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## THE RELIGIOUS CRISIS IN MEXICO: THE VIEW OF A LIBERAL

BY ROBERT BRUCE BRINSMAN

*Mexico City*

The present controversy between church and state in Mexico is not of recent origin. We have now simply an acute stage of a struggle which has persisted in a chronic form for nearly a century. In the long period of Spanish rule, from 1521 to 1821, the Roman Catholic Church was supported as the right arm of the colonial government; not only was other worship prohibited but the Holy Office was on guard to deal with heretics, in the New as well as in the Old Spain, till abolished by Napoleon when he entered Madrid in 1808.

During the Colonial epoch, Mexico swarmed with friars and nuns, besides the secular clergy—some of the former were zealous preachers or teachers but many followed the celibate career as an easy mode of enjoying a good living as a co-owner one of the great landed estates then possessed by the religious orders in profusion. In the older cities on the central plateau, such as Mexico, Puebla, Querétaro, Guadalajara, and Morelia, the relics of the monkish passion for temples and cloisters are everywhere still extant in the form of great, if not always artistic, piles of masonry. All of the latter and some of the former structures are now used for secular purposes, such as public or private offices, schools, halls, hotels, or warehouses. Every old town or village possesses one or more fine temples and often such a structure of great size is now found out in some desert, inhabited only by a few Indians. Judging from the existing remains, a large part of the labor power of the country must have been dedicated for centuries to the erection of religious buildings.

The first constitutions of independent Mexico continued the Roman as the official church and prohibited rivals. Nevertheless a portion of the native intellectual class had already become "liberal," as a result of their study of the English and French authors of the period, and soon achieved the formation of a Liberal or Jacobin party, among professions,

merchants, and small proprietors, to oppose the dominant Conservative party backed by the great landlords and ecclesiastics. While the latter party possessed the wealth and, at first, the military talent, the Liberals were goaded by poverty to greater efforts than their opponents and gradually overcame their initial martial ignorance. But it was not until the Conservative leader, General Santa Ana, had lost half the national territory as a result of foreign war that the Liberals were able to seize the reins of government and hold them for a sufficient period to liberalize legislation.

The documentary result of Liberal guidance was the Federal Constitution of 1857—consistently liberal in theory but in many of its practical provisions quite unsuited to the country, as subsequent history has proved. This faulty construction arose from the fact that such features as unrestricted male suffrage and a judicial procedure giving every advantage to the criminal in his fight against society were blindly imitated from the United States on the fallacious assumption that “all are born equal” whether the highly disciplined and educated whites of European origin or the vast Mexican Indian population of illiterates, hardly, if at all, emerged from the barbarian condition of their Aztec forbears. In the same decade were decreed the desamortization laws of 1856 and 1859 which separated church from state and nationalized all the ecclesiastical real estate, estimated to have been at least one-third of all urban and rural property. These innovations caused the ten-year struggle of the Conservatives to restore the old order, known as the wars of the Reform and the French intervention, against the Liberals led by President Juarez. Peace did not come till the intervention of the United States in 1867 caused the withdrawal of the French army supporting Emperor Maximilian and, as a consequence, the speedy capture and sad execution at Querétaro of this benevolent and romantic adventurer.

During this decade of war, Juarez had pursued the foolish economic policy of selling the church estates for a song, in order to gain political support from the wealthy merchants, and by 1871, when Juarez died, practically all the vast ecclesiastical property, except the temples, had been alienated.

Locally, this alienation was as bad for the masses as had been a similar procedure in England by Henry VIII; for now the property formerly used in part for charitable and educational purposes had fallen into the hands of selfish parvenus whose chief ambition was to join the ranks of the great feudal landlords and exploit the helpless Indians as serfs, an exploitation which finally became so onerous, in the last days of President Diaz, as to cause a disintegrating revolution, not yet finished.

While the Constitution of 1857 had abolished the monastic orders, Juarez supplemented it, shortly before his death, by the famous Reform code which placed all religious observances under strict governmental regulation. Thus when General Diaz revolted in 1876 against his Liberal co-workers, President Lerdo de Tejada, the Roman church had lost both its real estate and its monopoly of public worship although the bulk of Mexicans were still its adherents. Yet, during his long reign of thirty-four years, Diaz gradually drifted from the Liberal to the Conservative position, both as regards secular and religious monopolies. While in theory he did nothing to modify the hard-won Reform code, Diaz nullified many of its regulations in practice by winking at their violation—some of it open, the balance secret but never so much so as not to be easily discoverable by the Federal police. Among such open violations were: the nursing work of nuns in uniform in both public and private hospitals; the conduct of many private schools by monastic orders and the forcing on their pupils of sectarian teachings; and the constant intrusion of priests into public institutions for the administration of the sacraments, not only without the request of the recipients (as required by law) but often against their desire. The chief secret violation of the Reform code was the holding by the church of large amounts of productive real estate—often originally acquired by the ancient abuse of deathbed-wills—in the name of some lay agent as trustee. Moreover, the granting by Diaz of practically all the old nationalized temples—rent free—for Roman worship, whether they were needed or not, was an indefensible injustice; both as to the other sects, who got none, and to the vast pauper

secular population which usually lacked suitable buildings for schools, hospitals, asylums, and halls.

On the economic side, too, the Roman influence under Diaz was often far from beneficent. The rural priests were usually mere henchmen of the feudal landlords in their selfish policy of keeping their serfs illiterate and consequently submissive to exploitation. This dense ignorance of both serfs and free Indians was also profitable for avaricious young priests who, arriving penniless from Spain, were often able by using rapid extraction methods—long ago perfected in Europe—of retiring after a few years with comfortable fortunes.

In spite of all these provocations, however, the first, or Madero, revolution in 1910 was rather anti-dictator than anti-Rome or even anti-feudal. It was apparently the fact that the eighteen months of counter-revolution under General Victoriano Huerta was openly plotted and backed by a combination of landlords, foreign concessionaires, and prelates that aroused the Liberal party to the need for a social as well as a political overturn and gave birth to the Federal Constitution of 1917. Entirely a partisan document—only Carranza adherents were members of the Constituent Assembly of Querétaro—the new Constitution is less liberal and even more unworkable than its predecessor of 1857. It has incorporated in many articles, such as 27 and 123, many illiberal principles borrowed from socialism, syndicalism, and a hermit-nationalism; and by its abolition of prefectures in favor of “free towns” it has destroyed the civilized territorial organization of police, long ago perfected in Latin Europe, and rendered impossible the maintenance of rural order among Indians. But here I will only discuss its religious features, which are confined to eight articles—Numbers 3, 5, 24, 27, 37, 59, 81, and 130—of which a free translation appears as appendix to this article.

From the inauguration of the Constitution in May of 1917 until the inauguration of President Calles in December of 1924, nothing was done by Congress to incorporate the new religious articles into statute laws. But after the latter date this incorporation proceeded rapidly and there have already been issued the statutes on petroleum, mineral industries, foreign

property, and religion, while that on labor and capital is almost completed. These new and revolutionary statutes greatly surprised as well as shocked that large part of the population, both native and foreign, which had either never read the new Constitution or had comforted themselves with the thought that its revolutionary provisions were destined to remain indefinitely shelved, like many former laws. A commotion, everywhere, was caused by the issue and enforcement of the new religious statute in the summer of 1926. The few monasteries and nunneries that still secretly existed were invaded and their inmates dispersed; the private schools were investigated and those teaching religion or run by monastic orders were obliged to conform to the new law or close up; all nuns still serving as nurses in eleemosynary institutions were evicted; all ministers, not Mexicans by birth, were prohibited from further preaching; and all temples were inspected to make inventories of their plate, ornaments, statues, pictures, and other chattels.

While these measures irritated greatly their victims—chiefly Roman Catholics—there were few riots and little resistance of other types. However, after the refusal of the Government to heed the request of the Roman clergy for a general revision of the religious statute, the latter went on a general strike and ceased all their ministrations in the temples. When the Government countered this move by keeping all necessary temples open to the public under the care of local lay trustees, the Roman prelates proclaimed a state of passive resistance and consumers' boycott which involved abstention from the purchase or patronage of anything unessential to life, such as: luxuries, theaters, social functions, and excursions. As a large part of the public revenue is derived from taxes on consumption rather than on property, this boycott to date has considerably crippled the national treasury. Nevertheless, the Government has remained unmoved by the boycott and correctly insisted that there is nothing in the religious statute not already authorized by the new Constitution.

In a republic where perhaps nine-tenths of the people are adherents of Rome, it may seem incomprehensible to a foreigner how any government which systematically defies the

hierarchy can long keep in office. But Mexico cannot be judged from the standpoint of genuine republics controlled by public opinion. In the Juarez epoch more than 85 per cent of the population were illiterate and, politically, the present condition is almost the same. It was bayonets and political acumen, not votes, that first gave to Juarez and later to Diaz their long lease of power, and present day governments can only exist by the same props in spite of all constitutions and codes to the contrary. The military ascendancy which the anti-clerical Liberals had to secure, before they separated church and state in 1857, was temporarily suspended during the French intervention but has never since been seriously threatened by any Conservative factions proposing to revoke this separation—not even by Huerta, the recent reactionary usurper. Besides the bureaucracy, the commissioned officers (the rest of the army doesn't count), the bulk of the intellectuals, and the Masonic lodges, which have always sustained the anti-clerical party, the latter has now the additional backing of the labor unions which were not yet born in Juarez' time.

A scrutiny of the quoted constitutional articles may astonish an American, unaccustomed to religious restrictions, but not a Frenchman whose long struggle against Rome has been only recently ended. Even at the Declaration of American Independence, the last attempt of Rome to recapture political power in the Mother Country had been squelched, thirty years previously, with the defeat of Prince Charlie at Culloden, although the anti-Catholic laws were not finally repealed till 1829. If he judge the contemporary Mexican Constitution from the viewpoint of his seventeenth-century ancestors, the contemporary American will appreciate its religious articles as defensive measures necessary at this time as a means of later achieving complete religious liberty.

While all foreign liberals conversant with history will, therefore, doubtless sympathize with the general purport of the quoted articles, they may hardly care to condone certain errors and even one immorality included in them, but they will agree that both the welfare and dignity of Mexico require their speedy amendment. Perhaps the most glaring error

of policy is that of restricting the priesthood to natives, which, though it will prevent any more exploitation of the credulous masses by Spanish adventurers, will also render illegal any further activity by either the pastors of the various foreign-colony churches or by the foreign superintendents and preachers who manage the local Protestant missions. The former inhibition is a stupid discourtesy to the foreign colonies, while the latter tends to defeat the main object of the religious statute—the destruction of the Roman monopoly—by hamstringing the chief movement for creating a healthy rivalry of sects. Another apparent error, in view of actual social conditions, is the exclusion of ministers from any connection with educational or charitable institutions. To make rapid headway against the dense ignorance and woeful misery of the Mexican masses, no available means should be neglected; hence the prohibition of all aid from religious minds or fortunes is unwise as well as needless, for a set of regulations can easily be devised to avoid the evils of clericalism in such institutions. No ethical objection can be made to the reaffirmation of the Juarez laws nationalizing religious property. Not merely because their repeal would be barred by statutes of limitation, but because these laws were originally justified by the fact that most religious property had been created by the state, through its power of taxation, and therefore, on the separation of church and state rightfully belonged to the latter, as the representative of the nation, rather than to the former comprising only a sectarian group. Nor can ethics condemn the present confiscation of any church property acquired since 1857 in defiance of the law, such as productive real estate. But the confiscation also of modern temples constructed entirely by the voluntary contributions of sectarians, and legally owned, is a direct infringement of the Eighth Commandment and cannot be justified even by the plea: "Public need knows no morals." There are only a small fraction of existing Catholic temples that were built since 1857 while the confiscation of Protestant structures, created with money collected abroad for the purpose, seems both a foolish defiance of international law and a base ingratitude towards the altruistic efforts of foreign friends. Finally, the



proposed confiscation by the nation of all temples to be built in the future, though not immoral, as any would-be builders are fore-warned that their structures will be nationalized, seems a mistaken policy, as it will probably prevent any more temples from being erected, when they are needed in new settlements, except at the cost of the Government.

FREE TRANSLATION OF EIGHT RELIGIOUS ARTICLES OF THE  
MEXICAN CONSTITUTION OF 1917

Art. 3, par. 2.—No religious corporation or minister of any sect may establish or direct schools for primary education.

Art. 5, par. 3.—The state cannot permit the execution of any contract, promise, or agreement whose object is the lessening, the loss, or the irrevocable sacrifice of human liberty, be it on account of work, education, or religious vows. The law, therefore, does not permit the establishment of religious orders whatever be the name or object for which they are founded.

Art. 24.—Everyone is free to profess the religious belief which best suits him and to practice the ceremonies, devotions, or acts of its worship, in temple or home, provided they are not of a penal nature.

Every act of public worship must be performed inside a temple which must be always under the control of the government.

Art. 27, clause ii.—Churches, whatever their creed, shall be incompetent to acquire, possess, or administer real estate or mortgages thereon, and any such property they may now have, openly or under cover of a trustee, will be confiscated by the Nation. Anyone may expose the fact of such ownership and circumstantial evidence will suffice for declaring such an exposure well-founded. Temples destined for public worship are the property of the Nation, as represented by the Federal government, which will select those to be used for this object. Bishops' palaces or parsonages as well as seminaries, asylums, or colleges of religious societies, convents, or any other building which may have been constructed or destined to the administration, propaganda, or teaching of a religious sect will at once become the legal property of the Nation, in order to be used exclusively in the public services of the Federation or of the States within their respective jurisdictions. All temples which may be erected in the future will also be considered as national property.

In no case can institutions for public or private charity, for scientific investigation, for the spread of education, for mutual aid or any other legal object . . . be under the patronage, direction, management, or care of religious corporations or institutions, nor of ministers of any sect or their agents, even though neither class may be on the active list.

Art. 37, clause iii.—The right of Mexican citizenship is forfeited by the act of binding one's self in any form before ministers of any sect, or any other person, to disregard the present constitution or the laws which may emanate from it.

Arts. 55, 59, and 81 (paraphrase).—A minister of any religious sect is ineligible for election as federal deputy, senator, or president.

Art. 130.—It is the province of the Federal government to direct the supervision of religious worship as required by law, and other public authorities shall act as auxiliaries to the federal authorities.

Congress shall not enact laws establishing or prohibiting any religion.

Matrimony is a civil contract which, like other civil relations of individuals, is exclusively under the control of the secular government, as provided by law, and will have a corresponding obligation and validity.

A simple promise to tell the truth or to comply with a contract is as valid as an oath, and is subject, in case of failure, to the corresponding penalties.

No church will be recognized as a legal entity.

A religious minister will be deemed a person exercising a profession, subject to such legal regulations as may be in force.

The State legislatures shall have the exclusive right of fixing, according to local needs, the maximum number permitted to function as religious ministers, for which profession only Mexicans by birth are eligible.

Such a minister may never, either in public or private meetings or in acts of religious propaganda or worship, criticize the fundamental laws of the country, the public officials in particular or the government in general. They shall have no vote nor be eligible to office, nor may they assemble for political objects.

In order to consecrate new buildings for public worship, a permit is required from the Ministry of *Gobernación* (government) who will first consult the state authorities. In each temple there must be a trustee, responsible to the government for compliance with the disciplinary laws concerning the temple, and for its furnishings.

This trustee in company with ten of his neighbors must inform the town authority of his appointment. Notice of every transfer of responsibility must be given, by both departing and entering trustees, in company with ten neighbors. The town authority, under penalty of dismissal and a maximum fine of \$100 for each case, shall direct the application of this law; he must also, under a like penalty, keep one register of local temples and another of their trustees. The town authority must notify the Ministry of *Gobernación*, through the state governor, of every permit for opening to the public a new temple and of every change in trustees. In the interior of the temples any gifts of chattels may be kept.

Under no pretext shall any credit be given in the official courses of study for any work done in theological schools. Any authority infringing this regulation will be penally liable, the credit given will be null and any professional degree obtained by its aid will be cancelled. Periodicals of a religious nature—whether in their program, title, or merely in their usual tendency—must not discuss national political affairs nor give any information regarding either public officials or private persons, which is directly related to the functioning of public institutions.

The formation of any class of political association is strictly forbidden when its designation contains any word or indication whatever which connects it to any religious sect. No political meeting may be held in a temple.

No minister of any sect can inherit either in his own right or through an intermediary or receive under any title a real property occupied by any society of propaganda or other object involving religion or altruism. Ministers are also legally incompetent to be heirs by will of ministers of the same sect or of a private person unless related within the fourth degree of consanguinity.

The real estate or chattels of the clergy or of religious societies will be governed, as to its acquirement by private persons, by Art. 27 of this constitution.

No trial for violation of the above regulations shall be by jury.