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CHURCH AND STATE IN MEXICO

By DUDLEY G. WOOTEN

(Part II)

Mexico is substantially all Catholic, so far as the great body of its people are concerned, and that faith has brought to the masses all of enlightenment, elevation, peace, contentment, patience and happiness that brightens their lives of toil and sacrifice. It has enabled them to bear the burdens of poverty and servitude, it has comforted them in sorrow and misfortune, it has educated their children in the simple truths of Christian morals, it has taught them the sanctity of marriage and the blessings of homely virtue, it has steeled them against the exactions of tyranny on the one hand and the temptations of anarchy on the other, and it is the one permanent, constant, stabilizing, salutary, unifying force in Mexican civilization,—indeed, without it there would be no civilization among them. The Church and her teachings furnish the antidote to the radicalism that threatens the foundations of law and order, she is the universal racial solvent and social cement in a community composed of such complex and discordant elements. These people have no transmitted aptitude for self-government, no conscious sense of what we call democracy and equality. The only times they have ever been aroused to revolt against despotism and to take up arms against oppression has been when their religious leaders inspired them to action and led them to victory, and then they have fought with superhuman courage. When Hidalgo led 100,000 of them against Calleja's disciplined army at the Bridge of Calderon in 1811, these half-naked Indians stormed the batteries of the royalists, stuffed their old straw hats into the smoking muzzles of the cannon, and throttled the gunners with bare hands. Now and then one of them emerges from the common mass, like Juarez, but in such instances it is usually an untamed tribe like the Zapotecas or the Yaquis that produces such a leader, and he invariably identifies himself with the fanaticism of racial and anti-religious propaganda. The point to be considered is this: Since religion, which means Catholicism in Mexico, is the bulwark against military

autocracy and racial hatreds, the sheet-anchor of stable authority and orderly processes, and the natural foe of usurpation and outlawry, having its seat and strength in the faith and loyalty of the masses of the people, it has been and is the focus of all the animosity and proscription that has been fomented and enforced from the days of Juarez to the reign of Calles. If the restraining and regulative influence of the national religion is removed by destroying the Church and exiling her representatives, there will be left no civilizing or pacifying agency in the mongrel composition of the population. The thing will happen that acute observers and students of Mexican conditions have long foreseen and feared. As long ago as 1804 Alexander von Humboldt, who was a philosopher and political thinker as well as a scientist, sensed the danger of racial conflicts in Mexico, where he had spent several years in close contact with the people. He predicted that if the time should ever come when the savage nature of the Indians and *mestizos* should escape the dominating control of white leadership and gain the ascendancy in government and social power, it would prove disastrous to religion, morality and the normal civilization of the country. Many sociologists and political scientists who have visited the republic and surveyed its internal dissensions, since Humboldt's day, have noted and commented upon the same evil contingency. In colonial times, under the dominion of Spain whose sway was ever the joint rule of both Church and state, Mexico emerged from barbarism into the light of modern progress, as the magnificent monuments of Spanish culture, art, industry, education, religious devotion and Christian benevolence all over the land abundantly testify. Under the rule of the Spanish chiefs, however arbitrary and tyrannical, after the separation from the mother country, the system of alliance and co-operation between religion and government continued in a measure to preserve and perpetuate the forces of civilization. It was "the white man's burden" and Mexico was part of the white man's world. But with the militant and ambitious leadership of Benito Juarez and his associates the Indian and mixed element came to the front, inaugurating the era of anti-Catholic legislation and intense racial antagonism. With Diaz white supremacy again asserted itself, and for thirty years directed and developed the vast resources of the territory, en-

couraged outside immigration and enterprize from America and Europe, and made greater advancement towards identifying Mexico with the progressive forces of modern life than was ever accomplished under any preceding administration. With the accession of Madéro, who was supported by the native Indian and *mestizo* leaders of Northern Mexico and by the socialistic, anti-religious propagandists from the United States, it was made possible for the wise policies of the Diaz régime to be reversed and their benefits dissipated, by wild schemes and fanciful theories of agrarian reform, communistic economics, and utopian democracy. His sudden removal promised a return of saner and safer conceptions of government adapted to the capacity and character of the Mexican people, for Huerta belonged to the same class of leaders and rulers as Diaz and would have pursued the same methods. But the fatal obsession seized the administration at Washington that Mexico was ready for American ideals and institutions, that the masses of the people were yearning for democratic self-government, and only needed the aid of the United States to achieve liberation from the despotic traditions and antiquated superstitions of Spanish and Catholic inheritance, in order to realize true nationality. It was a total misconception of the real situation and displayed unaccountable ignorance of the history and aptitudes of the Mexican population. It was visionary and destined to dismal failure, and subsequent events proved it to have been a calamity hardly less than a crime against a helpless people. First, the half-breed bandit Villa was encouraged in his lawless revolt, then Carranza was accepted as the hope and deliverance for the supposed democracy of Mexico, finally the futility of the whole proceeding was demonstrated, and the country was left to the misery and tumult of civil war and religious convulsion, followed by the brutal and ignorant chieftainship of Obregon and the present calculated malice and fiendish hatreds of Calles. The Indian and the *mestizo* are again in the ascendant, and with characteristic ferocity they are bent upon the eradication of religion, the ostracism of the foreigner, and the particular extermination of all Catholic agencies and activities.

In Mexico, as in all other parts of Latin America, there have always been two companion forces in the settlement and development of the country, between which there naturally exists

a certain logical antipathy. Due to the methods of Spanish discovery, exploration, colonization and government, militarism and ecclesiasticism have gone hand in hand in prosecuting the white man's Christian dominion. The adventurous prowess of Spanish arms achieved the conquest of New Spain, but the missionary spirit and courage of Spanish priests accomplished the task of converting, educating and civilizing the native races. Columbus sailed upon his first voyage "to extend the kingdom of Christ" as much as to find the way to the Indies, and Cortez fought his way to the capital of the Aztec empire under a banner which bore Constantine's historic device, *In Hoc Signo Vinces*. The bearers of the Cross could not have penetrated the wilderness of the New World and maintained their lonely stations among distant tribes of savages, without the company and protection of the soldiery, and these were readily given: by the side of every "Mission" there was always a *Presidio*—in fact those ancient structures were often half chapel and half fortress, housing alike the Army and the Church. In the very nature of the two systems there was a fundamental incompatibility, that easily became actual antagonism under provocation. The one was animated by the motive of Faith, the other by the spirit of Force. The gospel of peace and mercy ill accorded with the practices of cruelty and rapacity that so frequently stained the military methods of the *conquistadores*, and the history of the colonial period is filled with the constant clashings and bitter controversies that arose between the missionaries and the soldiers, on account of the brutality and oppression of the latter towards the natives. Every student knows the story of Las Casas, "universal protector of the Indians", in his long and ardent effort to prevent the injustice and enslavement wrought upon the indigenous tribes by the Spanish secular and military authorities; the annals of the Mexican viceroyalty are replete with the records of the struggle between the hierarchy of the Church and the autocracy of the State, arising out of the continual cruelties of the military chiefs, who often stopped at no excesses in their exactions upon the conquered inhabitants of the country. So, from the beginning there was a latent and frequently violent conflict between the religious and the secular arms of the government; the Church adhered to her sacred functions as converter and civilizer of the new lands, while the State—which was essentially

warlike and absolute in its motives and methods, the sword and the sceptre being in the same hand—recked little of righteousness and mercy in its cupidity for wealth and power. After Mexican independence from Spain, in 1821, this ancient antagonism was accentuated by the unscrupulous policy of spoliation and oppression of the Church inaugurated by the military adventurers who successively seized control of the *pseudo*-republican government of the new nation. With scarcely a single exception every ruler of Mexico since separation from Spain has been a soldier of fortune, a military leader promoting revolution and acquiring power by force and usurpation, and they have been soldiers of the worst type of the class, unprincipled, avaricious of both pelf and power, arbitrary and despotic, and for the most part hostile to the material interests and the spiritual sovereignty of the Church. Those who talk and write about constitutional law and free government in Mexico fail to understand the real character of Mexican institutions. The republican Constitution of 1824 was in many respects modelled after that of the United States, but it differed in vital particulars. For one thing, it established Catholicism as the State religion, which was natural, as that was the faith of the entire population. Then it declared that the validity of all laws should depend exclusively upon the judgment and discretion of the law-making power, instead of being subject to judicial review and control, as in this republic. But, most important of all, it contained a provision that the Constitution itself might be suspended at any time by the President, whenever in his opinion the public safety and welfare demanded, and that it might be supplemented or amended by executive decrees to have the full force and effect of fundamental law, subject to the perfunctory sanction of the Congress, which body has nearly always been servile to the ruling executive. The same provision is repeated in the Constitutions of 1857 and 1917, and it will be seen that this amounts to making the organic law of the land a mere football for such Presidents as have generally risen to office, dissoluble or changeable at the arbitrary will of the executive for the time in power. It is idle to call in question the constitutionality of any decree the President may promulgate, under such a system. The terms "constitutionalist" and "constitutionalism" are favorite catchwords in the vocabulary of Mexican politicians and revolutionaries, as they have been among

the French, Spanish and Italian radicals, but they connote no such conception of fundamental, organic, stable and constant law, by which a state defines its own powers and functions and a people limits and regulates its own sovereignty, as the Englishman and the American understand when they speak of constitutional law, and as Pope Leo so ably expounds in his great Encyclical on "The Christian Constitution of States". An idea of the factitious and fluctuating character of the Mexican system may be gathered from the fact that, since 1824, over sixty different military adventurers have exercised or attempted to assert the supreme executive authority, invariably by revolution and arbitrary acts; there have been two emperors, both of whom were shot; there have been promulgated more than three hundred *plans*, *pronunciamentos*, and tentative experiments for reforming and administering the government; the Constitution has been suspended a number of times, and in 1835 Santa Ana abrogated it entirely, abolished the federal republic, and established a military dictatorship with himself as its head. The Constitution of 1857, as well as that of 1917, was framed and forced upon the country in the midst of civil commotion and without a pretense of popular sanction. The "Reform Laws" of Juarez and Lerdo, in the period from 1861 to 1876, by which all Church property was confiscated and the juristic rights of all Catholic orders, institutions, and representatives were destroyed, were mere executive decrees, like that of Calles in 1926, but they had all the validity of constitutional amendments by the terms of the supreme law. This record of absolutism and usurpation was written by the military chiefs who came into power by warlike violence, and, strange to say, the most notable among them were lawyers and judges, although primarily and by disposition soldiers. Comonfort, Juarez, and Diaz all had been justices of the supreme court, presumably acquainted with legal principles and loyal to established government, but none of them ever showed the slightest respect or obedience to natural justice or to constitutional restrictions. Against such methods the Church, as the mother of true constitutionalism, was logically and invincibly opposed, and the more so when they were being used for her spoliation and ruin. Militarism and Ecclesiasticism thus came face to face in the bitter struggle that has culminated in the present crisis. At the time the first proscription of Catholic rights

began, the United States was so deeply involved in her domestic troubles, and the means of communication between the two countries were so slight and intermittent, no notice was taken by our people or government of the Mexican situation. It was the period of the Civil War, with its aftermath of Reconstruction and sectional strife, monopolizing public thought and attention, and America only awoke to what was going on in Mexico long enough to discover that the Monroe Doctrine was being violated by the setting up of a foreign monarchy south of the Rio Grande, with an Austrian archduke as emperor and France as his sponsor and supporter. At once the Washington authorities notified France that this would not be permitted, Napoleon III withdrew his troops, Juarez led his Indian army to victory, Maximilian faced a firing squad at Querétaro, and the widowed Carlotta went mad in her grief and despair. Now is the first time that the American public has been led to consider some of the internal problems of the neighboring republic, which perhaps accounts for the general ignorance and mistaken conceptions of Mexican affairs and institutions.

In addition to the historical causes adverted to above, which have provoked the open conflict between the Church and the Mexican government now pending, there is another very substantial and controlling factor in the situation which seems to be little known, but which is fundamental and essential to any correct understanding of the attitude of the contending parties. In the closing years of the fifteenth century an arrangement was effected between the Papacy and the Spanish crown, by which there was conferred upon the kings of Spain what was called the right of "royal patronage" in the affairs of the Catholic Church in the New World. It was a policy justified by the existing circumstances, highly beneficial to the missionary labors of the Church, but in later times it entailed upon Catholicism such a close identity with Spanish rule in Mexico, as to make it possible for her enemies to arouse against the Church all of the racial and popular resentment due to the mistakes and wrongs chargeable to Spain by her revolted colonies in Latin America. Under that system of secular and ecclesiastical alliance, as a scholarly Jesuit writer has said: "It is hardly possible to conceive a more absolute system of control than that exercised by the kings of

Spain, whether in person or through the Council of the Indies and the viceroys and governors, in all the ecclesiastical affairs of the Indies". The extraordinary powers thus delegated to temporal sovereigns were used justly and generously in the main, and the Church profited spiritually and materially by the arrangement. Pious and benevolent persons at home and in Mexico were munificent in their donations, the ecclesiastics exerted great influence in secular concerns, several viceroys were eminent and learned churchmen, and generally there was a happy concord and co-operation between religion and government. In return for these benefits the Church was required to pay into the royal treasury annually a certain tribute from her income and properties, but the Spanish authorities, in their magnanimous devotion to the cause of Catholic missionary work, remitted this tribute for nearly three hundred years—until the opening of the 19th century. Thus there accumulated in the treasury of the Mexican Church a very large fund (*fondo de pioso*), which was expended by the hierarchy and religious orders in the founding and expansion of churches, colleges, schools, hospitals, asylums and that vast aggregation of pious, charitable and educational institutions that beautified and blessed Mexico and whose splendid edifices dot the whole land with monuments of art and culture. But this money was not all spent for Church purposes. It was loaned or donated to the various states and municipalities for patriotic and necessary enterprises, many of the large public works of the republic were erected from this source, several of the great aqueducts that supply water to cities and towns and for irrigating the arid lands were constructed with Church moneys, planters and *rancheros* borrowed from this fund, at low interest rates, to improve their holdings, and in cases of pestilence, droughts, earthquakes and other natural calamities, the Church lavished her revenues to relieve distress and ameliorate suffering. This was the famous "Pious Fund", and all the clamor that has been raised against the Church for having monopolized the wealth of the country for her own profit and luxury is absolutely and circumstantially false, as the actual records will prove: not a dollar of her funds went to any but meritorious and beneficial objects, of universal service to the cause of social betterment and public uses. She was able to do these things by

the forbearance and generosity of the Spanish crown and the private benefactions of Spanish Catholics.

But at the beginning of the last century Spain was in a bad way. Foreign wars and domestic commotions had brought her to the verge of bankruptcy, and she began to press her American colonies for financial aid, often most unreasonably and oppressively, which was one of the causes for the gradual loss of loyalty and the final rebellion of those colonies. In 1804 Charles IV, then king, demanded from the Church in Mexico the payment of the accumulated royalties which had been remitted by all of his predecessors since the Conquest, amounting to the enormous sum of \$44,500,000. This money had been expended as above stated, and a great part of it was loaned to landowners and secured by mortgages. To have called these loans would have bankrupted the country and ruined its principal enterprises. There was such a universal protest and indignation that the king had to content himself with collecting \$10,000,000 of the amount due, which alone inflicted great hardship upon the people and seriously impoverished the Church. The expulsion of the Jesuits in 1767, the secularization of the Missions in 1798, thereby withdrawing the aid and protection of the government, and this final blow at Church revenues combined to create a hostility between the Spanish sovereigns and the Catholic leaders in Mexico, that increased with further injuries and injustices, serving to account for the fact that so many of the clergy espoused the cause of revolution from 1810 to 1821. After the Republic was formed in 1824, and the Presidency fell into the hands of the petty chiefs whose military ambitions wrecked all hopes of a peaceful and stable government, the preposterous claim was made by these marplots that, as the successor to the Spanish monarchy, the Mexican Republic inherited the right of "royal patronage" formerly conferred upon the kings of Spain by the Papacy, and also the right to demand and collect the arrears of tribute which Charles IV had tried to enforce in 1804. The first of these contentions was too absurd to be long maintained, but the second was forcibly carried into effect, Santa Ana having seized all of the funds of the Church during his despotic career at the head of the government. Part of the "pious fund" had been specifically dedicated to the use of the Jesuits and Franciscans, for missionary

work in the Californias, and it was this money, stolen by the military Presidents of Mexico, that was required to be refunded to the Catholic Church in California in 1902, by the Hague Tribunal to which reference had been made at the instance and under the compulsion of the United States. By degrees the breach between Catholicism and the Mexican authorities widened and became more serious. In 1833 it had been proposed by Gomez Farias, then President, to seize all Church property, abolish the Catholic religion as the national faith, and establish a secular system of religious worship. This failed, but in 1857, after long years of spoliation and interference by the government, Comonfort and Juarez did disestablish Catholicism as the state church, confiscated all Church property, and enacted the constitutional and executive proscriptions and persecutions before described, which have been made more drastic and comprehensive by the present administration.

Of course the Church and her hierarchy have resisted all of these tyrannies by every legitimate means, but never by force or violence, and this constitutes her offense of being engaged in politics and seeking to control the government, which is the head and front of Calles' attack upon her very existence. This, together with the assertion that she has robbed the people to enhance her wealth and power, and the declaration that he is endeavoring only to separate Church and State, is the sum total of his defense against the protests and condemnation of right-minded men everywhere. His malice is exceeded only by his mendacity, for every statement of his attitude is a clear and demonstrable falsehood. It has been shown how the Church acquired her properties and how they have been confiscated by spoliation and pretended law; Church and State were effectually and completely separated in 1857 and have remained so ever since; and it would be a strange and unnatural spectacle, if the divinely appointed custodians of Catholic Christianity maintained silence and inactivity while their religion was being exterminated, their legal existence denied, and their spiritual and civil liberties, recognized as sacred and inalienable in every land claiming to be civilized and free, were being ruthlessly trampled upon by a malignant and monstrous tyrant.

One other observation in conclusion. It is the deliberate conviction of this writer that Mexico would be a happier, more peaceful, more hopeful and helpful country, if it lay ten thousand miles from the United States, instead of being at our borders. Other Latin-American lands, like Brazil and Argentina, with the same racial, political and religious antecedents and influences, have achieved permanent and progressive nationality. But throughout her career as an independent republic, Mexico has suffered from her proximity to American influences and agencies. She was despoiled of nearly half of her territory by an unjust war, prosecuted to serve local and sectional interests in the United States. The unwarranted intervention of an American President in her domestic affairs disordered her normal control over her own destiny, stirred up bitter resentment, and delivered her into the hands of the miscreants who have plundered and butchered her people for the last fourteen years. We have sent into her borders new and evil forces of danger and discord. Organized capital and syndicated monopolies have seized her natural resources under corrupt concessions, animated by no spirit of helpfulness but by the sole motive of avarice and exploitation. From our own complex and increasingly irresponsible population, we have poured across the Rio Grande a nondescript horde of agitators, fanatics, professional uplifters, anarchists, labor reformers, apostles of the economic cult that seeks the reorganization of civilized life, and not a few reckless adventurers and desperate outlaws. Perhaps worst of all, we have aided and abetted a group of intolerant and narrow-minded bigots, in their so-called missionary enterprize of reviling the ancient religion of the Mexican people, undermining the faith and loyalty of a land that was Christian before the Cavaliers set foot in Virginia or the Pilgrims at Plymouth Rock, and joining hands with the brutal atheists who are endeavoring to degrade and destroy the fabric of civilization, woven by the labor and devotion of Catholic priests through three centuries of unremitting zeal and sacrifice. For these and many other violations of international comity and friendship the United States is answerable to the southern republic, and the remembrance of them should make Americans slow to pronounce a hasty and uncharitable judgment against that unhappy land, or to renew our offense by ill-advised intervention in its internal affairs.