

PROTECTING OR UNDERMINING THE CONSTITUTION? DISCUSSIONS ON THE ROLE OF RELIGION AND THE CATHOLIC CHURCH IN GUARANTEEING CONSTITUTIONAL ORDER DURING MEXICO'S FIRST FEDERAL REPUBLIC (1824-1835)

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Abstract: This paper analyses the role of religion and the Catholic Church in Mexican constitutional thought in the first half of the nineteenth-century. Its principal hypothesis is that Independent Mexico's political thinkers considered the promotion of the Catholic faith was necessary to ensure successful government and social order. In accordance with this idea, it argues that the debates which raged in the 1820s and 1830s over the questions of patronage and church property cannot be understood in terms of a confrontation between liberal and conservative ideas as has generally been the case in Mexican historiography. Rather, it contends that the division of opinion amongst the political elites on this matter was grounded in the debates that took place in eighteenth-century Spain in order to define the correct relationship between the Crown and the Church.

Key Words: Mexico, Catholic Liberalism, 1824 Federal Constitution, Catholic Church, Constitutional Order, Church-State Relations

During Mexico's early Independence period (1821-1835) the issue of Church-State relations was a source of frequent conflict amongst the political elites. Until fairly recently, Mexican historical scholarship had interpreted the division of opinion on the subject as an example of the confrontation between classical liberal ideas, preaching the necessity of disestablishing the Catholic Church and setting up a secular state, and traditional conservative opinions that sought to protect the Church and preserve the powers, privileges and influence it had enjoyed in government during the years of Spanish rule.¹ However, in the last few years, political historians such as Will Fowler,² specialists in legal history, like María Refugio González,³ along with those who study ecclesiastical history, like Brian F. Connaughton and Alicia Tecuanhuey Sandoval,⁴ have shown that this interpretation can no longer be accepted.⁵

Instead, it is now clear that the conflict between secularists and traditional thinkers did not properly emerge until the Reform era (1855-1867).⁶ During the Independence period, very few people actually suggested the separation of Church and State or supported the idea of religious tolerance; and, even those who ventured to suggest such things did not propose that Mexico should embrace secularism. As Charles Hale noted in his study of the most famous liberal of the time, José María Luis Mora, those who thought like Mora might have wanted the separation of Church and State, but they also recommended that the State continue to officially protect and promote Catholicism.⁷ The former historiographical misconceptions on the subject are probably due to the fact that conflict between secular liberals and religious conservatives dominated Mexican political life, and therefore also the interpretations of Mexican historiography, throughout the second half of the nineteenth-century and a good part of the twentieth.

If this is the case, the question must surely be: why was the subject of the Church such a controversial one for Independent Mexico's political élites? In this paper I propose to undertake some preliminary steps towards answering this query through a study of the Mexican political and ecclesiastical classes' debates on the matter of what the proper nature of Church-State relations in liberal republic should be. In the first part, I will examine the general attitudes to religion present in their discourse and will argue that, they, in common with many of their contemporaries in Spain and the rest of Spanish America, educated Mexicans believed that the Catholic faith was an indispensable element of stability in any liberal republic and should be promoted and protected by the State. The paper will then move on to analyse the consequences and implications of this point of view for the discussions which took place during Mexico's first Federal Republic on the patronage issue. It will suggest that the differences of opinion boiled down to a fundamental disagreement, inherited from the ecclesiastical and political dispute in eighteenth-century Spain, over the nature of the Catholic Church's relation to religion itself.

I. THE BENEFITS OF RELIGION FOR SOCIETY OR THE NEED FOR VIRTUE TO ENSURE CONSTITUTIONAL ORDER

Mexico's political elites, including the most fervid promoters of religious tolerance, the suppression of ecclesiastic privileges and the separation of Church and State, were all practising Catholics. Unlike in Revolutionary France or in the United States, Atheism and Deism were practically unknown; even in the 1856 Constituent Congress, whose constitution was the first not to specify Catholicism as the state religion, and which finally permitted religious toleration, only two deputies claimed not to be Christian. José Mora Luis Mora, perhaps the most famous liberal of the period, was a priest; Vicente Rocafuerte, who was prosecuted in 1831 for proposing that other faiths be tolerated in the Mexican Republic, attended mass assiduously; and, as Will Fowler has amply demonstrated, Valentín Gómez Farías, leader of the *puro* (or radical) liberal faction, and commonly considered by traditional historiography to be the worst *comecuras* (priest-eater) of his generation, expressly forbade his son from marrying a Protestant and obliged

his daughter's fiancé, also a Protestant, to convert to Catholicism before he would give the union his blessing.⁸

As a consequence of their faith, Mexico's politicians were convinced of the supreme importance of the Christian religion as the foundation stone of civilised society. They followed the Catholic teaching which emphasises the idea that an orderly society requires that its members live in harmony, and as a result, it needs the guiding and coercive nature of religion to ensure that all live according to a common moral code. This idea is present in nearly all writing about the role of religion in Independent Mexico, from those who favoured some kind of separation between Church and State, like José María Luis Mora, and from those who wished to preserve the Catholic Church's traditional role in, and powerful influence over, the government. For example, Mora asserted in 1832, "without religion [...] neither society nor public morals can exist";⁹ a sentiment shared by an anonymous pamphleteer of 1833, who objected to government attempts to suppress ecclesiastic immunities with the argument that without religion or public morality, "there can be no society, nor laws, nor honour, nor mutual bonds between men. Once these ties are broken, man will return to his savage state; the weak will become the slaves of the strong".¹⁰

For the same reason, another generalised opinion amongst Mexico's politicians and clergy was that Christianity –or more precisely, Catholicism– was the best guarantee of liberal republicanism, since its teachings encouraged the community to obey civil laws and respect the rights of others. In other words, it promoted "civil virtues, ennoble[d] their ends and aid[ed] their observation",¹¹ and without its good influence, "good citizens [are transformed] into rebellious and seditious subjects", leaving constitutional law endangered, and the nation at risk of suffering the fate of Jacobin France.¹² As Alfredo Ávila has shown in a recent article on the sermons of Manuel de la Bárcena, an important member of Michoacán's Cathedral Chapter during the late colony and early Independence period, this idea led Bárcena and many of his secular contemporaries to believe that Catholicism –in association with "just and wise laws"– provided the perfect defence against despotism.¹³

The first Mexican constitutions demonstrate this thinking in action. The first constitution to be written in Mexico, the Constitutional Decree of Apatzingán, which was drawn up by the insurgents in 1814, established Catholicism as one of the key "Constitutional Elements or Principals" upon which the new republic should be established. It decreed Catholicism to be the "only religion" permitted by the state (article 1); and, despite establishing that all those born in the American continent were entitled to citizenship (article 13), nevertheless indicated that this right would be forfeited by those guilty of "heresy, apostasy or high treason" (article 15).¹⁴ Similarly, the 1824 Constitution stipulated that Catholicism was the Republic's only permitted religion and added that the State should protect it "with wise and just laws" (article 3).¹⁵ As Erika Pani has shown, all the state constitutions drawn up in this period reiterated that Catholicism was the only religion to be followed by its inhabitants, and used their prerogative to establish the qualifications for citizenship

to bar from the exercise of political rights those who –according to their Catholic mindset– lived immorally.¹⁶ All states excluded those with no “house, job, profession or [any] honest means of living”, for example.¹⁷ Other states went even further; the constitution of Chiapas decreed that those whose of “notoriously bad habits” should be also be excluded from the body of citizens (article 12);¹⁸ and for its part, Chihuahua’s constitution disqualified those who were guilty of “habitual drunkenness” or “ingratitude towards their parents” (article 13).¹⁹ A good citizen was, according to this way of thinking, “a good Catholic”, a good husband and father and an upstanding member of the community. Those who did not fit this description should not be welcomed into the new Republic’s political community.

In other words, in the first Federal Republic, Mexican citizenship was conditioned –not in relation to property or income, as in the majority of nineteenth-century French and North American states’ constitutions– but predominantly in terms of morality. This suggests that those who wrote the constitutions interpreted the republican idea of civic virtue, or the correct behaviour to be expected from good citizens, from a very Catholic perspective; that is to say, they assumed that virtue equated broadly with morality. As a result, and despite their enthusiasm for the constitutional liberalism, they did not really believe that orderly government could be guaranteed simply through adopting a legislative code which set out the rights and duties of the governors and the governed and provided suitable punishments for those who did not observe it. Rather they were convinced that humanity also needed the guiding hand of religion to ensure it could be relied upon to obey the law.

However, it is important to make clear that these conclusions are probably valid not only for Mexico, but also for the most part the Hispanic world at that time. The constitution of Bayona, that of Cádiz and those of all the new independent nations who emerged from the Spanish colonies in America, all specified that Catholicism should be their official religion and prohibited the practice of all other faiths in their first constitutions. The majority, following the example of Cádiz, also stipulated that the State should also use legislation to protect its practice. While a few, like the 1823 Peruvian constitution, even included an obligation that all its inhabitants should unfailingly observe the Catholic faith. Equally, the strongly moral definition of citizenship which characterised Mexico’s state constitutions is also present in the majority of the initial constitutions drawn up in Latin America. In Colombia, the 1830 Constitution listed “habitual drunkenness” as a reason to be disqualified from citizenship, for example.²⁰ Likewise, the 1823 Chilean constitution considered this, as well as the indulgence in gambling, as sufficient grounds for the suspension of political rights.²¹ In the light of this evidence, there is a case to be made for the idea, already considered by some Spanish and Latin American historians,²² that the liberalism common to Spain and its former colonies could rightly be called “Catholic liberalism” and its religiosity should not be used, as Roberto Breña has pointed out in his studies on the Spanish constitutionalism of 1812, to question the authenticity of its liberal credentials.²³

II. CHURCH AND STATE: THE PATRONAGE DEBATE

Given the existence of Catholic liberalism, therefore, it should not surprise us that Mexico's political and religious elite should agree that the Church had a fundamental role to play in society and its governance. While they might differ on what the correct nature of ecclesiastical participation should be, all were of the opinion the Church had a moral duty to work with Mexico's political authorities in favour of preserving constitutional order and assuring, in this way, society's general well-being and happiness. Brian Connaughton has shown that this view was often repeated in the clerical discourse of the late Colony and early years of independence,²⁴ while a desultory study of political writings of the period soon reveals that it was also a reoccurring theme in secular thought. This quote from Valentín Gómez Farías illustrates this point very well:

Both [Church and State] should ensure their harmony with one another, they should work together and mutually protect each other for the good of the people and for religion's sake. The state is influenced by the ecclesiastical power, because despite being temporal, its welfare is dependent on religion and its customs. The secular power serves religion by guaranteeing public order and protecting its practice. The other guides peoples' will and consciences, and in this way ensures that both the rulers and the ruled fulfil their duties.²⁵

Even so, this common mental territory did not mean that Mexican political opinion was united on the subject of Church-State relations during the first half of the nineteenth century. In fact, the conviction that religion was a necessary requisite for achieving constitutional order and social well-being allowed for very conflicting ideas on how the Church should be treated in a liberal republic. In order to explore this difference in attitude, in the rest of this section I am going to consider the fundamental question which divided opinions on the issue of Church-State relations during this time: should Independent Mexico's new government exercise the same rights over the Church as the Spanish Crown had always done?

During the Colonial period, the Spanish Monarchy exercised considerable control over the American Church through what was known as the *vicariato real*. This consisted of a number of powers which allowed the King, among other things, to collect the tithe for the Church; to monitor communications between clergy and the Pope, and of course, to control ecclesiastical appointments (also known as the right of patronage).²⁶ For its part, the Church was officially protected by the Crown. This protection entailed two things: 1) the Church was considered an autonomous corporation and therefore, allowed its own privileges, rights and immunities; 2) the Crown imposed Catholicism as the sole religion in its dominions and guaranteed this exclusivity by means of the Inquisition.

In Independent Mexico, the difference in opinion over the proper nature of the relationship between Church and State derived from opposing interpretations of the origins of the Crown's power over the American Church. On one side of the

argument were those who followed Thomas of Aquinas' teaching and alleged that, in principle, jurisdiction over the Church could not be part of the Crown's prerogatives since the Christian community had not been established by any royal agency but was of purely divine origin. According to this point of view, usually called the canonist position, the Spanish Monarch acquired its authority by means of papal concessions and agreements, or concordats, between the Crown and the Vatican. As a result, as an Interdiocesan committee argued in 1822, the powers of patronage enjoyed by the Spanish kings could not be inherited by Mexico's postindependence governments and, consequently, that if its political authorities wished to exercise these powers, they would have to negotiate their concession from Rome first.²⁷

Secondly, for those who followed this argument, the Crown's authority over the Church had not been ceded by the Vatican in return for the protection offered to Catholicism by the Monarchy during the Colony; rather this policy had been adopted by the Crown precisely because it naturally wished to defend and promote the faith it professed. Therefore, if the 1824 Constitution also pledged to safeguard Catholicism, this merely reflected the peoples' will and their shared faith. As José Miguel Ramírez y Torres, a priest from the western state of Jalisco, argued, the third article of the Federal Constitution, in which Catholicism was established as the official and only permitted religion in Mexico and the State promised to protect with wise laws, represented "the national will, in what is most recommendable and precious about it, which is its faith [...] and the sole true religion it professes".²⁸

This position was opposed by the Regalists, who, following similar arguments to those employed by the enlightened Bourbon reformers of eighteenth-century Spain, insisted that:

Subjects should be equal before the State's apparatus so that it may determine all rules concerning commerce, taxation, elections etc. In exchange for having ceded a good part of its privileges, subjects could participate in the formation of laws, public administration and justice in their own right, and not as a result of a delegation of faculties [as had been the case in the *Ancien Régime*]. The Church itself would have to put aside a number of its privileges and submit itself to statutes in the same way as other subjects.²⁹

They argued that the Spanish monarchy's traditional power over the American Church was not really a direct consequence of the various bulls issued during the Colonial period; but rather that the king's dominance of the Church had been bestowed on him exclusively by God, the origin of all sovereignty. As a result, the independent Mexican State, as a sovereign power, should also enjoy all the powers of the *vicariato real* over the Church as the Spanish King had done, without any need to reach a prior agreement with the Vatican. In the words of the newspaper, *El Sol* (The Sun) those who held this position believed that patronage formed "part of the republic's sovereignty", and as such, was one of the State's inherent rights.³⁰

Finally, there were those who considered that Church and State really should be entirely separate from each other and, that, as a result, patronage should not exist. However, as the newspaper, *La Oposición* (The Opposition) affirmed in an uncompromising editorial of 1835, they believed that if the Church was to continue to enjoy a privileged and powerful role in the government of the Mexican Republic, the State ought to maintain its right of patronage. The editors argued that the different concordats and papal bulls which outlined the Spanish Crown's powers over the American Church represented the drawing up of a mutually beneficial pact between the Church and the Monarchy; that is to say that Rome authorised the *vicariato real* in return for the King's protection of Catholicism in his dominions and for his sanction of the corporation's privileges, exemptions and immunities (*fueros*). According to this line of reasoning, while the original agreement between Church and monarchy was no longer valid, as long as the State continued to honour ecclesiastical privilege, the Church should continue to acknowledge the right of civil government to exercise patronage over its appointments. The editorial concluded:

The clergy has resisted tenaciously until now to recognise the nation's right to practice patronage, despite still enjoying the immunities that the Spanish King conceded them in return for this right. Justice dictates that when a contract is cancelled, the parties involved should return what they have received [by its terms]. In our case, the opposite has happened; the clergy has maintained its privileges and does not want to recognise the right of patronage [...] If the clergy renounces its *fueros*, we, as true Catholics, will be the first to ask for the total freedom of the Church [...] [T]o preserve them [...] is, to our way of thinking, a real insult to [the nation's] dignity.

It is interesting to note that many of those who upheld this point of view, which of course is closest to the liberal ideas of France and the United States, also believed that the State should permit religious tolerance. However, we should be careful before assuming that this meant they also wished to abolish Catholicism as the Republic's official religion. For example, Vicente Rocafuerte, one of the foremost promoters of religious tolerance during the first Federal Republic, argued that the third article of 1824 Constitution should merely be amended to remove its final clause, which stated that no other religion but Catholicism could be practised in Mexico. He did not suggest the total suppression of the article or the removal of the state's obligation to protect the practise of Catholicism by means of "just and wise laws". He was as convinced as the rest of Mexico's political class that the Catholic faith was important to the maintenance of social stability and constitutional order. He merely did not believe that allowing foreigners to worship according to their own practises constituted a threat to Catholicism or represented a moral danger for the Mexican people. Rather he believed that the presence of other religions would stimulate the population to be more observant of their own faith.³¹

As can be imagined, these three different opinions on the subject of patronage generated bitter debate during the first Federal Republic,³² not least

because the Mexican Church had suffered an enormous loss of personnel both during, and immediately after, the war of independence. In the eighteen-twenties, the majority of parishes were without a priest, for example; most cathedral chapters had numerous vacancies; and the Archbishopric of Mexico, along with various bishoprics, were not occupied. In fact, by 1829 there were no longer any bishops still serving in Mexico.³³ Therefore, the question for Mexico's political and ecclesiastical authorities was how to remedy this dire situation as quickly as possible. The big problem, above all for those who supported the canonist position, was that Rome –heavily under the influence of Spain and the other members of the Holy Alliance– refused to recognise Mexico's independence and, consequently, was not willing to negotiate with the Republic and resolutely opposed to agreeing to any new concordat to regulate Mexican ecclesiastical appointments.

During the final five years of the first Federal Republic, between 1831 and 1835, the discussions on the subject of patronage came to a head. In 1831, the incumbent government, led by General Anastasio Bustamante, decided that the most efficient way to fill the empty positions in the cathedral chapter was to permit that the Church organise internal elections in each diocese. Neither the federal or state authorities would exercise patronage, that is to say, propose a list of nominees to the ecclesiastical authorities for their approval; but state governors would have the right to veto any appointment to which they were opposed. This resolution was more or less in keeping with the idea that patronage could not be considered one of the State's prerogatives until a new agreement had been reached in Rome; but of course, went completely against both the regalist position which insisted that patronage was part of the nation's sovereignty and the quasi-liberal position which affirmed that the State should continue to be the Church's patron as long as the clergy preserved their privileges and immunities.³⁴

For these last two groups, the 1831 Canons' Law, as it was known, amounted to a tacit recognition of the spiritual power's superiority over the State and a denial of the principle of national sovereignty. In November 1833, the new government of Vice-President Valentín Gómez Farías, in which regalist and liberal ideas dominated, overturned the 1831 statute in November 1833 and instructed all those who occupied positions due to its provisions to step down immediately. It appeared likely that the administration intended to exercise patronage unilaterally and fill these posts with clerics of its own choosing. However, strong clerical opposition to the move led the government to an ugly confrontation with ecclesiastical authorities. The Vice-President's administration threatened those who did not obey this law with exile, and as a result, a number of ministers, including the Bishop of Michoacán, Juan Cayetano Gómez de Portugal, abandoned their sees and prepared to leave the country. This conflict, made worse by a series of reforms which sought to reduce the power and privileges of the Catholic Church (and which will be the subject of discussion in the following part of this paper), provoked various rebellions and ended with the dismissal of Gómez Farías and the dissolution of the reforming General Congress in 1834 by the nominal, but until that moment, absentee, President; General Antonio López de Santa Anna, Independent Mexico's most famous politician and perennial organizer

of *coups* and rebellions.³⁵ Subsequent governments did not attempt to actively pursue the regalists line; as Michael Costeloe has demonstrated, it became accepted policy to abide by the compromise first suggested by Church authorities in 1822; that is to say, to seek a concordat with Rome, while at the same time –and with the cooperation of the ecclesiastical leadership– exercising the powers of patronage on a theoretically interim basis.³⁶

III. CHURCH AND STATE: THE CHURCH'S ROLE IN SOCIETY AND GOVERNMENT

A further cause for conflict during the first Federal Republic was the question of what the proper role for the Church in society and government should be. For the Regalists, the Church was not only clearly subordinate to the Republic's government simply in terms of ecclesiastical appointments; but, in fact, it and its clergy were subject to national sovereignty –that is to say, civil government and its laws– in all aspects of life, just like any other citizen. This made it absurd for them to continue to enjoy its traditional *fueros*, or immunities, for example; and therefore they should be abolished.

However, according to this perspective, clergymen were not to be considered ordinary citizens in all senses of the term. Article three of the 1824 Federal Constitution promised that the State would protect and maintain Catholicism and this made it the business of civil government to ensure that the Catholic faith was properly practised and respected in the Republic. For that reason, it was often argued that the clergy should be considered in the same light as civil servants or other state employees –that is to say, receive a State salary and be appointed by its government– or that Church practices and rules should be defined by the State.

The ostensible justification for paying the clergy a salary rather than allowing them to level a fee for services rendered was to make religious devotion more available to the poorer classes and, of course, to prevent the priests from illicit profiteering by means of over-inflated charges. In other words, the move was designed to ensure that Catholicism could play the fundamental role that Mexico's elites had assigned it: to be the guarantor of constitutional order. We can understand this argument better if we bear in mind that the regalists distinguished very clearly between the Catholic faith and the institution of the Catholic Church. Mora set out the terms of this line of reasoning in an essay on the question of nature of Church property in 1831:

The Church can be considered in two ways, as a mystical body or as a political association. In the first case, it is Jesus Christ's creation, it is eternal and without fault, perpetually independent from the temporal power; in the second case, it is the creation of civil governments, [and for that reason] the privileges the state has endowed it with can be reformed, modified and even abolished, as is the case with any other political community.³⁷

The corporate Church, was for Mora, as for the Spanish Bourbon reformers decades earlier, the principle enemy of her divine counterpart since the corruption and greed of the clergy and the superstitious practices they encouraged impeded proper religious observation; and, consequently, in his eyes it was “a service to religion to separate it from all that” since this would allow it at last “to shine in its native brilliance and splendour”.³⁸ In short, from this perspective, in order for religion to be able to function as society’s moral guide, it was imperative that civil government intervened to put an end to superstition and rein in clerical corruption and avarice.

With these arguments, the administration of Valentín Gómez Farías (1833-1834) –in which Mora was a close collaborator– introduced a series of ecclesiastical reforms. Principal amongst them was the abolition of the civil obligation to pay the ecclesiastical tithe, freeing the population from the financial burden of supporting the Church and its clergymen and theoretically annulling another possible source of ecclesiastical corruption.³⁹ Similar measures were also taken by the local state governments. In 1834, for example, the state legislatures of Coahuila and Tamaulipas abolished the fees the clergy traditionally charged their parishioners for performing baptism, marriage and funeral rites and announced that priests should henceforth receive a salary, to be paid from the money collected from the tithe.⁴⁰

However, the most important implication of the institutional Church’s subordination to national sovereignty for these reformers was that her vast properties and other financial resources should also be at the service of the nation. In the above quoted essay, Mora argued that the corporate Church’s properties in fact belonged to the nation; and in 1833, Lorenzo de Zavala presented a legislative bill to the Chamber of Deputies which proposed using ecclesiastical properties to pay off the national debt.⁴¹ Following this line of reasoning, the Valentín Gómez Farías administration expropriated and sold various ecclesiastical properties, including the Hospital and Church of Jesús, the Hospital of Belén and the Old Inquisition building.⁴²

Church money was important for Mexico’s first federal governments because they suffered from a perpetual shortage of income. The 1824 Constitution made tax collecting a state prerogative and, although it demanded that each entity annually sent a fixed sum (defined according to population), the *contingente*, to the Federal government, it provided no sanction for non payment. Consequently, national governments were usually cash-starved as states frequently did not honour their financial obligations. Early foreign loans contracted in London in 1824 ran out quickly and, when interest payments were halted in 1828, foreign credit became impossible.⁴³ In these circumstances, the most viable source of ready money was the Church. So, although reformers such as Mora might have liked to argue that the Church’s riches were another source of corruption and, so it was the government’s duty to remove this temptation from the clergy in order to ensure better religious observation, it was probably the dire financial state of the Republic

which led them to conclude that the government was within its rights to expropriate and sell various Church properties and prebends.

It goes without saying, of course, that the reformers' vision of the Church as the State's subordinate and servant, was vigorously opposed by those who believed the idea that Church and civil government were two separate institutions, neither one being inferior to the other. Even so, this insistence should not be misinterpreted as being a position akin to that of the liberals who proposed the entire separation of Church and State. In fact, those ecclesiastics and politicians who adhered to the canonist argument did not believe this was at all possible, since they did not share the modern liberal idea of the State being embodied by political government and completely opposite to "civil society". Instead, what is clear from studying their discourse is that they continued to regard the State in the traditional medieval sense; that is to say an organic body composed of estates and corporations; often referred to as the *res publica*, or commonwealth. From this perspective, they could agree with the Regalists that the Church was indeed part of the State, but completely reject the idea that the Church should therefore be subject to the civil authorities. Rather, as has already been argued, they followed St. Thomas of Aquinas in asserting that this community was subject to two powers: the spiritual and the temporal, both of which should work together to ensure the well being of its society.

For the same reason, those who adhered to the idea of ecclesiastical autonomy also completely rejected the idea that the institutional Church could be considered separately from the divinely created Christian religion. In their eyes, the Catholic Church was the one true Church, founded by Jesus Christ and led by Saint Peter's direct successors in Rome; and, far from impeding the practice of religion, as the regalists alleged, its clergy were Catholicism's best defenders and promoters.

Given this different manner of conceiving both the Church and State, it is to be entirely expected that their understanding of what was the Church's proper role in government and society was radically opposed to that of the regalists and the liberals. In the first place, those who insisted followed the canonist line categorically rejected that the clergy were, in words of the bishop of Monterrey, José María de Jesús Belaunzarán y Ureña, the "slaves" of civil government, and opposed any suggestion that they should receive a state salary.⁴⁴ However, they did believe that the Church should collaborate with the civil authorities in order to help in the maintenance of social order, an essential prerequisite for the nation's well being. Moreover, unlike the reformers, they considered that the clergy, and not just Catholic morality, had a crucial role to play in this endeavour. This attitude had a long history in religious discourse in Mexico. Manuel Abad y Queipo, Bishop-elect of Michoacán during the confrontation between regalists and canonists in Spain and its colonies during the final years of the eighteen-century, espoused it clearly in a letter to King Charles III in 1779:

Let the modern legislators show us then, if they can find one, another way of keeping these classes [the lower classes] subordinate to the law and to the government than that of religion, which is preserved in the depths of their hearts by the sermons and advice given by the Church's ministers in the pulpit and the confessional. They are, then, the real custodians of the law and the guarantors of its obedience. They are the ones who have, as indeed they should, the most influence over the hearts of the people and who work the hardest to maintain them obedience and submissive to Your Majesty's Sovereignty.⁴⁵

Equally, it was expected that the Church contribute financially to ensure the Mexican Republic's solvency and prevent it from sliding into chaos or falling into the hands of its enemies. For, it was not only the Valentín Gómez Farías administration which coveted Church wealth, but also those governments who purported to support the canonist position. The difference was that these politicians did not suggest the expropriation and sale of Church assets; rather they pressed the ecclesiastical authorities for loans and demanded that they allowed their property be used as collateral in order to obtain credit from private investors. In other words, we can transpose Jan Bazant's judgement from his study of the alienation of Church wealth in the second half of the nineteenth-century to the Independence period and affirm that the Gómez Farías administration "employed the Church as a source of income because of their convictions", whilst their enemies used them "in spite of" their beliefs.⁴⁶

The idea that Church and faith were the same also implied a different interpretation to that given by the 1833 reformers to article three of 1824 Constitution which declared that the Mexican State was perpetually Catholic and would legislate to protect its faith. From this perspective, it was taken to mean that the nation should protect the Church, its clergy and its properties. Ecclesiastical immunities, which were recognised in article 154, should also be respected. This line of reasoning denied that Church's privileged position was the result of a pact in which it ceded sovereignty in return for special treatment, but rather that these privileges had been granted by the Mexican people in the nation's founding document in recognition of the Church's collaboration with the civil power in the government of society.⁴⁷

In accordance with this conception of the nation's duty to protect Catholicism, the common theme of the arguments used to oppose to the Gómez Farías' administration's reforms was that the moves to unilaterally adopt patronage, to suppress ecclesiastical immunities, introduce salaries and expropriate Church properties constituted a dangerous attack upon religion. As Manuel Gómez Pedraza argued in 1835, these reforms were guided by the same ideas which had driven "the heretical [...] Lutherans, Jansenists and all of the other enemies of the Catholic Church", including the French Jacobin revolutionaries.⁴⁸ Moreover, their policies also put social stability at risk, because, since religion was one of the pillars of social order, any weakening of the Church's power and influence necessarily threatened the rule of law. Gómez Pedraza again:

State disturbances have always been related to those in the Church, because civil authority is never respected once faith's yoke has been lifted; once heresy has been introduced into a society lit by revolutionary fire, good citizens are transformed into seditious and rebellious subjects.⁴⁹

In other words, the two sides of the debate both during and after the reforming administration of Gómez Farías drew fairly irreconcilable conclusions from the same point of origin: Catholic liberalism; that is to say, the idea that religion was a fundamental necessity in a liberal republic. The reformers sought to promote good Catholic practice and religious observance tackling what they believed to be its prime obstacles: clerical corruption and superstition; while their opponents interpreted this as an attack on religion itself and insisted that the best way to protect Catholicism in Mexico was to preserve the Church's traditional privileges and influence.

In this case, we should conclude that the key to understanding the argument on the question of Church-State relations during Mexico's Independent period, rests on the appreciation of the different ways in which both sides of the discussion conceived the idea of the Catholicism: that's to say, were the Catholic faith and the institution of the Catholic Church integral parts of the Christian community founded by Christ; or, could they be considered separately? The two mutually opposing ways in which Catholicism was regarded by Mexico's politicians meant that they could agree that their faith should be protected and promoted by the Republic's government, while at the same time disagreeing profoundly on exactly how the political authorities should fulfil this obligation. For that reason, the debate over Church-State relations cannot be considered as a confrontation between conservative and liberal ideas, as traditional Mexican historiography would have us believe. Rather it was a confrontation between those who shared the principals of Catholic liberalism, but differed on the question of what role the institutional Church should have in a constitutional republic.

¹ For the classical example of this interpretation, see Jesús Reyes Heróles, *El liberalismo mexicano* (Mexico City, 1958), 2 vols.

² Will Fowler, *Mexico in the Age of Proposals* (Westport, Connecticut and London, 1998), pp. 169-217.

³ María Refugio González, "Ilustrados, regalistas y liberales", in Jaime E. Rodríguez O., (ed.) *The Independence of Mexico and the Creation of a New Nation* (Irvine, 1989), pp. 247-265; and, María del Refugio González, "Prólogo", en José María Luis Mora, *Revista política de las diversas administraciones que ha tenido la república hasta 1837*, (Mexico City, 1986).

⁴ For Brian F. Connaughton, see 'El clero y la fundamentación del Estado-nación mexicano' in Brian F. Connaughton and Andrés Lira (ed.), *Las fuentes eclesiásticas para la historia social de México* (Mexico City, 1996), pp. 353-368; 'El ocaso del proyecto de 'nación católica' patronato virtual, préstamos y presiones regionales, 1821-1856', in Brian F. Connaughton, Carlos Illiades and Sonia Pérez Toledo (eds.), *Construcción de la legitimidad política en México* (Mexico City, 1999), pp. 227-262; and *Clerical Ideology in a Revolutionary Age. The Guadalajara Church and the Idea of the*

Mexican Nation, 1788-1853 (Canada, 2003). For Alicia Tecuanhuey Sandoval, see, 'Los miembros del clero en el diseño de las normas republicanas, Puebla, 1824-1825,' in Alicia Tecuanhuey Sandoval (ed.), *Clérigos, políticos y política. Las relaciones Iglesia y estado en Puebla, siglos XIX y XX* (Puebla, 2002), pp. 43-67.

⁵ For a rejection of the idea that liberalism and conservatism fuelled divisions over attitudes to the Catholic Church and religion. also see Catherine Andrews, 'Sobre conservadurismo e ideas conservadoras en la primera república federal (1824-1835)', in Erika Pani (ed.), *Conservadurismos y derechas en la historia de México* (Mexico City, 2009), vol. 1, pp. 107-117.

⁶ González, "Ilustrados, regalistas y liberales", pp. 248, 260-263. An extensive discussion of the debate during those years can be found in Jacqueline Covo, *Las ideas de la Reforma en México*, Mexico City, 1983), pp. 147-228 and pp. 479-498.

⁷ Charles Hale, *El liberalismo en la época de Mora* (Mexico City, 1968), pp. 132-133.

⁸ Fowler, *Mexico in the Age*, p. 44.

⁹ José María Luis Mora, 'Disertación sobre la naturaleza y aplicación de las rentas y bienes eclesiásticos y sobre la autoridad a que se hallan sujetos en cuanto a su creación, aumento, subsistencia o supresión', in *Obras completas de José María Luis Mora* (Mexico City, 1986), p. 167.

¹⁰ *Oportuno desengaño para el pueblo mexicano* (Mexico City, 1833) included in the appendices to Carlos María de Bustamante's *Diario Histórico de México, 1822-1848* (Mexico City, 2002) CD ROM, disc 1.

¹¹ 'Respetuosa representación que hace el Ayuntamiento de Huajuapán al Honorable Legislatura de Oaxaca, para que no se derogue el artículo 3º de la constitución general', printed in *El Mosquito Mexicano*, 18 April 1834.

¹² Manuel Gómez Pedraza to the editors of *La Lima de Vulcano*, Suplemento al núm. 33 de la Lima, 18 Feb. 1834.

¹³ Alfredo Ávila, 'El cristianismo constitucional. Libertad, derecho y naturaleza en la retórica de Manuel de la Bárcena' *Estudios de Historia Moderna y Contemporánea*, no. 25 (2003), pp. 24-25. Connaughton also makes the same point, *Clerical Ideology*, pp. 248-249.

¹⁴ 'Decreto constitucional para la libertad de la América Mexicana sancionada en Apatzingán, 22 de febrero de 1814', in Gloria Villegas Moreno and Miguel Ángel Porrúa Venero (eds.), *Leyes y documentos de la nación mexicana. De la crisis del modelo borbónico al establecimiento de la República Federal* (Mexico City, 1997), pp. 163-182.

¹⁵ 'Constitución Federal de los Estados Unidos Mexicanos sancionada por el Congreso general constituyente, 4 de octubre de 1824', in Villegas Moreno and Porrúa Venero, *Leyes y documentos*, p. 335.

¹⁶ Erika Pani, 'Ciudadanos, cuerpos, intereses. Las incertidumbres de la representación. Estados Unidos, 1776-1787 – México, 1808-1828', en *Historia Mexicana*, vol. 53, no. 1 (2003), pp. 90-91.

¹⁷ See the state constitutions compiled in Villegas Moreno and Porrúa Venero, *Leyes y documentos*, pp. 373-778.

¹⁸ 'Constitución del estado de las Chiapas', in *ibid.*, p. 376.

¹⁹ 'Constitución del estado de Chihuahua', in *ibid.*, p. 390. Being ungrateful to ones' parents would be to go against the fourth commandment: 'Honour thy father and thy mother', Exodus ch. 20, v. 12.

²⁰ 'La constitución de 1830' in *Cervantes Virtual*, <<http://www.cervantesvirtual.com/servlet/SirveObras/02438310870243941976613/index.htm>>, page consulted 17 April 2006.

²¹ 'La constitución de 1823' in *Cervantes Virtual*, <http://www.cervantesvirtual.com/servlet/SirveObras/891484032114_69695865679/index.htm>, page consulted 17 April 2006.

²² See for example the works of Carlos Foment, *Democracy in Latin America, 1760-1900* (Chicago, 2003), 2 vols; Emilio La Parra López, *El primer liberalismo y la Iglesia: las cortes de Cádiz* (Alicante, 1985); Connaughton, *Clerical Ideology*; Tecuanhuey, 'Los miembros del clero'; and Ávila, 'El cristianismo constitucional'.

²³ Roberto Breña, 'El primer liberalismo español y la emancipación de América: Tradición y reforma', *Revista de Estudio Políticos*, no. 21 (2003), pp. 264-265.

²⁴ Brian F. Connaughton, *Dimensiones de la identidad patriótica. Religión, política y regiones en México. Siglo XIX* (Mexico City, 2001), pp. 15-16.

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- ²⁵ V. G. F. (Valentín Gómez Farías) 'Contestación al editorial la *La Oposición* de 19 del presente mes', in *Suplemento al núm 25 de La Lima de Vulcano*, 1835.
- ²⁶ Nancy Farriss, *La Corona y el clero en el México colonial, 1579-1821. La crisis del prestigio eclesiástico* (Mexico City, 1995), pp. 36-37; Anne Staples, *La iglesia en la primera república federal mexicana (1824-1835)* (Mexico City, 1976), pp. 33-37.
- ²⁷ Cited in Micheal P. Costeloe, *Church and State in Independent Mexico. A Study of the Patronage Debate, 1821-1857* (London, 1978), pp. 47-48; and in Staples, *La iglesia*, pp. 38-39
- ²⁸ Quoted in Connaughton, *Clerical Ideology*, p. 248.
- ²⁹ González, "Ilustrados, regalistas y liberales", p. 258.
- ³⁰ *El Sol*, año 1, núm. 18, 18 Feb. 1835, pp. 61-72.
- ³¹ Vicente Rocafuerte, *Ensayo sobre la tolerancia religiosa* (Mexico City, 1831). As a result of this article Rocafuerte was reported to the Mexico City Press Tribunal which tried him for publishing seditious material under the laws of 1829 and 1830. See, Jaime E. Rodríguez O., *El nacimiento de Hispanoamérica. Vicente Rocafuerte y el hispanoamericanismo, 1808-1832* (Mexico City, 1980, 1st ed. in English, 1975), pp. 265-291.
- ³² These are analysed in great detail in Staples, *La iglesia*, pp. 35-58; and Costeloe, *Church and State*, pp. 44-141.
- ³³ Staples, *La iglesia*, pp. 21-25.
- ³⁴ Staples, *La iglesia*, pp. 62-73; Costeloe, *Church and State*, pp. 120-127; Catherine Andrews, *Entre la espada y la constitución. El general Anastasio Bustamante, 1780- 1853*, (Ciudad Victoria, 2008), pp. 159-162.
- ³⁵ Staples, *La iglesia*, pp. 65-73; and Costeloe, *Church and State*, pp. 133-141.
- ³⁶ *Ibid.*, pp. 142-185.
- ³⁷ Mora, 'Disertación', p.170.
- ³⁸ *Ibid.*, p. 167.
- ³⁹ See the laws collected in Manuel Dublán y José María Lozano, *Legislación mexicana ó colección completa de las disposiciones legislativas expedidas desde la independencia de la República* (Mexico City, 1876), vol.2, pp. 565, 571, 574, 577, laws dated 21, 26 and 27 Oct. 1833.
- ⁴⁰ Laws cited by the Bishop of Monterrey, José María de Jesús Belaunzarán y Ureña, to the governor of the state of Coahuila, 2 April 1834 in: *Suplemento al núm. 11 de El Mosquito Mexicano*, 18 April 1834; and in his letter to the governor of Tamaulipas, 24 Feb. 1834, in *Alcance al núm. 5 de El Mosquito Mexicano*, 28 March 1834.
- ⁴¹ Costeloe, *La primera república*, p. 403.
- ⁴² Law dated 26 October 1833 in Dublán and Lozano, *Legislación mexicana*, p. 545.
- ⁴³ An excellent study of the problems faced by Mexico's national treasury in this period and the various policies employed by the different governments to resolve them can be found in Jesús Hernández Jaimes, *Desequilibrio presupuestario y estrategias de sobrevivencia. La hacienda pública nacional en México, 1821-1835*, Ph.D. dissertation, El Colegio de México, 2010.
- ⁴⁴ The Bishop of Monterrey to the Governor of the State of Nuevo León, Monterrey, 22 Feb. 1834, in *Alcance al número 5 de El Mosquito Mexicano*, 28 March 1834.
- ⁴⁵ Manuel Abad y Queipo, 'Estado moral y político en que se hallaba la población del virreinato de Nueva España en 1779', in *Obras completas de José María Luis Mora*, pp. 64-65.
- ⁴⁶ Jan Bazant, *Los bienes de la Iglesia en México, 1856-1875. Algunos aspectos económicos y sociales de la revolución liberal* (Mexico City, 1995), p. 6.
- ⁴⁷ Connaughton, 'El ocaso del proyecto de "nación católica"', p. 228.
- ⁴⁸ Letter from M. G. P. (Manuel Gómez Pedraza) to the editors of *La Lima de Vulcano*, in *Suplemento al núm. 33 de La Lima*, 18 Feb. 1834.
- ⁴⁹ *Ibid.*