminists, they created plenty of problems for women.

Looking at these four conferences in tandem reveals that the women's movement in postrevolutionary Mexico was separate from the Revolution, that it was distinct from other women's movements, though also open to international help, and that different political factions found ways to compromise and petition to Congress for meaningful changes. Salvador Alvarado made the call for the PCFY in Yucatán in the name of the Revolution, claiming that the Revolution had advanced women's rights. Alvarado wanted to continue to help women gain rights, and he particularly wanted them to claim local suffrage rights because it would benefit him in future elections. At the time, even though most conference attendees were on the leftist radical side of the spectrum, they did not want to ask for suffrage. They decided on what was most important to them, focusing more on education and ending the sexual double standard, and improving women's lives in the home. Alvarado had hoped the women would discuss education, but he had not considered the latter two issues. This particular conference may have been associated with the Revolution, but women were steering the movement in their own direction, and when it later converged with another revolutionary, Felipe Carrillo Puerto, they once again distanced themselves from the revolutionary's

pet issues. Seven years after the PCFY, the women had more direct and pointed aims that they wanted to accomplish, few of which matched with Carrillo Puerto's ideas about the women's movement. By claiming to be a staunch feminist and espousing more radical views than most feminists, he mischaracterized the movement and fueled opposition to women's suffrage.

Fortunately, feminists in Mexico had more goals than winning suffrage, though it had become a priority by 1923. From the PCFY in 1916 until the 1923 conference, women spoke out regularly about the sexual double standard and unfair divorce laws. Most only began to seriously consider suffrage after the 1922 PAWC, as U.S. women encouraged women from the rest of the nations in the Americas to fight for suffrage. Suffrage and lasting world peace, had been of utmost importance to U.S. women at the PAWC, and the Mexican delegates came to appreciate both issues, but they continued to discuss issues that were of equal importance to them. They were clearly primarily focused on improving the lives of Mexican women, but they also collaborated and sought out advice from women of different nationalities.

Of course, not all Mexican feminists respected or wanted to collaborate with women from other countries, especially the U.S. The delegation from Yucatán at the 1923 conference deliberately antagonized U.S. women and dominated most of the discussion. Still, by the end of the conference, the women made a concrete and specific list of resolutions. Instead of fighting primarily for suffrage and putting other issues on the backburner, they discussed controversial issues like birth control and the importance of marriage, making resolutions to petition for more support and individual rights for mothers and divorcing women. At each conference, the women became more specific in laying out their goals. By 1923, they planned to petition Congress about several issues, citing specific sections of laws they wanted amended. This turned out to be a successful strategy. Even though feminists decided they wanted suffrage by the mid-1920s, women did not win full national suffrage rights until 1953; however, they continued discussing changes, publishing treatises

on women's rights issues, and petitioning Congress. As will be discussed in the next chapter, feminists often successfully influenced lawmakers to change laws in ways that would benefit women.

CHAPTER 3

CHANGING THE CODES: HOW FEMINISTS INFLUENCED LEGAL CHANGES IN POSTREVOLUTIONARY MEXICO

As Mexican feminists met at conferences and decided which societal changes would benefit women most, they often pointed to specific laws that they wanted the Mexican Congress to change or abolish. By the end of the *Sección Mexicana de la Liga Pan-Americana para la Elevación de la Mujer* in 1923, women's rights activists clearly stated that they wanted full political and civil rights, but they were particularly concerned with laws that protected men in gender specific situations, especially in regards to divorce and the sexual double standard. Uniquely in Latin America and surprisingly for a country with such strong Catholic influence, divorce became legal in Mexico in 1870. Less surprisingly, men had the advantage in divorce proceedings, because a wife could not testify in court without her husband's consent. The 1917 Family Relations Law stated that wives were no longer subject to men's authority in this way, but men still had the advantage because they could divorce women for several reasons while a woman could only divorce her husband if he committed adultery in very specific situations. In 1928, five years after the women at the SMLPAM outlined the specific sections of the Family Relations Law they wanted Congress to amend, the newly updated Federal Civil Code virtually removed advantages for any gender in divorce proceedings. In a similar trajectory, nineteenth century criminal law reinforced the sexual double standard by often ignoring violent sexual crimes as committed by men, while harshly criminalizing women for having abortions, but after years of criticism by women in conversation with lawmakers, the updated 1931 Federal Criminal Code introduced harsher penalties for violent sexual crimes and reduced punishments for abortion. Changes in laws from 1917 to 1931 indicate that while revolutionary lawmakers refused to

grant women suffrage due to fears about Catholic sympathies, feminists convinced lawmakers to change laws that would ensure greater gender equality.

Even though women had not won the right to vote by 1931, they influenced legal changes by framing issues that were important to them in ways that appealed to revolutionaries. They successfully advocated for legal changes that took power away from the Church, protected mothers' rights, and balanced civil rights for men and women. Efforts to secure such rights were in concert with revolutionaries' efforts to create a just and secular democracy. This chapter will discuss legal changes in Mexico from 1871 to 1931, focusing on the Constitution of 1917, the Family Relations Law of 1917, the Federal Civil Codes of 1884 and 1928, and the Federal Criminal Codes of 1871 and 1931. Changes in these laws correspond with women's conference resolutions and other writings, and this indicates that women had success in winning more rights even when they did not yet have the right to vote. Laws concerning divorce, custody, rape, and abortion changed significantly during these years supporting a more just society for women and illustrating several successes for the feminist movement.

Feminists did not always agree about the role of the Church and Catholic beliefs in Mexican society, but regardless of political stance, they tended to want education, and legal protections and rights for mothers and wives.¹⁰⁹ Since the Revolution, lawmakers had continued to implement legal changes that diverged from Church influence. For example, the Constitution of 1917 made all primary education secular, and it responded to feminists by giving all citizens the right to an education.¹¹⁰ Revolutionary laws also slowly made divorce regulations more egalitarian, but in early

¹⁰⁹ Radicals were also concerned about single women's rights, and moderate conservative Sofia Villa de Buentello was a champion of single women's rights, but most women at the PCFY were more concerned with securing more rights for married women and mothers.

¹¹⁰ Mexico, *Constitución Política de los Estados Unidos Mexicanos* (Mexico: Imprenta de la Camara de Diputados, 1917) art. 3. The Constitution also claimed all properties owned by religious institutions for the nation, and placed heavy restrictions on property ownership for religious institutions. This

laws, the option was virtually only available for men to initiate. Feminists noted this inequality and advocated for change; conservative Catholics argued that divorce should be illegal regardless of circumstances, moderates wanted men and women to have equal divorce rights, and some radicals even considered abolishing marriage altogether. Plutarco Elías Calles, President of Mexico from 1924 to 1928, firmly enforced the 1917 Constitution and Family Relations Law because of his fierce anticlerical stance. In response, Catholics revolted against the government mainly in the center-west from 1926 to 1929, and many women participated, much like *soldaderas* had participated during the Revolution.¹¹¹ In attempts to crush the Cristero Rebellion, the government continued to pass legislation that curbed the power and influence of the Church and supported education for women, in the hopes that women would become less reliant on and dedicated to the Church. In 1928, lawmakers expanded the availability of divorce and further alienated the Church by making divorce an option for anyone wronged by a spouse, and for couples who mutually agreed to a divorce. The Code also equalized civil rights while protecting mothers and wives, as men had to have a reason to want a divorce and because the law included custody protections for mothers and wives, as well as welfare benefits for the innocent half of the couple.

Feminists also agreed that they wanted to end the sexual double standard, especially as it pertained to criminality. Before 1931, husbands were legally allowed to rape their wives (without using violence, though they were legally allowed to assault their wives in the name of discipline), and a woman could be imprisoned for having an abortion, unless the pregnancy threatened her life. Women at feminist conferences in the 1910s and 20s pointed this out to illustrate how the double standard impacted more than just women's reputations, and by 1923, "the Mexican Section of the Panamerican League of Women emphatically declare[d] itself in favor of a single type of morality in

was not generally done in practice, however, and when it was, it angered citizens and did not last long. See article 27.

¹¹¹ Olcott, *Revolutionary Women in Postrevolutionary Mexico*, 41.

sexual matters for men and women.”¹¹² To address this double standard, they advocated that men be punished for sexual harassment and held responsible for their illegitimate children. Women at these conferences did not make any concrete suggestions regarding abortion laws, but in 1916, Hermila Galindo pointedly noted that women who had illegitimate unions and found themselves pregnant often had no choice but to resort to illegal actions like abortion in order to deal with their intense shame, while there were absolutely no consequences for the male half of the couple. Just a few years after these conferences, in 1931, the newly updated Federal Criminal Code instated greater punishments for sexual crimes, and lesser punishments for abortions across the board, both victories for the feminist movement.

Mexico’s legal history is long and complicated, but in order to understand legal changes in the early twentieth century, a brief overview is necessary. From the beginning of colonization, Mexico was ruled under several different legal systems that combined into one after independence, but regardless of the system, women were subjugated. When Spain invaded Mexico, Spanish law consisted of a mix of Roman and Germanic canon laws, royal decrees, and administrative practices.¹¹³ The crown appointed a Viceroy and judges to preside over colonial rule, and imposed Spanish law on its subjects in New Spain, but it also incorporated the pre-hispanic *ejido* system of communal agriculture, and recognized the power of indigenous caciques, allowing this indigenous nobility to continue as it had before.¹¹⁴ In addition to these various legal systems, the Catholic Church exercised power by dutifully converting as many indigenous people as possible (which required owning large plots of lands to build places of worship and study for the clergy), and by

¹¹² La Sección Mexicana de la Liga Pan-Americana, *Primer Congreso Feminista de la Liga Pan-Americana de Mujeres: conclusiones y discurso de clausura*, 5.

¹¹³ Ralph Gaebler and Alison Shea, *Sources of State Practice in International Law: Second Revised Edition*, Second. (Leiden, The Netherlands: Koninklijke Brill NV, 2014), 370.

¹¹⁴ Yanna P. Yannakakis, *The Art of Being In-Between: Native Intermediaries, Indian Identity, and Local Rule in Colonial Oaxaca* (Durham, N.C.: Duke University Press, 2008).

exclusively holding the power to register births, deaths, and marriage records. Previous to and during the independence movement in the 1810s, private law was applied according to ethnicity: Spanish laws governed people with Spanish heritage, indigenous people practiced their own laws and customs unless they violated the Church, and people of mixed race used a mixture of laws and customs.¹¹⁵ Regardless of ethnicity, women in colonial Mexico had no legal autonomy until they were widowed; single women were under parental authority, and married women were under their husband's authority. Women received harsher penalties than men for certain criminal activities, especially adultery.¹¹⁶ Some women escaped this everyday authority of men by entering a convent, but most lived legally under male authority from the colonial period through the Revolution.

During Mexico's liminal independence period in the 1810s, conservative Catholics struggled against liberals to win control of the government; liberals eventually took power and passed several laws to divide church and state and to keep the Church out of domestic matters, which gave women more autonomy in the domestic sphere and provided a basis for later laws that would give women more rights. Before Mexico won independence, marriage was strictly a religious contract, and family law was under the purview of the Church. The *Ley Lerdo* of 1856 secularized birth, marriage, and death registrations, removing the Church from the registration process and rendering related religious ceremonies to symbolism.¹¹⁷ Even though the *Ley Lerdo* was still patriarchal, this theoretically kept Church power and judgment from women who had illegitimate pregnancies, and would later allow the government to legalize divorce, giving women more autonomy over their personal lives. The *Ley Lerdo* also further removed power from the Church, and further divorced Church and state.

¹¹⁵ Stephen Zamora et al., *Mexican Law* (Oxford: Oxford University Press, 2004), 12, 14.

¹¹⁶ *Ibid.*, 16.

¹¹⁷ Smith, *Gender and the Mexican Revolution*, 90.

Just one year later, in 1857 under President Ignacio Comonfort, liberal politicians published a new Constitution that was anti-clerical, federalist, and made the executive branch of the government subordinate to the legislative branch, even further removing church influence in government. The constitution decentralized the power that judges had held for centuries, and also paved the way for *amparo* laws, which strengthened individual rights, backing them with judicial enforcement.¹¹⁸ While the Constitution still excluded women and did not give them legal rights, the *amparo* laws pertained to Constitutional rights, which women would be privy to in 1917.

Liberals also streamlined, codified, and gendered private law in the mid-nineteenth century, which restricted women's rights in some ways, but also reduced standard punishments for crimes usually committed by women. In 1857, paternity investigations were banned, which protected men from parental responsibilities and reinforced the sexual double standard. The 1884 Federal Civil Code considered married women as minors and barred them from managing their property or having parental authority.¹¹⁹ But the 1871 Federal Criminal Code¹²⁰ protected women from harsh punishments for typically female associated crimes, such as infanticide and abortion. This Code illustrates the shift from "classical" to "positive" criminal law, where the criminal was punished instead of the crime, which reduced punishments for many crimes.¹²¹ For example, previously to the 1871 Criminal Code, the punishment for having an abortion was the death penalty.¹²² In the

¹¹⁸ Zamora et al., *Mexican Law*, 22–25.

¹¹⁹ Helga Baitenmann, Victoria Chenaut, and Ann Varley, eds., *Decoding Gender: Law and Practice in Contemporary Mexico* (New Brunswick, NJ: Rutgers University Press, 2007), 10.

¹²⁰ These federal Codes only applied to federal territories but they were used as models for state Codes so they were generally very similar. Zamora et al., *Mexican Law*, 26, 346.

¹²¹ This also served to distance the government from Church influence. Under Catholicism, crimes were thought of in terms of sin, and generally the punishment depended on the crime (for example, the death penalty for abortion, regardless of circumstances), but under a positivist criminal system, the punishment depended on mitigating factors and personal details about the criminal and the severity of the crime. This was one step to divorcing Catholic influence from the legal system.

¹²² Adriana Ortiz-Ortega, "Law and the Politics of Abortion," in *Decoding Gender: Law and Practice in Contemporary Mexico* (New Brunswick, NJ: Rutgers University Press, 2007), 197–212.

new Code, the penalty varied. If the person having an abortion was of honorable status, hid the pregnancy, and the pregnancy was the “fruit of an illegitimate union,” she could receive a two year prison sentence.¹²³ If she met the third stipulation but not the first two, she could get three years, but all other cases were sentenced for five years.¹²⁴ Instead of punishing all criminals in the same way for the same crime regardless of circumstances, the punishment depended on the nature and context of the crime, and by considering crimes in terms of degrees instead of as absolute sins, the government distanced itself from the Church.

Porfirio Díaz won the presidency in 1876, just after the Criminal Code was updated, and he held onto the presidency until revolutionaries forced him out in 1911. Along with the 1884 Civil Code, his record on education illustrates how he was not particularly interested in expanding women’s rights, especially in the public sphere. Women at conferences in the 1910s and 20s directly spoke about how the 1884 Code was especially unjust to wives and needed to be updated, but even during the Porfiriato before the feminist movement was strong, more women than ever attempted to claim a place in the public sphere by attending vocational schools and entering professional life. Díaz did not prevent them from doing so, but he did not open more schools even though there were always more women applying than there were places available. While he did not bar women from attending medical school and becoming doctors (especially after realizing there was a need since many women did not want to see male doctors for female illnesses), he did not do anything to encourage the practice or help them enter an entirely male-dominated field.¹²⁵ And even though

¹²³ *Código penal para el Distrito Federal y Territorio de la Baja-California sobre delitos del fuero común, y para toda la República sobre delitos contra la Federación* (Veracruz: Imprenta del Progreso, De Ramon Lainé, 1873) art. 573.

¹²⁴ *Ibid.* art. 574.

¹²⁵ Macías, *Against All Odds*, 12.

women flocked to normal schools, in 1889, Díaz no longer allowed these schools to certify women to be secondary teachers.¹²⁶

Ironically, Díaz began his liberal presidency by amending the 1857 Constitution to abolish repeat presidential terms because he believed Benito Juárez had overstayed his welcome as president, but then Díaz later repealed his own amendment and continued to claim the presidency for decades. Over time, Díaz stopped enforcing other major sections of the Constitution in order to appease various groups and to stay in power. Though the Constitution severely curbed the political and economic power of the Catholic Church, Díaz ignored these restrictions except for when absolutely necessary, and therefore enjoyed greater support from the Church. After 35 years as dictator of Mexico, an alliance of revolutionaries ousted Díaz in 1911. Just before the largely symbolic 1910 presidential election, Díaz threw his opponent Francisco Madero in prison and then claimed he won the presidency almost unanimously. Madero informed his followers that Díaz stole the election and published the *Plan de San Luis Potosí*, a call to arms to oust Díaz. At the same time, Pancho Villa in the north and Emiliano Zapata in the south led peasant movements that rose up against the federal army. Díaz stepped down in May of 1911, and Madero easily won the presidency in November elections. Only two years later, United States-backed counter-revolutionary General Victoriano Huerta led a military coup against Madero, and his troops assassinated Madero and his Vice President José María Pino Suárez. After the overthrow, the civil war raged on, as these factions battled for power. Leader of the Constitutionalist Army Venustiano Carranza took power from Huerta in 1914 and became head of state until elected president in 1917. Carranza's primary revolutionary goal was to restore the Constitution of 1857 to its former power. Like most revolutionaries, Carranza wanted to reinstate restrictions on the Church. When he took power in

¹²⁶ Ibid., 10.

1914, he enforced the Constitution and later updated it to be even more powerful in policing Church activity, in the Constitution of 1917.

Until the Constitution of 1917, even after half a decade of revolutionary violence and governmental change, women could not draw up contracts, be involved in legal suits, be guardians, or use family income. They also were solely responsible for illegitimate children because these children were not legally allowed to search for their fathers, and their fathers were not allowed to recognize them. Beginning with the Constitution, lawmakers started to update the legal status of women, slowly extending more rights to women, especially after feminists directed criticism towards earlier laws. The Constitution ensured women were citizens and had a right to an education. The Family Relations Law in 1917 changed women's legal status, giving women the right to be a guardian and to use family income, and it allowed fathers to recognize illegitimate children, but the law still favored men over women; a man could easily ask for and obtain a divorce if his wife committed adultery but she did not have the same right.¹²⁷ It also made women responsible for all domestic duties and required wives to obtain their husbands' permission if they wanted to work outside of the home.¹²⁸ The 1928 Federal Civil Code further allowed women greater rights and the 1931 Federal Criminal Code introduced the rape clause in the abortion section of the Code, giving women clemency if they became pregnant as a result of rape. This is a surprising change, because although women actively campaigned for civil rights during the revolutionary and postrevolutionary period, they generally shied away from reproductive rights, and typically only brought up abortion to illustrate the sexual double standard. Even though revolutionary lawmakers would not grant women suffrage because they feared it would result in the Catholic Church regaining power, especially after

¹²⁷ Macías, *Against All Odds*.

¹²⁸ Venustiano Carranza, *Ley sobre relaciones familiares expedida por el jefe del Ejército Constitucionalista encargado del Poder Ejecutivo de la Nación* (México, D.F.: Negocios Interiores, Edición Oficial, Imprenta del Congreso, 1917) art. 44.

the long Cristero Rebellion, they continued to change other laws in response to women's pointed activism.

After feminists met in Yucatán at the *Primer Congreso Feminista de Yucatán* (PCFY) and its follow up to discuss how the Revolution could benefit women's rights, President Carranza's Constitutional Congress met to decide how to update the Constitution to reflect the ideals of the Revolution. As discussed in the previous chapter, Hermila Galindo, ally, representative, and propagandist of President Carranza, wrote a speech arguing for secular education for women that was read at the PCFY, and she also participated in the Constitutional Congress.¹²⁹ In light of this, it is not surprising that the Constitution of 1917 not only gave all citizens (not only male citizens) the right to a secular education, but made it the duty of all citizens to require their "children" (*hijos*, which could mean sons or sons and daughters) to go to school to obtain an education as well as military training.¹³⁰ This was in concert with the amendment to article 3, which stipulated that all schools and the instruction therein would be secular, and private schools were to be under the supervision of the government. Even though certain liberal politicians had been in favor of women's education for a century, this was the first time all women legally had the right to an education.

The Constitution also outlined labor rights, in many cases giving women the same rights as men. For example, it made the maximum working day eight hours even for domestic servants who were mostly women, and required that employers give equal pay for equal work, "without regard to sex" (although women were not allowed to enter into occupations that required working at night). It also required employers to give women one month paid leave after giving birth, and required that

¹²⁹ Macías, 33.

¹³⁰ Mexico, *1917 Constitution* art. 31.

employers allow women to have extra breaks to nurse their children.¹³¹ These education and labor related articles reflected the secular and radical nature of the Constitution, and they gave women rights that would help the feminist movement expand.

Even though the Constitution supported women's rights in some ways, it was still patriarchal, and some articles granting equality contradicted later articles re-imposing inequality, leaving rights ambiguous. The first article stated that "every individual" would enjoy the rights of the Constitution,¹³² while the 1857 Constitution guaranteed the "rights of man" in the first article.¹³³ This was a significant change, because the Constitutional Congress did not start anew with the 1917 Constitution; they deliberately used the 1857 version as a guide and many articles were exactly the same in both Constitutions. The first article in the 1917 version removed the gendered language and theoretically bestowed all rights listed in the Constitution to both men and women. This led some women to hope that the Constitution granted them voting rights, although the title of president was explicitly a man's office. A few women attempted to vote after the Constitution was published, but the 1918 Federal Electoral Law confirmed that women did not have the right to vote or hold office.¹³⁴

Just after the Constitution was updated, the 1917 Family Relations Law enshrined more civil rights for women, but at the same time, it imposed harsh restrictions on wives. While the Federal Electoral Law interpreted the Constitution to exclude women from voting, the Family Relations Law at least partly reaffirmed article 1 of the Constitution, which stated that all rights granted by the Constitution were guaranteed for every Mexican citizen. Prior to this these 1917 laws, married women had no legal rights and could only enter the courts through their husbands, unless of course

¹³¹ Ibid. art. 123.

¹³² Ibid. art. 1.

¹³³ Mexico, *The Mexican Constitution of 1917 Compared with the Constitution of 1857* (American Academy of Political and Social Science, 1917) art. 1.

¹³⁴ Macías, *Against All Odds*, 112.

they were tried as criminals. In general, neither single nor married women could participate in the legal system, nor could they be legal guardians. At the same time, illegitimate children could not file paternity suits or even search for their fathers, which made legal parenthood difficult to determine when children were born out of wedlock, and orphans without mothers had no legal recourse to find their remaining parent. The Family Relations Law overruled previous legislation and upheld the 1917 Constitution by allowing women to draw up contracts and legal suits, and by giving them the right to be official legal guardians.¹³⁵ It also gave orphans the right to sue for paternity.¹³⁶ This portion of the law addressed Galindo's PCFY comment that government sponsored orphanages protected and supported promiscuous men, as men were not punished for ignoring illegitimate children and they knew the state would take care of these children in the worst case scenario. Now men could be held accountable for their "assaults against morality and crimes against the homeland."¹³⁷ Women and the state previously had to shoulder all the responsibility for illegitimate pregnancies, but with this new law, men could now also be held accountable for illicit unions. The Family Relations Law particularly strengthened rights for a particular subset of women: mothers. A husband could divorce his wife if she had an extramarital affair, but since the Family Relations Law allowed women the right to draw up legal suits and become legal guardians, she could then sue for legal guardianship of the children. If she found herself pregnant with her new suitor's child, the child could sue the father for legal recognition, which would take some of the burden off of the mother. These laws addressed Galindo's criticisms of prior laws as detrimental to orphans and beneficial to adulterous men.

These new provisions benefited women, especially when widowed or otherwise neglected because they could file for guardianship of their children and draw up legal contracts without having

¹³⁵ Carranza, *LRF 1917* arts. 45, 47, and chap. 10.

¹³⁶ *Ibid.*, chap. 10.

¹³⁷ Galindo, "La Mujer en el porvenir," 202.

to rely on a husband; however, the law also restricted women's rights in regards to divorce. It should be highlighted that Mexico's legalization of divorce in 1870 was a remarkable exception within the Latin American legal landscape. Because of its historical ties between elites and clergy, other Latin American nations did not legalize divorce until decades later or even more than a century later. On the other hand, it is not surprising that the newly legalized process for divorce in Mexico still was a patriarchal law in 1917. The Family Relations Law updated divorce restrictions, stipulating that when a wife committed adultery, the husband was allowed to divorce her regardless of circumstances. A wife could only divorce her husband if he committed adultery in addition to any of the following four circumstances: if the union took place in the family home, if "there ha[d] been cohabitation between the adulterers," if the husband ha[d] publicly insulted his wife, or if the "adulteress" ha[d] mistreated the "legitimate woman."¹³⁸ This clearly favored the husband and made it harder for women to sue for divorce. Furthermore, the law also decreed that "the woman has the obligation to attend to all domestic duties."¹³⁹ As a result of this, the wife had to obtain her husband's permission if she wanted to work outside of the home.¹⁴⁰ While the law enshrined some rights for women, additional restrictions on women resulted in a continued gender imbalance, with more power reserved for men. This was not nearly enough to satisfy feminists.

The Family Relations Law was the subject of much discussion at the 1923 *Sección Mexicana* in Mexico City. This conference was one of the most important events in the postrevolutionary women's rights movement in Mexico because it drew international activists and revealed the existence of two main factions among Mexican feminists, which influenced both feminist congresses

¹³⁸ Carranza, *LRF 1917* art. 77.

¹³⁹ *Ibid.* art. 44.

¹⁴⁰ *Ibid.* art. 44.

and legal developments.¹⁴¹ Radicals at this congress included women who participated in workers' organizations and women's resistance groups, as well as women from the Yucatán conferences in 1916. This radical group grew from Galindo's supporters at the first two conferences, and became even more radical as women became more comfortable airing their views in public during and after the Revolution. At the 1923 congress, radical feminist Dr. Ursúa spoke in favor of free love, sex education, and birth control.¹⁴² In contrast, the moderates were typically schoolteachers, Catholics, and United States delegates. Sofia Villa de Buentello was a prolific moderate feminist, and she disagreed vehemently with many of the radicals' positions, but also had issues with the Family Relations Law.

In her 1921 book *La Mujer y la Ley (Woman and the Law)*, Villa de Buentello highlighted the double standard for women like Galindo did in her speech at the 1916 congress, but Villa de Buentello had different goals. She was responding directly to the Family Relations Law, especially the divorce clauses. Villa de Buentello was firmly against divorce, representing the views of a small conservative faction within Mexican feminism. The divergence of opinions within the feminist movement could not be wider. Both groups wanted to end the oppression of women, but on extremely different terms: while conservative women campaigned against legal divorce, radicals campaigned for the abolition of marriage as an institution.¹⁴³ *La Mujer y la Ley* is a long and repetitive book, but it is also thorough and logically argued. Villa de Buentello noted that the Civil Code (enacted in 1884) and Family Relations Law permitted divorce for men, while the Criminal

¹⁴¹ Many women with differing or even opposing ideals identified as feminists at the time. Other women who may have agreed with some of these self-proclaimed feminists in every way would consider themselves staunchly anti-feminist, so there is no clear consensus on what feminism meant to any one person. See Carmen Ramos Escandón, "Challenging Legal and Gender Constraints in Mexico: Sofia Villa de Buentello's Criticism of Family Legislation, 1917-1927.," in *The Women's Revolution in Mexico, 1910-1953*, ed. Stephanie Mitchell and Patience A. Schell (Lanham, MD: Rowman & Littlefield Publishers, 2007), 53–71 note on bottom of 58.

¹⁴² *Ibid.*, 57.

¹⁴³ *Ibid.*

Code (enacted in 1871) removed all criminal obstacles for men to commit adultery. Part of her argument rested on the influence of the Catholic Church in women's lives. She argued that "in catholic countries," it was difficult "especially for the woman" when divorce was allowed, which implied women were intrinsically connected to Catholicism.¹⁴⁴ Throughout the book, she invoked the will and name of Jesus, perhaps to make feminism appealing to a broader base of Catholic women, but this was not convincing to revolutionary lawmakers who wanted to lessen the influence of the Church and often advocated keeping the vote from women because they were too close to the Church.

While married women had few rights in the early 1920s in Mexico, single women had even fewer. Villa de Buentello pointed out that the law forbade single women to leave their parents' houses before the age of thirty, unless they were married, in theory to protect them from men. In response to the idea that men owned public space, Villa de Buentello argued for men to be held accountable if they abused their position: "Shouldn't the man be punished instead of putting the woman in prison?"¹⁴⁵ She wanted single women to be able to leave their parents' houses safely at age 21. Even then, women would still feel unequal, for "the Mexican woman, single or married, young or old ... is insignificant" because Mexican men did not "accept women as human beings, as integral parts of the nation."¹⁴⁶ She argued that even though women were theoretically equal citizens as defined by the first article of the Constitution, men considered them unequal in reality.

Perhaps most influential to lawmakers was Villa de Buentello's description of the sexual double standard. Interestingly, her argument for equality was not much different from that of her radical counterpart, Galindo. Villa de Buentello recognized that while women had no viable recourse to recover their reputation once they were pregnant from an illicit union, there were no

¹⁴⁴ G. Sofia Villa de Buentello, *La mujer y la ley* (Mexico: Franco-Mexicana, 1921), 59.

¹⁴⁵ *Ibid.*, 47.

¹⁴⁶ *Ibid.*, 24.

consequences for men in the same situation. The man who “tries to rid himself of his son” went unpunished, but “how many women also resort to abortion or suicide to rid themselves of that shameful stain [adultery]?”¹⁴⁷ Like Galindo, Villa de Buentello logically highlighted the criminal and cultural double standard. Women were shamed, and they often felt their only option was to commit a crime or kill themselves, while men who abandoned their children were morally and criminally blameless. But even though Villa de Buentello and Galindo had similar complaints about the sexual double standard, Villa de Buentello was concerned about it because, like divorce, it was harmful to the family unit, and she believed family was one of the most important things in life and should be preserved at all costs.

In addition to *La Mujer y La Ley*, Villa de Buentello wrote and self-published *La Verdad Sobre el Matrimonio* (*The Truth about Marriage*). She gave away free copies of the latter at the 1923 *Sección Mexicana* to try to appeal to the larger movement.¹⁴⁸ The primary aim of these two books was to encourage reform of the Family Relations Law to make it more equal, and to abolish divorce because single women had so few rights, and because divorce put women in “constant danger of losing her tranquility, her happiness, her future, and of her children.”¹⁴⁹ While she also campaigned for single women’s rights, Villa de Buentello believed marriage was so integral to a woman’s well-being that it should be permanent. The new Civil Code of 1928 addressed some of these issues, perhaps not as forcefully as Villa de Buentello and other feminists would hope, and it also gave women divorce rights, which Villa de Buentello actively campaigned against. Villa de Buentello’s books may have had wide readership, but most feminists in the 1920s pushed for equal divorce rights. This indicates that while Mexican lawmakers were aware of and receptive to a wide range of

¹⁴⁷ Ibid., 169.

¹⁴⁸ Ramos Escandón, “Challenging Legal and Gender Constraints in Mexico: Sofía Villa de Buentello’s Criticism of Family Legislation, 1917-1927.,” 61.

¹⁴⁹ Villa de Buentello, *La mujer y la ley*, 14.

feminist campaigns, they were more receptive to ideas that emphasized legal civil equality, especially when the new legislation would take judicial power from the Church and put it into the hands of the government.

However slowly, the state continued to address problems resulting from the nineteenth century *Ley Lerdo*, which made marriage secular, and the unequal divorce clauses in the Family Relations Law. The 1928 Civil Code, adopted during the Cristero Rebellion, continued the tradition of smoothing over unforeseen challenges, while also considering and addressing the legal inequality between men and women. The first article of the 1928 Code stipulated which sections of the country were under its jurisdiction (“in all of the Republic”¹⁵⁰), and the second article stated that “legal capacity is equal for men and women; in consequence, women cannot be subjected, because of their sex, to any restrictions on the acquisition and exercise of their civil rights.”¹⁵¹ This reads as a forceful recognition of equal rights for women and men, but over the course of more than 300 pages, the Code detailed restrictions based upon gender (similarly to the Constitution of 1917). Even though the Code did not consider men and women absolutely equal, it overruled civil inequalities enshrined in the Family Relations Law by addressing and updating who was in charge of household responsibilities and by allowing both partners to request divorce without putting restrictions on wives.

In general, the new Code supported civil gender equality but considered the mother the default parent. While the Code considered marriageable age for men to be older than 16 years and women to be older than 14, “the husband and wife have in the home equal authority and consideration” to take care of the house and raise and educate children.¹⁵² Married women received

¹⁵⁰ *Código civil para el distrito y territorios federales en materia común para toda la república en materia federal de 1928* (Mexico: Talleres Gráficos de la Nación, 1928) art. 1.

¹⁵¹ *Ibid.* art. 2.

¹⁵² *Ibid.* arts. 165 and 168.

the right to accept inheritance without their husband's permission for the first time.¹⁵³ In regards to children born out of wedlock, the marital status of the mother was of utmost importance. The mother "[did] not have the right to fail to recognize her child."¹⁵⁴ However, orphans "born out of wedlock" were allowed to investigate their motherhood, but "the inquiry will not be allowed when the objective is to attribute the child to a married woman."¹⁵⁵ This was clearly included to protect the mother from shame and embarrassment in front of her husband, and to protect the marital family unit. While still favoring women as mothers, the Code also considered cultural issues surrounding illegitimate motherhood, and protected those who had a legitimate family. According to Article 63 of the new Code, if a woman was married and birthed an illegitimate child, her husband was required to automatically recognize the child as his own.¹⁵⁶ He would not be allowed to neglect or disown the child if any of the following were true: if he knew his wife was pregnant before he married her, if he signed the birth certificate, if he had openly recognized the child, or if the child died at birth.¹⁵⁷ He could only claim the child was a product of an adulterous union and ignore the child if he had proof of a lack of intercourse around the time of conception, or if "the birth [had] been hidden."¹⁵⁸ Despite the continuous dominance of patriarchal norms, article 63 established greater paternal responsibilities, allowing the wife to save face in the case of adultery, a historically shameful act. These stipulations might seem to be unfair to the biological father who would want to be a parent, or to the mother who would want the biological father involved, and did not completely address the complaints made by feminists like Galindo and Villa de Buentello regarding blameless men who conceived and then ignored illegitimate children. But the new Code gave married women

¹⁵³ Ibid. art. 198.

¹⁵⁴ Ibid. art. 60.

¹⁵⁵ Ibid. art. 60.

¹⁵⁶ Ibid. art. 63.

¹⁵⁷ Ibid. art. 328.

¹⁵⁸ Ibid. art. 326.

legal tools to allow them to hide their indiscretion and have authority over their children while also requiring that the child would have a father figure in most cases. This addressed the deep feelings of shame that women had when caught in an illicit union, while also introducing the option of allowing the mother to publicly name the biological father and hold the historically blameless father accountable.

Overall, the 1928 Civil Code dramatically turned away from the tenets of the Catholic Church by allowing both parties of a marriage to end the marriage for a number of reasons, including voluntary and mutual consent, which reflected the views of radical Mexican feminists and pushed back against the Cristero Rebellion. Women at the 1923 conference decided to petition Congress asking for reform of the Family Relations Law, specifically to apply “equal criteria for the man and woman in articles 77, 93, 97, and 101,” articles that allowed men, but not women, to file for divorce.¹⁵⁹ The 1928 Code remedied this by allowing women to divorce unfaithful husbands for a number of reasons. Yet, it still placed more restrictions on the woman. She would not be allowed to remarry until 300 days after the couple stopped cohabitating, unless she had children.¹⁶⁰ The husband was under no such stipulation. Like other articles in the Code, this assumed the children were more connected to the mother, and it encouraged the preservation of the family unit, even if it was not the original nuclear family. The Code considered violence against a spouse, adultery, mental illness, violence against the children, and “mutual consent” among the twenty causes for divorce.¹⁶¹ The husband could end the marriage if the wife gave birth to a child conceived before the marriage, but the Code did not address whether a woman could divorce her new husband if she discovered the husband had fathered a child previously. This would have been much harder to prove so it is

¹⁵⁹ La Sección Mexicana de la Liga Pan-Americana, *Primer Congreso Feminista de la Liga Pan-Americana de Mujeres: conclusiones y discurso de clausura*, 3.

¹⁶⁰ *CC 1928* art. 158.

¹⁶¹ *Ibid.* art. 267.

not too surprising that there is not an equal clause for surprise pregnancies conceived by new husbands. While this and the 300-day waiting period for remarriage continued the tradition of civil inequality, the Code gave women the right to file for divorce without having to have permission from her husband and without having to prove anything, only giving men more power in the right to divorce women who had conceived before marriage *and* carried the fetus to term.

Another way the new Civil Code addressed feminists' complaints was by automatically favoring the mother in regards to *patria potestad* (custody rights). If a single mother or grandmother remarried, they did not lose custody rights, and the new husband could not "exercise custody over the children of the previous marriage."¹⁶² Children were also protected from abusive parents or in the case of divorce when one spouse was violent.¹⁶³ Though a judge would ultimately decide custody after divorce, the *patria potestad* provisions made the mother the default parent, and kept the children from being legally claimed by the new husband, which was a direct response to another demand raised by attendees at the 1923 feminist congress, wherein the feminist congress suggested that "the children, in all cases and up to their age of legal majority, stay with the mother."¹⁶⁴ This obviously protected the mother and children as a family unit, but also ensured the stepfather would not have more claim to the children than the biological father.

The new divorce articles were fairly egalitarian in determining fault and allocating financial support, although they assumed a woman would re-enter into marriage while not considering the future marital status of the man. If the divorce was "necessary," a judge decided which benefits the innocent party would receive, depending on their work and economic situation. When the divorce

¹⁶² Ibid. arts. 445 and 446.

¹⁶³ Ibid. arts. 283 and 444.

¹⁶⁴ La Sección Mexicana de la Liga Pan-Americana, *Primer Congreso Feminista de la Liga Pan-Americana de Mujeres: conclusiones y discurso de clausura*, 3.

was mutual, the woman had a right to *alimentos*¹⁶⁵ until she remarried, and the man had the same right if he was out of work, with no reference to his future marital status.¹⁶⁶ Widowed pregnant women also received *alimentos*, even if the woman miscarried.¹⁶⁷ The Code was specific, outlining these benefits and generally leaving other terms to the divorcing couple, especially when the divorce was by mutual consent. This was notably different from the previous Family Relations Law of 1917, in that it gave women more civil rights and balanced the power dynamic in marital relationships, while also allowing couples to divorce, even when there was no obvious wrong-doing, which was antithetical to Catholic teachings. The Code also made sure a mother was provided for and assumed a husband should provide financial support for her and her children. Though it was a Civil, and not a Criminal Code, it addressed the sexual double standard in marriage by giving women the right to leave unfaithful husbands for the first time. This further broke the state from the Church, and addressed feminist complaints about the inequalities in the previous law.

The Civil Code also revised the rights of single women. According to the 1884 Civil Code, the “age of majority” was 21, “however, women over twenty-one but under thirty [could] not leave home without the permission of the father or the mother,” unless to marry.¹⁶⁸ In 1928, the age of majority changed to 18 for all persons. The marriage of a minor less than 18 years old produced “the right to emancipation [from parental authority],” and even if the marriage ended, “the free spouse, even if a minor, [did] not fall back to being under parental authority.”¹⁶⁹ The Code used

¹⁶⁵ Usually, *alimentos* means child support, but in this context it applies directly to each spouse. The Code covered *alimentos* for children in the previous articles, so it would have been redundant to state it again in these articles about what each spouse was entitled to. Also, in article 1645, the Code stipulates that widowed pregnant women should receive *alimentos*, and even if they miscarried, they did not have to return it.

¹⁶⁶ *CC 1928* art. 288.

¹⁶⁷ *Ibid.* art. 1645.

¹⁶⁸ *Código civil del distrito federal y territorios de Tepic y Baja California: promulgado en 31 de marzo de 1884* (Mexico, 1902) arts. 596 and 597.

¹⁶⁹ *Ibid.* arts. 641 and 646.

gender-neutral nouns and pronouns, and did not specify any differences for women, which trumped the previous law and gave equal legal and civil rights to men and women. Specifically, legal adults had the right “to freely dispose of their person and their property.”¹⁷⁰ While the divorce clauses detailed above clashed with Villa de Buentello’s wish for the abolishment of divorce, they reflected the views of radical feminists. The new majority age laws addressed Villa de Buentello’s other main complaint and made single women equal with men and married women, allowing them greater freedom and autonomy. As a whole, the Code made for greater gender equality, protected the rights of mothers, and further separated church and state.

After passing the 1928 Civil Code, the postrevolutionary government also revisited criminal legislation, which had remained unchanged since 1871. By equalizing criminal penalties for women and men and protecting mothers, these reforms further diverged from the teachings of the Catholic Church, and indisputably benefited women, reflecting feminists’ activism. In particular, the 1931 Criminal Code allowed for lesser and more nuanced penalties for abortion. Feminists at the conferences did not openly talk about abortion in regards to reproductive rights, but Galindo and other feminists pointed out how “crime statistics [were] full of cases of infanticide and abortion” because women were mortified when their illegitimate unions became public.¹⁷¹ Galindo was not endorsing abortion, but highlighting the sexual double standard, and how women faced grave consequences while men remained blameless.

The change in the abortion law must be considered in the historical context of changing attitudes about family and individual rights, which began with the 1871 Criminal Code, and the change in the predominant criminal theories from classical to positive law. The 1871 Code drastically reduced the sentence for abortion from the death penalty to prison, for maximum of five

¹⁷⁰ Ibid. art. 647.

¹⁷¹ Galindo, “La Mujer en el porvenir,” 202.

years. Furthermore, the 1871 Code punished infanticide more severely than abortion but less harshly than other forms of homicide (the maximum prison sentence for infanticide was 10 years), showing a changing attitude about the nature of life and about rights. Abortion was still considered a crime, but terminating a pregnancy was not considered as criminal as terminating a human life, and thus was punished with less prison time. This reduced the consequences in terms of punishment for women who had abortions, but it did not address the sexual double standard, especially for women who had become pregnant as a result of rape.

When referring to the fetus in the abortion chapter, the 1871 used the words *feto* (fetus) and *producto de la concepción* (product of conception), but not *infante* (infant – the word used in the infanticide section of the Code). The Code used the words *madre* (mother) and *hijo* (son) once each, but the context is telling;¹⁷² the penalty for a doctor who performed an abortion was cut in half in two cases: when there was proof the “fetus was already dead,” and when “the life of the mother and of the son” were saved.¹⁷³ It used “fetus” for an unborn child, and “son” for a living child. Besides this one section, the Code used “woman,” instead of mother. This could signify that instead of automatically considering a pregnant woman as a mother, the writers of the Code began to consider a pregnant woman as a person with a fetus being part of her body. Even if the law did not intend to make that case, it changed in meaning significantly from the Catholic influenced law, and it clearly viewed the crime of abortion as minor compared to previous laws. This, along with the language in the Code, indicates that in the eyes of lawmakers, an unborn fetus was not quite the same as a living person. Abiding to the principles of male honorability, the 1871 Criminal Code, assigned lesser sentences to wives that obtained an abortion if her motivation was to preserve her husband’s honor. The reduced sentence was aimed at protecting the family unit, because the woman would only

¹⁷² CP 1871 arts. 569, 570, 572, 573, and 577. Section II of article 577 includes the words “madre” and “hijo” (mother and son), but that is if they survive, so it is truly accurate in that case.

¹⁷³ Ibid. art. 577.

receive one more year in prison if she was not from a good family or did not successfully hide her pregnancy, as long as it was an illegitimate union. But the 1871 Code also introduced a measure of criminal equality, as any person who harmed a pregnant woman with a resulting miscarriage would be imprisoned for four years, or six years if the abuser inflicted violence with the intent to make her miscarry.¹⁷⁴

This clause created protections for women who found themselves accidentally pregnant, but several articles in other sections of the 1871 Code allowed men to injure their wives with no consequences. Sentencing for murder was complicated and depended on several factors such as whether the murder was premeditated or an accident. Regardless of intent, the sentence was reduced for men that murdered their wives when they caught them in the act of adultery.¹⁷⁵ Men also went unpunished if they produced injuries when “exercising the right to punish the victim, even when the correction is excessive.”¹⁷⁶ Pablo Piccato argues that this light stance on domestic violence stemmed from the cultural importance placed on honor for men. Violence that a man inflicted in order to save his honor was acceptable and expected, no matter how unfair for the victim.¹⁷⁷ The abortion punishments and reduced sentences were designed to save the husband his honor more than to help women. Still, the 1871 Code gave Mexican women more rights than they previously had, as they could no longer be sentenced to death in any case related to reproduction.

Rape and abortion were not considered to be related crimes in the 1871 Code, and the Code did not specify harsher penalties for rape that resulted in pregnancy. The Code defined three main forms of rape, under the classification of “Crimes against Family Order, Public Morality, and Good Customs” which included *atentado contra el pudor*, (acts against decency), *estupro* (seduction), and

¹⁷⁴ Ibid. arts. 575 and 576.

¹⁷⁵ Ibid. art. 554.

¹⁷⁶ Ibid. art. 530.

¹⁷⁷ Piccato, *City of Suspects*, 82.

violación (rape).¹⁷⁸ Instead of crimes against other individuals, the 1871 Code considered rape more as a crime against the family unit and societal order. *Atenado contra el pudor* was defined as any “indecent act that can offend someone” without “carnal intercourse.”¹⁷⁹ It was punishable by two to three years in prison and a fine of 120 to 600 pesos, depending on whether the victim was over or under 14 years of age.¹⁸⁰ Any person of any gender could be a victim of this crime. The Code defined *estupro* as “intercourse with a chaste and honest women, employing seduction or deception to attain consent.”¹⁸¹ The penalties were a little more complicated for *estupro*. If the victim was 10 to 14 years old, the punishment was four years in prison. If the victim was under 10 years old, the criminal would be punished with eight years in prison, and a fine of 100 to 1500 pesos. If the victim was 15 years or older and the rapist gave her a “written promise of marriage” that he did not intend to fulfill, he would be punished with five years and 11 months in prison, and a fine of 100 to 1500 pesos.¹⁸² The Code did not punish *estupro* when the woman was over 14 and not promised marriage, effectively punishing women who got pregnant in this way if they aborted the fetus, but leaving the seducer blameless.

Violación was defined as “by means of physical or moral violence, having intercourse with a person without their will, whatever their sex.”¹⁸³ Like the other two crimes, the penalty was greater for younger victims. The punishment was ten years in prison and a fine for victims under 15, and six years and a fine for victims over 15. The penalty increased by two years for crimes against the criminal’s children or for homosexual *violación* (“the copulation is against the natural order”), by one year “if the accused is the brother of the offended,” and six months if the defendant had authority

¹⁷⁸ *CP 1871* Título Sexto. Examples of other crimes that fell under this section: crimes against civil status, crimes against public morality, bigamy.

¹⁷⁹ *Ibid.* art. 789.

¹⁸⁰ *Ibid.* art. 791.

¹⁸¹ *Ibid.* art. 793.

¹⁸² *Ibid.* art. 794.

¹⁸³ *Ibid.* art. 795.

over the victim.¹⁸⁴ All three of these rape crimes were considered more serious if the defendant was under 15 years of age, and punishments for *estupro* and *violación* increased when the accused disrupted traditional family dynamics. The Code stipulated that the accused did not have the right to marry or take the dowry of the victim;¹⁸⁵ however, in cases of *rapto* (taking a woman against her will “to satisfy some blundering desire or to marry”), “when the abductor marries the insulted woman, he cannot be criminally proceeded against” unless the marriage was annulled.¹⁸⁶ Indeed, men who committed these crimes would often then commit *rapto* and marry the woman to get out of the punishment, and parents would rather see their daughters married than unmarried and without their virginity.¹⁸⁷ It was difficult to prove *atentado contra el pudor*, *estupro*, and *violación*, and victims of these crimes became less valuable to their families, so culturally, it would be better for them to marry the offender rather than go to court and face societal scorn, especially when the victims were of lower social stature than the criminal.

This 1871 Criminal Code continued in effect through the first couple decades of the postrevolutionary years, but in 1931, the newly updated Criminal Code changed dramatically in women’s favor by updating rape and abortion clauses. Whereas rape in the 1871 Code was classified under “Crimes against Family Order, Public Morality, and Good Customs,” under the 1931 Code, rape crimes were detailed under “Crimes against Freedom and Ordinary Psychosexual Development.”¹⁸⁸ This suggests that instead of considering sexual violent crimes to be crimes

¹⁸⁴ Ibid. art. 799.

¹⁸⁵ Ibid. art. 312.

¹⁸⁶ Ibid. arts. 808 and 813.

¹⁸⁷ Alonso, “Love, Sex, and Gossip in Legal Cases from Namiquipa, Chihuahua,” 54. Conversely, the *rapto* clauses also reflect how a women in this time period had very few rights, because couples would use this clause to get around parents who did not want the daughter to marry her chosen suitor.

¹⁸⁸ *Código penal para el distrito y territorios federales y para toda la república en materia de fuero federal* (Mexico: Talleres Gráficos de la Nación, 1931) Título Decimoquinto. The Spanish reads “Delitos contra la Libertad y el Normal Desarrollo Psicosexual.”

against the decency of the family unit, the new law considered them to be crimes against an individual's liberty, and also a perversion. This is significant, because as Galindo and Buentello had argued, men who took advantage of women were often considered to be admirable while women were shamed. This was somewhat reflected in the 1871 Code, as the crime was considered to disrupt a societal norm, which would affect the victim's place in society. Under the new Code, however, the victim was recognized as an individual with personal freedom, instead of only as part of a family unit, and the criminal was considered to be abnormal.

Unlike the previous Criminal Code, the 1931 Code did not define each type of rape, and *raptio* did not appear in the Code (abduction was in the 1931 Code, but was not related to sexual assault crimes). The 1931 Code defined rape in general as when someone "through physical or moral violence copulates with a person of either sex." The prescribed penalty was eight to fourteen years in prison, an increase from the previous penalty of six to ten years.¹⁸⁹ When the criminal used force or raped minor, up to half of the base penalty would be added, so prison times could increase to 21 years. Interestingly, the Code included language that recognized marital rape: "if the victim of the rape was the wife or concubine, the penalty provided in the pervious article will be imposed."¹⁹⁰ This indicates that previously, the rape of one's wife was not considered a crime, or at least was not punished as one very often. Indeed, Katherine Bliss notes that women brought an increasing number of suits against men who committed sexual crimes in the family in the 1930s.¹⁹¹ Furthermore, the 1931 Code no longer included protections for men accused of assaulting their wives as the previous Code did. The articles in the new Code regarding relations between men and women addressed feminist complaints by increasing penalties for men, and by regarding women—even wives—as individuals instead of part of a family unit.

¹⁸⁹ Ibid. art. 265.

¹⁹⁰ Ibid. art. 265 bis.

¹⁹¹ Bliss, "Paternity Tests," 336.

The abortion chapter of the 1931 Code differed greatly from 1871 in some ways, and barely changed in others. For the first time, the new Code punished the medical professionals who performed abortions with more than prison time, and noted degrees of criminality, as pertaining to the new positivist theory of criminology. Medical practitioners could be punished with three to five years in prison if the abortion was requested, or six to eight years if it was against the woman's will,¹⁹² and they would also be "suspended from two to five years in the exercise of their profession."¹⁹³ In opposition to the previous Code, the first half of the abortion chapter in the new Code was aimed at the medical professionals. In the previous Code, only the last section of the chapter pertained to doctors. This may have made it more difficult for women, especially poor women, to have safe abortions as the government could more easily monitor hospitals than individual women and the new Code seemed to target doctors more than the women themselves.

Abortion was defined as "the killing of the product of conception in any moment of the pregnancy."¹⁹⁴ The Code used *mujer* (woman) three times, and *madre* (mother) once, similarly to the previous Code. Instead of *feto*, it used *producto* (product), and never *hijo* (son or child). This, along with the new punishments for medical professionals, indicates that lawmakers thought that even though abortion was morally wrong, it was not quite the same as the murder of an adult human being. The infanticide sections of the Code were removed in 1931, but the homicide of a direct blood relative, spouse, or adopted family members could be punished by 10 to 40 years in prison,¹⁹⁵ a great deal more than the maximum five years for abortion. Abortion was still criminalized, yes, but it was not in the same category as homicide.

¹⁹² *CP 1931* art. 330.

¹⁹³ *Ibid.* art. 331.

¹⁹⁴ *CP 1931* art. 329.

¹⁹⁵ *Ibid.* art. 323.

Even though the abortion regulations barely changed or even became stricter in some regards, the new Code made exceptions that were far more liberal than the previous Code. In the 1871 Code, a woman charged with the crime of abortion could only avoid prison if her abortion was necessary to save her life. In the new Code, there was no penalty when “the abortion was not provoked,” when the “pregnant woman or the product is at risk of death,” and “when caused by accident of the woman or when the pregnancy is the result of rape.”¹⁹⁶ These new articles officially decriminalized miscarriage and abortions or pregnancies that were the result of rape. At the same time in the neighboring United States, “all abortions were criminalized except those performed by a licensed physician to save the life of the pregnant woman,”¹⁹⁷ and this continued until a handful of states started allowing for abortions in cases of incest and rape in the 1960s. These abortion exceptions in the 1931 Code were groundbreaking for the time, but especially for Mexico, as rape was previously not considered to be a very serious crime and feminists cited it as a common cause for abortion. Yet, the Code still made exceptions for the woman who “does not have a bad reputation ... has kept her pregnancy secret ... [and] when it is the fruit of an illegitimate union.”¹⁹⁸ These women faced six months to one year in prison (as opposed to the earlier two years). Failing any of these stipulations, the punishment would be one to five years, similar to the previous Code that specified five years.

This Code addressed feminists’ complaints by imposing harsher punishments for rape, and by allowing women to escape punishment after dealing with the consequences of a traumatic situation. For the first time in Mexican legal history, rape and abortion were connected, and the

¹⁹⁶ Ibid.

¹⁹⁷ Kara W. Swanson, “The Doctor’s Dilemma: Paternalisms in the Medicolegal History of Assisted Reproduction and Abortion,” *Journal of Law, Medicine & Ethics* 43, no. 2 (Summer 2015): 314, accessed May 1, 2016, <http://proxy-remote.galib.uga.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=108720211&site=eds-live>.

¹⁹⁸ *CP 1931* art. 332.

person responsible for the pregnancy was held accountable, instead of the victim. The fact that most abortions were still criminalized and that physicians received greater punishments for performing abortions, especially when unwanted by the patient, is possibly related to the high infant mortality rate in Mexico at the time more than religious convictions. Most feminists were against easily accessible birth control because of high infant mortality rates (they wanted more prenatal and postnatal clinics instead), so the new abortion laws addressed several of their complaints about the sexual double standard while also punishing those who put their individual needs over the needs of the nation. One of the biggest criticisms of the Revolution by feminists was the lack of equality between women and men. Hermila Galindo and Sofia Villa de Buentello noted how women also were culturally and criminally unequal, as an illegitimate pregnancy could drive them to abortion or suicide because of shame, while men were not punished and were even praised for their illicit acts. The increased penalty indicates a willingness by lawmakers to punish men for crimes against women, especially those that could result in conception.

Even though historians have tended to focus more on the lack of civil equality between men and women because women could not vote in Mexico until 1953, these legal changes that addressed feminists' critiques were substantial, especially compared to pre-revolution laws. Beginning in 1916, women that advocated for equal civil and criminal rights were vindicated with the updated Constitution, Family Relations Law, and Criminal and Civil Codes. Women actively campaigned for rights, appealing to the Revolutionary government's secularism, interest in protecting mothers, and civil equality in their arguments, and this resulted in legislative change. Even though the changes appear small when considered individually, especially because women could not vote, male lawmakers addressed feminists' complaints in the postrevolutionary years and increasingly recognized women as equal individuals.

This chapter has considered feminist activism in concert with revolutionary laws in order to center the role of feminism in the Revolution. Placing the focus on women's rights and gender equality in the postrevolutionary period highlights feminist congresses and individual feminists' campaigning and ideologies that have often been overlooked by historical studies that focus primarily on men and men's issues. Legal historians have also noted changes in the law in modern Mexico; however, these two groups of historians have not yet drawn from each other, leaving ample space for research about laws pertaining to women. Of course, legal historians have not completely left women out of their studies, and cultural historians have not ignored Mexican laws, but they have not yet attempted to explain why male revolutionaries instituted legal changes that benefited women and imposed harsher criminal penalties on men who assault women while also refusing to allow women to vote. Beginning in 1916 with the PCFY, women became more outspoken about their legal inequalities and the sexual double standard, and legal changes soon followed to address these complaints. Women were especially successful when advocating for mothers' rights and laws that supported secularism, and when pointing out double standards between the sexes. Mexican lawmakers responded by enshrining greater equality for women. Feminist activism in the 1910s and 20s resulted in several successes for the women's rights movement. In the postrevolutionary years, women won the right to divorce, to use the legal system, and to abort fetuses conceived through rape, and they also had assurance that the law held men accountable for illegitimate children and sexual assault.

CHAPTER 4

CONCLUSIONS: FEMINIST SUCCESSES IN MEXICO

As the previous two chapters have illustrated, documents related to four feminist conferences in the 1910s and 20s combined with federal laws from 1857 to 1931 suggest that women influenced federal lawmakers during the postrevolutionary period, even though they did not have the right to vote in federal elections. By the 1920s, feminists included winning federal suffrage rights as one of many goals for an equal society, but Mexican women did not win the right to vote in federal elections until 1953, 43 years after the beginning of the Revolution. This does not mean, however, that they were unsuccessful or that the women's movement was not significant during those decades. Feminists won many other rights in the postrevolutionary years because they worked together and petitioned Congress with demands that aligned with the goals of the Revolution, focusing on a wide range of concerns instead of only suffrage. Various factions of feminists, including radical conservatives and extreme leftists, found ways to cooperate at conferences, even when revolutionary government leaders and conservative U.S. suffragettes dominated the conferences. At these conferences, Mexican feminists worked with each other to write clear resolutions that prioritized their own wishes over outsiders', and that ultimately led to legal changes.

The 1917 Constitution, created under Constitutionalist Revolutionary President Carranza, updated the 1857 Constitution to better reflect the ideals of the Revolution, and it theoretically gave women more rights, but future laws re-defined certain ambiguities, at first placing restrictions on women's rights, but later reflecting some of the resolutions from feminist conferences. After a small number of women attempted to vote because the Constitution did not preclude women's suffrage, Congress released the Federal Elections Law in 1918, which stipulated that women did not have the

right to vote. The 1917 Family Relations Law also defined specific rights that only men were entitled to, especially in regards to marriage and the family, but it gave women the right to file for divorce for the first time. The Federal Civil Code and the Federal Criminal Code, updated in 1928 and 1931 respectively, changed in alignment with feminists' suggestions at conferences in the 1910s and 20s, which indicates that even though women could not vote for many decades after the Revolution, feminists were still able to exercise some power by persistently and eloquently requesting legal changes.

Throughout colonial history and the first century of independence, women in Mexico had denounced the sexual double standard, and feminists continued to focus on eliminating it in the years after the Revolution. They also wanted more rights for married women, though some wanted these rights to include the option to divorce, while others wanted to abolish divorce; regardless, they wanted married women to have custody rights, to be able to own property, and to have social and financial support in case of divorce. In 1916 at the *Primer Congreso Feminista de Yucatán*, Governor Alvarado gave feminists the opportunity to discuss these topics and others, for the first time in an open forum. He particularly wanted women to claim the right to vote and hold office, so they could better support the revolutionary government. Women at this conference and its follow up decided they wanted relief from the sexual double standard, more rights for married women, and education for all girls and young women, but they did not want to push for federal suffrage rights or the right to hold office. The Constitution of 1917 extended education rights to all citizens, and specifically included educational rights for all children. The 1917 Family Relations Law gave women the right to be legal guardians, to draw up legal suits, and to divorce in specific scenarios, but it still gave men more rights, especially in regards to divorce. These laws reflected some of the resolutions of the first and second conferences, but they kept women in a lower status as compared to men.

In 1922, eight feminists traveled to Baltimore, Maryland, for the Pan American Women's Conference, and their views had slightly shifted since the 1916 conferences. The National League of Women Voters organized the conference in order to learn about the state of women's rights in other countries in the Americas, to encourage these women to fight for suffrage, and to spread international peace. The Mexican delegates to the conference considered the aims of the U.S. women and decided that they would add winning federal suffrage rights to their resolutions, and that they would like to keep peaceful relations with other American countries. But these would not be their main resolutions. The Mexican delegates continued to prioritize proposing legislation that would end the sexual double standard, make divorce regulations more equal, and protect mothers' rights. Eager to discuss these topics among peers in Mexico, Torres spearheaded the creation of a *Sección Mexicana* of the Pan American Women's League at the end of the PAWC, and proposed a conference in Mexico City for the following year.

Feminists resumed the conversation at the 1923 *Sección Mexicana de la Liga Pan-Americana para la Elevación de la Mujer* in Mexico City, and after intense deliberations, they decided on specific resolutions and strategies that would further their goals. They proposed petitioning Congress about several things, including specific articles in the Family Relations Law that they wanted abolished or changed. The Family Relations Law gave women the right to draw up legal suits, which allowed them to be legal guardians and to own property, but it still gave men more rights in regards to divorce, and required that women live under official guardianship of their fathers until age 21, while men reached the age of majority at 18. Feminists at the SMLPAM resolved to petition Congress about these issues, and they saw success in the 1928 Civil Code. The new Code legalized divorce without restrictions, giving men and women the same divorce rights. It also made the mother the default legal guardian of her children in most cases, and ensured divorced women were entitled to

financial benefits. The Code made the age of majority the same for men and women, and as a result, young women were no longer always under the legal authority of a man.

Feminists also succeeded in their aims to physically protect women from the sexual double standard, as the 1931 Criminal Code criminalized forms of domestic violence and rape that were not previously coded as criminal acts, while also decriminalizing abortion in some cases, and making the punishments less severe than earlier Codes. For the first time, a man could be penalized for abandoning a woman he impregnated, which made both parties accountable for any illegitimate relations. These new criminal laws addressed specific complaints that feminists of all political persuasions had been making for decades: they removed the full brunt of societal scorn on women who had illegitimate relations by making sure violent acts were penalized, by decriminalizing abortion in cases of rape, and by holding men accountable for children born out of wedlock. Of course, legal changes could not change social norms about illegitimate sexual relations, but these laws gave women more rights and autonomy over their own bodies.

Even though feminists resolved to petition for suffrage rights and did not succeed until 1953, they saw many other successes in obtaining women's rights, and many women were active participants in the revolutionary government. Powerful revolutionaries like Salvador Alvarado, Venustiano Carranza, Álvaro Obregón, and Felipe Carrillo Puerto befriended and assisted feminists by supplying federal funding and by publically supporting women's efforts to meet at government supported conferences and to petition Congress. Feminists accepted the help of these individual revolutionaries when it allowed them to meet with other feminists and lay their petitions before the government, but the revolutionaries' support was not always helpful or wanted, and as a whole, the Revolution was not particularly inclusive of women, or it could have made men and women completely equal in the 1917 Constitution. Feminists accepted opportunities revolutionaries presented to them, as well as help from U.S. women, but always kept their own resolutions at the

center, even though they were in a precarious position and had to appease multiple groups. The feminists at these conferences considered what outside groups wanted, and as a result, they changed some of their goals over time and saw success by appealing to revolutionary aims such as reducing Church power, helping women in the domestic sphere, and creating civil equality. They also had to find ways to cooperate with each other, as women of diverse political views called themselves feminists and had opinions on how the movement should proceed. This proved to be a benefit for the movement, because it forced feminists to discuss more than suffrage and to adopt a large number of platforms. By diversifying the women's movement and continuing to fight for rights besides those that feminist-sympathizing revolutionaries and U.S. feminists saw as most important, Mexican feminists successfully influenced lawmakers to enshrine more rights for women.

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