

Legal Status of Church and Clergy in Mexico

Juan Luis Campos

When President Benito Juárez entered Mexico City on July 15, 1867, after defeating Emperor Maximilian of Hapsburg in a tenacious five-year war, he declared that the triumph of the Republic was the second consummation of national independence. During almost half a century two broad groups--the liberals and the conservatives--dedicated themselves to determining the country's plans to be a nation. Throughout this struggle they subscribed, with arms, plans, decrees and constitutions that attest to the enormous difficulties encountered in forging the identity of the nation.

That triumph entailed the definitive implantation of the 1857 Constitution and of the Laws of Reform that the liberals passed to modernize the country and to incorporate it once and for all into the world. In the decree of July 12, 1859, Juárez considered the Church an enemy of the nation, which failed to respect civil authority and utilized its wealth to support the conservatives. Thus, he decreed that Church property become part of the patrimony of the nation. In addition, a separation between Church and State was established. The triumph over the party of the Archduke of Austria endowed Mexicans with the Republican nationality, alien to the government of any other State.

With freedom of cults, religious sentiments could develop in democracy. Guadalupanism--the Mexican *mestizo* religion--which had already played a role in the Independence movement, resurged at the beginning of this century with the troops that defined the social character of the Mexican Revolution. At the same time, the Catholic hierarchy, always blessing the acts of the powerful, encountered the ill-will of revolutionaries who were called to make up jurisprudence from the ideals the nation had conquered in the battlefields.

The Constitutionalist stood out for their anti-clericalism. This stance arose from their modern conception of the State and also because the Church formed the National Catholic Party during the regimen of Francisco I. Madero, who had the support of twenty legislators of this party in the 26th Legislature. The Constitutionalist unleashed a harsh anti-Madero campaign that ended in the coup d'état of Victoriano Huerta in 1913 and the murder of Madero. The revolutionaries imposed rigorous sanctions in their territory on priests, especially if they were foreigners, and they supplied themselves with riches ex-

tracted from convents, churches and devout individuals.

The debates of the Constituent Congress of Querétaro were heated when the question of religion arose. Jacobin and Moderate legislators coincided that the Church was the enemy of sovereignty and of Mexico's progress. They considered it to be a foreign body, loyal to the Vatican, that exercised its power through education and confession. The concern of these legislators was then to exclude the clergy from education, since from their point of view it was a matter of teaching the truth and not superstition; in addition, in this way they would not politically influence the tender minds of infants. Confession had to be suppressed because it was the vehicle by which all types of transactions were made with inheritances, and besides it was used for avaricious ends. In sum, they feared that if they did not defeat the clergy, they were endangering the revolution and ultimately the nation.

Among legislators, noteworthy was the position of Félix Palavicini, who argued that weakening the Catholic Church would open the way for U.S. Protestant missionaries, after which the U.S. empire would not find it difficult to subjugate Mexico. Other legislators feared Jacobinism as much as the clergy, and they proposed the free competition of ideas. Whatever the case, anticlerical opinions, especially those of legislator Francisco J. Múgica, reigned in discussions on various articles. An important historical, judicial study *La lucha entre el poder civil y el clero* (The Struggle between Civil Power and the Clergy) (1934), was written by Emilio Portes Gil, who had been interim president of Mexico five years earlier following the assassination of president elect Alvaro Obregón, who was shot by a Catholic wielding a pistol. Portes Gil, Attorney General of the Republic at the time of Obregón's death, wrote:

It was necessary to reduce them to simple ministers of the cult and not into autonomous managers of it and without responsibility for the interests that they handle, given that temples, just as the buildings that serve for the administration of cult, were declared property of the nation itself. That was nothing more than a consequence of the fact that religious associations were declared to be without legal status and without the capacity to own real estate...



But perhaps the most serious matter was that priests were kept formally at the fringes of politics. They were also disqualified from voting. Article 129 of the Constitution, which finally became 130, established: "That the Law does not recognize any religious group as a personality with legal status. That the ministers of cult may never criticize the fundamental laws of the country, of authorities in particular, or of the government in general, in public or private reunions constituting meetings, nor in acts of worship or religious propagation; they will not have an active vote, nor the right to affiliate themselves with political ends."

Exiled in the U.S., the Mexican episcopate opposed this Constitution. Nevertheless, it was not until 1926, when such dispositions became effective, that the War of Believers in Christ ("Guerra Cristera") (1926-1929) broke out. The Catholic hierarchy united with the farmers of central Mexico, to the cry of "Long Live Christ the King!", and the country was again bathed in bloodshed. In these same years, the governor of Tabasco, one of the southeastern states, Tomás Garrido Canabal, established an atheist regime in which temples were desecrated and rationalist schools were organized. The struggle between the Church and civil authority has been a constant one; nevertheless, for long periods they have flattered each other and have practised political alliances. Constitutional norms have probably not erased the influences that they aspired to eliminate from the clergy, but they circumscribed the Church to the dictates of the State.