

Carlos Mondragón

THE POPE'S VISIT, the Church and the Constitution



Some Mexican clergy want to come out of the confessionals into the political arena. Photo from unomásuno archives.

Coordinator of Social Psychology, Professional Studies School, UNAM.

Church-State relations in Mexico have had a long and complicated history, full of ups and downs with tensions and violence. The history of the Mexican nation is virtually crossed with this conflict, especially after the Constitution of 1857 and the reforms made by President Benito Juárez in 1859.

The separation of Church and State as well as freedom of worship, two of the great achievements of liberal Mexicans, have been points of permanent conflict with the Catholic Church. At the same time they also have been two of the most important factors in the making of modern Mexico. These achievements were consolidated by the Constitution of 1917, the legal basis that still sets the norms today for relations of the Churches with the Mexican State.

Some of the articles in force that are being questioned at present are the following:

Article 3, that establishes secular education, "removed from any religious doctrine and based on the result of scientific progress". It also maintains the prohibition that "religious organizations", "religious ministers" or "societies connected with any religious belief", may be involved in the educational process on "a primary, secondary school or teachers' education level as well as education of workers and peasants".

Article 24, that guarantees the freedom of worship.

Article 27, that states the following: "The temples for public worship are property of the Nation". Thus, Churches may not own property nor accumulate wealth.

Articles 55, 58 and 82, which prohibit ministers of any religious belief from holding the office of representative, senator or president.

Article 130, which among other points, states the following: 1) "The Congress cannot dictate laws establishing or prohibiting any religion", 2) "Marriage is a civil contract", 3) "Churches" have no legal standing; 4) There is a limitation on the number of religious ministers; 5) Religious

ministers must have Mexican nationality; 6) Ministers are prohibited from stating any criticism against the government in public or private meetings or religious ceremonies; 7) Ministers "will have no right to an active or passive vote, nor have the right to associate for political ends"; 8) The State controls churches and their wealth; 9) "Periodical publications of a religious character" are prohibited, as well as meetings of a political nature in churches.

The fulfillment of these legal resolutions has been in function of a complex and paradoxical social dynamics. Relations between the Churches, principally the one with the majority of believers, and the different post-revolutionary governments seem to have been ruled for the most part by political convenience. The State, trying to conserve its "autonomy" by enshrouding the liberal ideals of the past expressed in the Constitution; and the Catholic Church, trying to increase its range of intervention and political influence. We should put the Pope's visit within this context to understand its relevance.

The Controversial Visit

Months before the arrival of John Paul II, in Mexico the theme of Church-State relations again appeared in public opinion. The press talked about "modernizing" these relations, beginning with the recognition of the legal status of the Catholic Church. This idea was expressed by Bishop Luis Reynoso of Cuernavaca when he stated that "modernization in Church-State relations would help to alleviate many social tensions". This "modernization" is understood in the sense that some of the articles of the Constitution mentioned above should be modified: "Thus the final goal of the struggle to revise certain articles of the Constitution, is that of recognizing the legal character of the Church" (*La Jornada*, November 27, 1989).

Another argument that is being used time and again is that the political Constitution as it stands is an offense to human rights. Just one example: in referring to the renewal of diplomatic relations between the Vatican and the Soviet Union and to the Gorbachov-John Paul II dialogue, Genaro Alamilla (President of the Bishops' Social Communication Commission) asked the following: "When will Mexico have the complete capacity to recognize human rights?" (*La Jornada*, December 6, 1989).

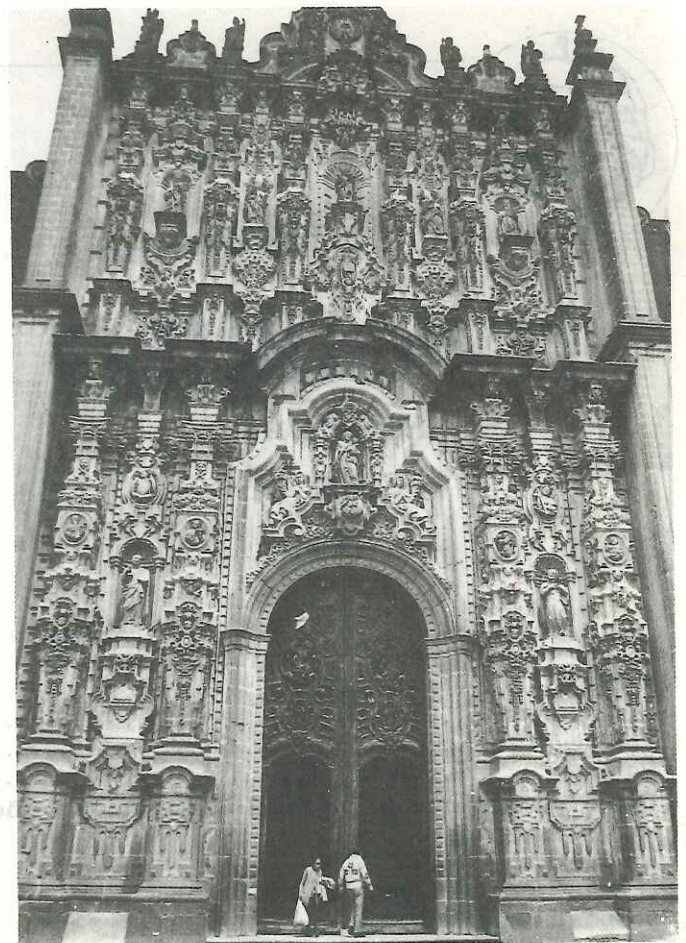
"Legal recognition of the Church", "human rights", "religious freedom", "modification of some constitutional articles", were the most important themes discussed during the months previous to the Pope's visit. The avalanche of opinions in favor of or against the modification of the Constitution only heightened with the news that President Carlos Salinas de Gortari had named a "personal representative" to the Pope in the Vatican, accredited in Rome on April 24, 1990. The opposition interpreted this as the *de facto* re-establishment of diplomatic relations with the Vatican State.

The debate that this provoked went so far as the House of Representatives and appears to have produced a political effect. There was a certain "reversal" in the tone of the

press statements of public authorities and the Catholic hierarchy. This may only have been a tactic to avoid darkening the political atmosphere any more than it already was in the time shortly before the arrival of the Pope in Mexico on Sunday, May 6. The news that the President would personally welcome Pope John II was justified by the fact that he was not a Chief of State but a "distinguished visitor".

The Pope's visit once again showed the great power of influence and attraction that he has over a large part of the Mexican population. The tumultuary demonstrations to welcome the Pope and to listen to the Papal sermons were interpreted by some clergy as "proof" of the wish of the grass-roots majority to normalize relations with the Church. Both State and privately owned television channels covered the visit twenty-four hours a day in a most amazing way.

John Paul II's speeches to different sectors of the population produced the most varied reactions in public opinion. There had been much speculation about the objective of the visit: contrary to church spokespersons who said that the trip was exclusively pastoral, the most radical sectors argued that the objective was a political one and that the goal was to help legitimize the present government.



The Mexico City Cathedral, built on top of the Aztec Grand Temple. Photo from Novedades archives.

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Some of the Pope's messages produced a controversy. In Veracruz and Aguascalientes, the Pope stated that "a new perspective of contacts between the Church and the political community of this country is being formed in our days". (*unomásuno*, May 9, 1990). He also said that the Gospel should be the norm in politics, culture and education. He condemned "false leaders" who serve "strange ideologies". At the same time the Pope criticized religious minorities protected in Mexico by the Constitution. Lastly, he made a call to change secular education, "opening it to the message of Christ". The most radical case of opposition to this was that of members of the Mexico City Assembly from the opposition parties - the Popular Socialist Party (PPS), the Workers' Revolutionary Party (PRT) and the Party of the Cardenist Front for National Reconstruction (PFCRN). These people wanted to apply Article 33 of the Constitution (which imposes sanctions on foreigners) to the Pope for interfering in "affairs that only concern Mexicans" (*unomásuno*, May 9, 1990).

The present situation appears to be a "frozen" and confusing one. Spokespersons from the Government

have made statements that there will be no changes in the Constitution. On the other hand, members of the opposition have asked that negotiations be taken out from behind the screens and that the public be given information. In this state of uncertainty the farewell speech of the Minister of Foreign Relations, Fernando Solana Morales (in representation of President Salinas) to Pope John Paul II was surprising. He categorically stated that "we will continue to make the fundamental decisions of our country within the framework of freedom based on our historical experience, on our national principles and on our future projects... Please take with you the conviction that this Mexican freedom will prevail and that Mexico's joy and spirit will be two of the strengths that will continue to encourage our performance in trying to be more fair and just" (*El Nacional*, May 14, 1990).

What does this mean? Is it only a tactical retreat of the government? It appears that the visit left both rivals (Church and State) exhausted, since there seems to be a period of "repose" at the moment. However, this calm, as that of the eye of the hurricane, may be misleading. ■