



CLERICAL IDEOLOGY IN A REVOLUTIONARY AGE: THE GUADALAJARA CHURCH AND THE IDEA OF THE MEXICAN NATION (1788–1853)

by Brian F. Connaughton

ISBN 978-1-55238-608-8

THIS BOOK IS AN OPEN ACCESS E-BOOK. It is an electronic version of a book that can be purchased in physical form through any bookseller or on-line retailer, or from our distributors. Please support this open access publication by requesting that your university purchase a print copy of this book, or by purchasing a copy yourself. If you have any questions, please contact us at ucpress@ucalgary.ca

Cover Art: The artwork on the cover of this book is not open access and falls under traditional copyright provisions; it cannot be reproduced in any way without written permission of the artists and their agents. The cover can be displayed as a complete cover image for the purposes of publicizing this work, but the artwork cannot be extracted from the context of the cover of this specific work without breaching the artist's copyright.

COPYRIGHT NOTICE: This open-access work is published under a Creative Commons licence.

This means that you are free to copy, distribute, display or perform the work as long as you clearly attribute the work to its authors and publisher, that you do not use this work for any commercial gain in any form, and that you in no way alter, transform, or build on the work outside of its use in normal academic scholarship without our express permission. If you want to reuse or distribute the work, you must inform its new audience of the licence terms of this work. For more information, see details of the Creative Commons licence at: <http://creativecommons.org/licenses/by-nc-nd/3.0/>

UNDER THE CREATIVE COMMONS LICENCE YOU **MAY**:

- read and store this document free of charge;
- distribute it for personal use free of charge;
- print sections of the work for personal use;
- read or perform parts of the work in a context where no financial transactions take place.

UNDER THE CREATIVE COMMONS LICENCE YOU **MAY NOT**:

- gain financially from the work in any way;
- sell the work or seek monies in relation to the distribution of the work;
- use the work in any commercial activity of any kind;
- profit a third party indirectly via use or distribution of the work;
- distribute in or through a commercial body (with the exception of academic usage within educational institutions such as schools and universities);
- reproduce, distribute, or store the cover image outside of its function as a cover of this work;
- alter or build on the work outside of normal academic scholarship.

8

The Great Unresolved Issues

The Patronage and Tithes during the Constitutional Regime, 1827–33

Plumbing the Depths

Sparring between the Temporal and Ecclesiastical Powers

In 1827, the problem of tithes came to the fore once again, in the midst of the economic and fiscal crisis brought on by the War for Independence and deepened under the Empire and the Early Republic.¹ Events took an ironic course. Up to that point, the local clergy had blocked fiery Jalisco liberalism by appealing to the federal government. National authorities had intervened in local events to insist that modifications of Church affairs in Jalisco would have to await the national solution of the patronage issue. From 1825 on, the Jalisco government demanded that the Church pay property taxes on its wealth – which demand the Church disputed by once more appealing to federal authorities.² But the National Congress had given the states the power to tax in 1824.³ In 1827, various states fought the Church for effective control of tithes, and a new restlessness was unleashed in Jalisco. In the midst of a long-standing fiscal crisis, the states were attempting to collect tithes through the local civil administration.⁴ A decision of the National Congress had enabled the state to confront the Church on a local level.

At this moment, opposition between civil authorities and the clergy grew more intense. Once again, immediate material concerns were interwoven with abstract concepts and arguments struggling for discursive hegemony. To be sure, the economic question had already emerged in 1824, but Article 7 of the 1824



Jalisco Constitution, an article never enacted, had threatened ecclesiastical jurisdiction by asserting the state's economic power over the Church. The clergy had maneuvered to demonstrate that it was inappropriate for the state to determine expenses for worship. This was not its place; it indeed had the obligation – if not always the ability – to cover those expenses. Proposing anything else meant violating the Church's jurisdiction.

After the state lost this conflict, there began several years of intense public debate to clarify the role of the Church in light of national independence and in relation to the new state based on popular sovereignty. Paying taxes on the wealth of the Church now sparked debate, but this was far from putting the clergy on the payroll and at the disposition of the state. The interests of the state and the Church could be sensed behind the struggles over principles in pamphlets and newspapers, but neither had been blocked, yet. In 1826, and despite a brilliant discursive campaign by the clergy, Governor Sánchez had been able to assert the rights of the government in clerical appointments, with the approval of his Legislature. In the clash between the government and the clergy, both sides had continued to struggle to win popular adherence. The executive power had made relentless advances in 1826. In 1827, it now returned to economic matters with an initiative that was extremely threatening to the clergy, since the state proposed to collect tithes based on federal legislation, without technically affecting either ecclesiastical jurisdiction or the portion of the tithes it was due to receive.⁵

We should remember that all across the nation, resolving the matter of the patronage was becoming increasingly more urgent. The various aspects of the religious question were growing more and more unsettling.

The full reach of government authority was unclear; in Jalisco, this was precisely the problem. The religious and ethical bases of the young state had not been defined before the people, a situation which conflicted with the effective exercise of sovereignty, and especially of "popular sovereignty."⁶

Pedro Lissaute clearly signaled this dilemma in a statement made in Jalisco in 1830. He presented the crisis of the young state and the reemergence of Church–state conflict in a context that was not solely ideological and constitutional. In light of state power and the goals of civil society, he pointed out the inability of the new state to fulfill its most elementary duties. The tax problems demonstrated how right he was. Lissaute viewed the



problem of Church wealth and influence within not only the national, but also the international, context of a transformation in the relationship between popular enlightenment and politics. He held that international trends Mexico clearly was a part of were showing how useful knowledge could be placed at the service of the people, allowing democracy to be truly realized for the first time. His was a decidedly liberal perspective.⁷

Lissaute's analysis saw the government, the state, at the head of this great task. It had to carry out a revolution in popular education. Such a revolution would end up producing what was earlier thought impossible – and this is worth repeating – a democratic and free society. Through the development of science and technology, a “certain level of correspondence” would be achieved “between our moral faculties and our physical strength.” Lissaute suggested that “with some help from the public administration, the Institute [of Sciences in Jalisco] could be the most powerful agent to improve this state of affairs.” If no such transformation was undertaken, “would those whose only place [in society] is to humbly lend their muscle power to others be able to reason?” But the government had no funds to meet this need. Thus those who represented the injustices and mistaken cultural orientations of the past continued to enjoy power and riches of dubious provenance. They maintained a monopoly over culture which was hardly appropriate to modern times, blocking the “great social revolution.”⁸

Lissaute assigned the state a central role in creating the new social and political order. That is why the question of loyalty to the new government, its constitution, and its laws, became particularly sensitive. Obedience to the government should not be in conflict with freedom of conscience, he judged, because the new government stood for a free system. In this context, he praised the

condemnation the philosophy of this age levels at everything that does not tend to inculcate love for work, for principles of order, for obedience to the law, and for independence from the will of any particular individual no matter how respectable.⁹

Obedience to the government was the guarantee of freedom of conscience against the unjust defenders of outdated orthodoxies. Lissaute imagined Mexico might be “a country in which each individual participates in sovereignty, and therefore is destined to directly influence the resolution of all questions touching public administration.”¹⁰



Nonetheless, this process was far from taking place in practice, as he himself noted, and this weakened the effective foundation of the liberal state.¹¹

Within the framework marked out by Lissaute, the people exercised their liberty and supported the government naturally, and simultaneously. If such were not the case, they could be accused of behaving like the mob, or of advancing the interests of antisocial groups. Such groups placed their narrow interests above those of an entire free society. Both haste to strengthen the state and disgust towards the opposition are evident in Lissaute's perspective. The transition from Absolutist reformism to reformism based on the doctrine of popular sovereignty was going through a difficult moment.¹²

The Governor had already mentioned the economic crisis and fiscal problems of Jalisco in his 1826 *Memoria* (Report). The economic crisis had emerged as a result of the minimal growth of new economic activities together with the decline of traditional businesses. Commerce in Jalisco had taken on a "passive" character, "because it exports very few articles to other states, while consuming infinite products introduced here, whether from various points in the [Mexican] Federation or from overseas." The minting of money had diminished substantially and Jalisco suffered from a "shortage of coin."¹³ In another section of his *Memoria*, the Governor remarked that

the government has faced unspeakable work in every one of the measures taken in the different branches of public administration, because all of them have been neglected, experiencing more than ever the dreadful effects of oppression, the worst of which is the lack of resources with which to promote the most interesting establishments.

Yet the new government hoped to awaken and guide public opinion in a liberal direction.¹⁴ But government's authority to do so was still weak, in the face of deep-rooted, popular support for the Church.¹⁵ Sánchez asserted that

Of the many ills the Spanish government left us as our patrimony, placing the interests of the clergy in opposition to the interests of the people was certainly not the least. Thus, the latter could not be promoted without the former being demoted, and if one still wishes them to continue as they are, one must give up all hope of making any improvement or progress for the public cause.¹⁶



Overwhelmed by “exhausting tasks,” the government suffered insolvency in the midst of

the novelty of the system, the blameless ignorance of the multitude and other difficulties which necessarily must be felt in leading a people still bowed down by the heavy chains they bore for three hundred years.¹⁷

By the time Vice Governor Juan Nepomuceno Cumplido offered his *Memoria*, 1 February 1827, the coffers of the state of Jalisco were in a “distressing situation,” the educational work of the Institute of Sciences was making slow progress because of economic obstacles, and there was a serious problem of “murders and robberies” in Guadalajara and its surroundings.¹⁸ In 1828, the same Vice Governor reported the existence of many “vaga-bonds” and beggars.¹⁹ The government was trying to organize a civic militia and attend to matters of “public health and comfort,” although it confessed to a “lack of funds” for the latter. The Vice Governor announced advances in introducing the Lancaster Method of primary instruction in the state, but it is unclear whether the information provided demonstrates a truly first-class effort on this point.²⁰

By 1831, the situation did not seem to have significantly improved. In his report for that year, Governor José Ignacio Herrera bitterly reminded all that

a new people, and therefore a miserable one, only in its infancy in industry, science and commerce, which sees half of what it earns from such hard work wrested from it, will only progress slowly, and for a long time will barely be able to purchase future comforts.²¹

He asserted that the state was free of political disturbances, but banditry was still on the rise. “For the first time,” he went on to say, “an economic year is beginning without predictions of bankruptcy.” While there was a serious lack of coinage, the new civil administration of tithes was resolving the problems of the public coffers. The governor reported problems with the officials of the civic militia and a lack of advances in primary education, but also material improvements in the San Miguel hospital.²²

The Church, in turn, found itself without a leader and clear coherence in its public thinking, battling – however astutely – against an ideological and institutional siege. The absence of a



clear direction and the decline in the number of priests made the Church progressively more vulnerable to the demands of both the Catholic faithful and the state, which was constitutionally obligated to watch over it.²³ While it is true that clerical discourse was forceful and vigorous in 1825 and 1826 even without a bishop, the advances of the Jalisco government on tax matters and its achievement of discretionary power over ecclesiastical appointments by legislative vote indicated the need for a change. The Church was not unnerved, and its discourse showed a willingness to make use of new elements to firmly assert its positions, but now it needed to take the ideological dispute one step further, clearly establishing official guidelines for thought. Facing the new assault by the government on the matter of tithes, it had to take an unmistakably clear stance. Looking beyond this particular matter, the Church once again had to resort to the national political level, and call for a Concordat specifying the terms of its relationship with the state – along the way easing the appointment of a new bishop to reaffirm the ecclesiastical hierarchy and ordain priests for parochial work.

In fact, ecclesiastical anxiety over the patronage had been evident in Guadalajara since 1826. A pamphlet had then been reprinted in the city attacking the premises underlying the instructions the federal government intended to give its emissary to Rome.²⁴ The pamphlet argued that

even in the days of the absolutist kings, when sovereigns were said to be lords of all lives, honors, and possessions, they were never believed to be the true owners of the lands and goods existing within a nation, nor were they granted any rights other than high or eminent ones, which are very different from what is properly called property....

Since it is thus evident that the nation, in the name of sovereignty, has only high or eminent domain over the land and goods existing within the republic, and not property rights truly and properly understood, then how could it have the right of patronage, which canon law grants only to whoever ceded his property, and thereby established or endowed these or other temples? This right of lay persons to name people for ecclesiastical posts is in reality a burden on the Church; it is a weight, a servitude, and that is why canon law [only] concedes it as a recompense for the favor done to the Church in granting it a property.²⁵



Further on, the pamphlet spelled out the implications of its statements for Church–state relations:

The state gives protection to the Church, that is true. But for this favor, the Church gratefully offers a tribute to civil authorities of all the honor, distinction, prerogatives and considerations a benefactor is due. Additionally, this is a very powerful argument for granting it [the state] the right of patronage, yet this will always be a favor, a grace, a privilege, because such protection is not a voluntary act that can be rightly omitted, but an obligation and a responsibility that the secular Catholic power has before God and Man to defend and protect the Church, independent of the patronage over presentation [of candidates for posts].²⁶

The launching of the newspaper *El Defensor de la Religión* – planned since 1826 and finally published in 1827 – was symptomatic of the high clergy’s growing sense of the need to clarify both the terms of debate and the institutional position of the Church relative to the state and to society.²⁷ Orthodox opinions were offered carefully and with weighty arguments, frequently in response to heterodox proposals. What they were saying was not so different from previous years. Instead, just as the government’s struggle for discretionary power over ecclesiastical appointments and later for control of tithes constituted an entire phase of state formation, so the ideas expressed in *El Defensor* played the same role in reconstituting ecclesiastical discursive forces. With the publication of *El Defensor*, clerical pamphlets themselves were transformed, turned into even more open weapons of the high clergy in its struggle to keep abreast of the young republic. But it is important to point out that while the forum for pro–state ideas became constrained to the legislative chambers and the votes of legislators, the language of the Church was no less clearly directed to setting standards for members of the ecclesiastical corporation and the faithful among the legislators.²⁸

El Defensor employed various tactics worthy of note. One could be considered a spectacle of horrors, a parade of the wayward ideas of the great minds of European thought: from John Calvin (1509–1564) and Philipp Melanchthon (1497–1560) to Hugo Grotius (1583–1645), Thomas Hobbes (1588–1679), Pasquier Quesnel (1634–1719), John Toland (1670–1772), Denis Diderot (1713–1784), Guillaume Thomas François Raynal (1713–1796),



Honoré Gabriel Victor Riqueti, Comte de Mirabeau (1749–1791), and Louis Marie Prudhomme (1752–1830). After a condensed biography which recognized some personal merit, each distinguished figure of European thought was measured up against the plumb-line of Catholic orthodoxy. In general, their theoretical divergences were associated directly with defects in character.²⁹

Another line of articles returned to central questions of Catholic orthodoxy. This originally began in response to 1827 challenges regarding the patronage, which led it to refute the attacks of Church opponents.³⁰ Before the year ended, *El Defensor* was discussing the legislative authority of the Church and the existence of God.³¹ In 1828, the paper dwelled at length, in an article extending over several issues, on the immortality of the soul and revelation.³² But perhaps what stood out most was the paper's constant recourse to themes that not only enhanced orthodoxy and the continuing relevance of religion and the faith, but also underscored the Church's role as the sacramental and legitimate institution of Catholic religiosity.

In 1828, the newspaper went further with this approach. Spread across the pages of *El Defensor* were such concerns as the legislative power of the Church and the history of Councils, oral confession, impediments to marriage, book banning, patronage once more, and the French precedents for rearranging Church–state relations.³³ There was even occasion for discussing certain papal scandals and offering guidance on how to handle such embarrassing events. *El Defensor* not only indicated orthodox opinion in theory, themes and authors, but it also provided the basis for an elemental historical perspective – not new, by the way – through which Mexican Catholics could contemplate the errors made by ancient Catholics without feeling themselves forcefully bound to them. The times and the weakness of man might explain some pitfalls, but the Church as an institution could never be contemplated within such pedestrian and temporal frameworks. Thus, the Church was removed from the critical gaze that it so enthusiastically turned towards contrary thinkers of the present and the past.³⁴

In this way, clerical discourse after 1827 lost in apparent spontaneity and plebeian style what it gained in coherence and thoughtfulness. Its triumph in terms of clear and orthodox thinking – even though oriented towards reconciliation with the First Republic – had the defect of turning significantly away from language accessible to a wide range of the populace. The difficulties of this moment would seem to indicate not so much the



exclusive defects or closed character of ecclesiastical discourse as the effective limits of the new discourse emerging with popular sovereignty. It was easier to debate popular sovereignty than to make the exercise of sovereignty effectively popular! In practice, the legislature and the cathedral chapter could handle national affairs without having constant recourse to the opinions and leanings of the majority. The legislature captured the sovereign power of civil society no less than the cathedral chapter did so for the body faithful. In both cases, the “people” and the flock were notable for their absence, however much they were invoked discursively. The representation of popular interests was “virtual” – that is, carried out with an eye towards the well-being of the people – but it was not direct representation, nor was it effectively carried out by the people.³⁵

Between Constitutionalism and the Exercise of Full Ecclesiastical Sovereignty

José Miguel Gordoá, who in 1831 would come to be the first bishop of Jalisco appointed during the Republic, had already expressed in 1827 the Church’s dilemma in facing the state. Called to pass judgment on the establishment of a diocese in Zacatecas, his home state, Gordoá carefully weighed the implications any decision of his would have.³⁶ If he approved of the creation of a new diocese, this would ipso facto provide support for those who wanted to make this action a power of the state. Yet if he rejected the new diocese, he would appear to be someone lacking patriotism, even for his native state. He declared of the proposed bishopric: “I promoted it in Spain, and I have longed for it in the intimacy of my heart.” Underscoring his point, he added: “I yield to no one in my love for my dearest homeland, and for everything that favors its true good and exaltation.” But he demanded that Zacatecas avoid the “confusion of powers.” To establish a diocese required, he asserted, agreement between both powers – civil and religious. In this case, the appropriate religious power could only be the Papacy. Gordoá found himself obliged to specify that popular sovereignty ruled over civil affairs, but not over religious ones.³⁷

Thus, let the worthy representatives of this state make the arrangements, let them forcefully uphold the rights of those they represent in civil matters, carrying them to the highest point of human



happiness. But we must not forget that the rights of man as citizen are one thing, and the duties of the same man as a child of the Church are another.³⁸

Gordoa rejected the general “spirit of innovation” on this point, obviously fearing its “capriciousness” and “arbitrariness.” He let himself be guided by sources denouncing the “irreligion” promoted by “the false politicians and adulators of secular powers.” On the one hand, he denounced the desire to impose the authority of the new popular state on the Church. On the other, he insisted that “our lack of communication with the Apostolic See is not so absolute, since we are seeing, and quite frequently, papal directives to Mexican members of religious orders authorizing their secularization.”³⁹

On the matter of income, Gordoa saw the same embroilment. He lamented that “if ecclesiastics speak, of course they are thought to do so out of interest, and if they remain quiet, they are said to have no support for their argument.” The solution here was no different than in the establishment of a Zacatecas diocese: Gordoa proposed to join the wills of both powers by means of a Concordat. He expressed his dissatisfaction in stating that “as for me, I frankly protest that the day on which I retire to eat the bread my parents obtained with the sweat of their brows will be the happiest of my life.”⁴⁰

As a priest, Gordoa was indignant because others spoke as if the Mexican nation and Catholicism were two things that were independent of each other. In fact, on the religious issue, the nation was now definitively committed.⁴¹ Referring to the congressman whose speech had motivated the request by the Zacatecas Congress, Gordoa proclaimed:

Let us elevate together, Representative Gómez Huerta and the signer of this reverent exposition, let us elevate to the sovereign general Congress our ardent wishes and humble supplications that by accelerating their work they give the fatherland the day so longed for on which relations will be established with the Holy See. This is how the congressman will respond to public expectations. In this way, he will fulfill that intimate and precious confidence that the district of the village of Tlaltenango placed in his activity and zeal, and I will also have the glory and the sweet satisfaction of cooperating in his designs.⁴²



Within this polemical setting, which threatened to broaden disputes between Church and state and to lead towards a confrontation over principles or the Concordat issue, the thorniest problem that emerged in these years was the extinction of the Church's tithe offices. They were how the cathedral chapter had administered everything related to tithes, and their suppression by civil authorities threatened the jurisdiction and economic solvency of the high clergy. This led to a concrete discussion of the matter of parochial fees. The money that reformists wanted to use to replace those fees would come from the tithes now collected by the state.⁴³

The set of interconnected themes discussed once the polemic over tithes and fees began showed that the aggressive overall approaches – still present from earlier years – were more than just the context for specific disputes. Alongside the careful and detailed debate about ecclesiastical monies, it became clearer and clearer that more general debates had to descend from abstraction and become more concrete. The way of doing this was by taking up the patronage issue once more. This virtual protectorate that the state exercised over the Church hinted at a solution for all the pending theoretical questions about Church, state and society. From 1827 to 1831, tithes were the main testing point for these debates, as a sequel to the mooted Article 7 of the 1824 Constitution and to the 1825–26 disputes about Church income and ecclesiastical appointments. The agitated ideological stage, the fiscal crisis of the state, the crisis of the ecclesiastical hierarchy as the ranks of bishops dwindled one by one, and the crisis of the democratic program of the new government after 1827: all pushed the matter of tithes towards a more general, supposedly final, solution of the patronage question. After being a matter of state on a national level since 1824, patronage now clearly descended to the level of popular sovereignty, but the handling of that sovereignty in the federal states allowed the full blast of liberal polemics to finally enter the patronage debate. After being a matter of state, patronage clearly became captive to ideological polemics.

By means of Decree 77, on 16 February 1827, Jalisco had suppressed the Church's tithe offices. The same decree, composed during a secret session, replaced them with a Board of Tithes.⁴⁴ In the debate this change provoked, one publication counterbalanced a statement of opposition by the cathedral chapter of Guadalajara with the special ruling produced by a legislative



committee.⁴⁵ While the Cabildo's statement insisted that the shift required an agreement between ecclesiastical and civil authorities and should await the decision of the National Congress on patronage, the ruling was based on radically opposed theoretical assumptions. The committee clearly affirmed that tithes had their origin in royal authority, which was secular, and not in ecclesiastical authority. Appealing to Papal Bulls and similar arguments, it added, "does this not deserve to be classified as seditious?" "Who does not see in this statement the subversion of all the social achievements of Mexicans?" According to the ruling, it was clear that because of historical continuity, the sovereignty of Mexicans was absolute on this matter. The National Congress, the committee insisted, had declared tithes to be profane income. As a consequence, either tithes would be administered by the state, or this income would have no meaning whatsoever. The abolition of the Church's tithe offices in Jalisco was in keeping with what had been decided in the National Congress. There had been no alteration in payments and no different application of tithes, only change on an administrative level. However, the committee recommended that the Congress form a special commission, and the cathedral chapter form another, in order to address the abolition of certain parochial rights and payments. It ordered that the "testimony of this file" be sent to the National Congress.⁴⁶

The Church in Jalisco was ready to complain once more, and to defend itself with the weapons at hand, on 2 March 1827. Feeling strapped by temporal imperatives, the cathedral chapter began by expressing its astonishment and surprise. The chapter insisted that "it was unable on principle to agree to the establishment of the Board, the naming of the only ecclesiastical individual it was authorized to choose, and the concession of a place for the office of the Board." At the same time, the chapter protested to the governor with "full sincerity, the respect and submission due to the supreme powers of the state." But this was a difficult balance to maintain, since this formal act of submission was accompanied by such harsh criticism and rejection of the government decree. For the chapter, the proposed make-up of the new Board and the distribution of votes among its members was a scandal, because "far from granting the Church's intervention in the administration of its income, instead this seems testimony" to the government's "dishonorable and offensive disdain of episcopal dignity and of the venerable chapter in which its jurisdiction is deposited."⁴⁷



In the eyes of the chapter, the result was a plundering of the Church. Recalling a similar attempt at change at the end of the eighteenth century, the chapter allowed itself a reflection on state politics:

And if the Spanish government, with even less basis, and even under the aegis of the patronage, absolute authority and ministerial abuse which we have often bitterly wept over, saw fit to admit the written complaints of all the Churches of America, then what should this Chapter not expect from a frankly liberal republican government, whose foremost characteristic, as a political body, should be the respect of property that all its constitutions guarantee, and as an Apostolic Roman Catholic body, the fulfillment and protection of ecclesiastical laws and Concordats? That is what this Chapter should expect, just as the supreme powers of the state have solemnly protested.⁴⁸

However, the chapter did not seem to want a confrontation with the state in Jalisco. It declared that it found itself facing the dilemma of either “abandoning its duties” towards the Church or displeasing the government, but wished to do neither. That is why the chapter “has no other option than appealing to the judgment and discretion of Your Excellency himself [the governor] and the Honorable Congress, so that you might be convinced and persuaded that, very far from opposing [the decree] out of willful obstinacy, the chapter finds itself in a bitter and painful conflict it cannot obviate.” In order to do so, the chapter accepted that the Church’s tithe offices cease operating “on contentious and judicial” matters not only in Jalisco, but also in the other states of the diocese. However, the chapter did not freely accept conceding facilities for the new Board of Tithes, as the government had demanded. They dryly remarked to the governor that “Your Excellency may act as you deem fit, as you have already done in installing the Board and taking over the archives.”⁴⁹

The chapter offered to give up its portion of the decimal tithe – pointing out that “by the same measure, our obligations and rights will also cease” – in order to prove “that our resistance does not come from a miserable clinging to the interests in dispute.” It insisted that it was “ready for any reform carried out according to canon law” in search of a “rational compromise.” For that reason, the chapter said, they had asked several times to



enter into “conference with civil authorities” in keeping with the 18 December 1824 decree which had pegged the resolution of ecclesiastical income matters to the national settlement of the patronage issue, allowing for interim changes only where the clergy and the state governments were entirely aligned. Therefore, the chapter’s statement continued to insist that there should be no changes until the matter of a Concordat at a national level had been resolved. Accepting the forceful acts of the state government so as not to be proven to desire subversion, the chapter nonetheless salvaged the principle of ecclesiastical rights. Following this line of thinking, one could hardly fail to reach the conclusion that the state of Jalisco was transgressing against not only the rights of the Church but also the decisions of the National Congress. Similarly, the chapter’s decision to give up the tithes was a double-edged weapon. If the state government accepted the offer, Jalisco was left without religious leadership, since the “obligations and rights” of the cathedral chapter members were to cease along with the tithe. While ecclesiastical diplomacy was formally submissive to the state government, the challenge implied in its response placed the state before a difficult dilemma in which its authority and effective power were once again put to the test.

Another pamphlet, titled *Defensa del Venerable Cabildo Eclesiástico de Guadalajara*, included the 5 July 1827 report by the Board of Tithes. In the report, the Board contrasted “the humble, submissive and plaintive language of the cathedral chapter” with its “system of opposition and resistance, uninterrupted until now.” The Board sustained the fine it had in fact imposed on the chapter because of the ecclesiastical statement issued on 2 March. On the basis of the debate about one of the terms employed in that document, the Board was able to brand the members of the cathedral chapter as among those who, in their dealings with the Board, “were disrespectful and disobedient and did not comply with orders.”⁵⁰

The report argued categorically that the Board was planning to give the members of the chapter their share of the tithes collected in full and on time. Contradicting opposing suggestions, the Board placed all the blame on this point on the chapter, all of whose members – save one – refused to collect their tithe allotment because of their vehement resistance to the change.

But the Church would not give up so easily. Armed with the concepts developed over the previous years, it once more tried to turn the government’s liberalism against it. The same pamphlet which included the report contained the “Última representación



del apoderado del cabildo eclesiástico” of 15 September 1827.⁵¹ The starting point for this statement was the sharp denunciation that, since 1824, the Jalisco government had tried to achieve the “debasement and humiliation” of the cathedral chapter. This time, the statement was made directly to President Guadalupe Victoria, following the same tactic of appealing to the federal government used in opposing Article 7 of the 1824 Jalisco Constitution and in the disputes of 1825–26. In fact, the spokesman for the chapter declared that this had already been tried, fruitlessly, and his statement took on a despondent tone which seemed to underscore the point.⁵² The statement argued that it seemed

that no other recourse was left to the chapter but the Heavens, and that on Earth, when respectable individuals remain firm in their principles, they have no other hope or path, except that of pain and torment, until they come to see the extermination of their Church, their authority, and their persons if they do not rush to abandon their posts.⁵³

Nevertheless, such a negative outlook for the Church would not make it give up. The spokesman defiantly insisted that “the Venerable Cathedral Chapter will follow ... the path it has chosen until it reaches the will of the True God who sustains it.”⁵⁴

The spokesman continued his statement, guided by this same spirit of the chapter. He denounced the fact that in the National Congress, the president of the ecclesiastical commission was the congressman from Jalisco, José de Jesús Huerta. Although the spokesman did not mention it, Huerta was a priest. But the spokesman clearly pointed out his trajectory as liberal thinker and suggested that he was conspiring with the Jalisco authorities on this matter.⁵⁵ The action taken by the Jalisco government was contrary to the mandate of the National Congress, he declared. For him, it made no sense and was legally inappropriate to separate the “authority, administration, and distribution of tithes” from the very question of Church income whose resolution depended on the National Congress. He objected that a greater portion of tithes was being assigned to the states than had previously been granted to the King of Spain, and that the government of Jalisco was assuming this power over the Church without legal or constitutional precedents.⁵⁶

The spokesman for the cathedral chapter underscored his assertions by stating that



I would also like you to tell me if it is in keeping with the Constitution, and our liberal system, to debate in secret sessions about the extinction of said tribunal and to put the law into effect the same day without publishing it, without allowing any excuses or delays from the Venerable Cathedral Chapter.⁵⁷

Defending the right of the cathedral chapter to assert and present its rights, he also condemned in passing the fine that had been imposed on it: “representing one’s own rights, writing formal complaints to superiors, and maintaining one’s own authority could never be judged disrespectful and disobedience.”⁵⁸

The accusation the spokesman was making depended on his capacity to reconcile the legal order with the ecclesiastical position. Thus the Church’s submission to the Constitution and popular sovereignty would be compatible with its strong defense of its own interests. “For the Holy Church to recognize and yield before the sovereignty of the people is very just, and order requires it,” he conceded, but he demanded an “attention and attentiveness” for the Church that was no less than what was given to individuals. In this context, the spokesman expressed deep indignation in the matter of the fine placed on the chapter. Considering the context of misunderstandings between governors and governed, “no such equal case could be cited, *even from the times of despotism and arbitrariness*.”⁵⁹ The spokesman went on to insist that the point under debate was the right of citizens to defend themselves against arbitrary acts by the government:

Even if ancient laws, the practice and customs of many years, the Constitution, which reserved these matters for the National Congress, and the Congress itself, which required the agreement of the Churches for each innovation, did not speak in favor of that very respectable body [the cathedral chapter], the most general rules with which we have tried to uproot from among us despotism and that absolute domination over the properties and rights of *[corporate] bodies and particular individuals* would be enough for the Board to have found itself embarrassed to explain freely and confidently what it wishes to show in its apology, or defense, which it voluntarily made. Because if a new system in the handling, distribution and collection of this branch of the administration were to be created, the representative voices of the Church should be heard, as sharers of the tithes, and therefore interested parties in the collection, administration, and distribution.⁶⁰



Convenience, and not only adherence to the “liberal, just, and equal” Constitution, should have inclined the government towards consulting the Church on this matter. The Church’s knowledge of the matter, gained over time, was useful. Instead, the state had acted in secrecy and reduced the ecclesiastical presence on the new Board of Tithes to only one of four total votes. The new rules made it virtually impossible for an ecclesiastic to preside over the Board or have the deciding vote. The sites occupied without permission by the new Board of Tithes had served various functions and housed a variety of materials which the Church could only with great difficult accommodate elsewhere.⁶¹

Where are the rules governing us today? Is this how we are assured of possessing our goods, our properties, our rights? This is certainly the most damaging example that could be given, for the government to act in such a way against constitutional laws which so flatter and exalt the people.⁶²

The spokesman also accused the Board of including deception in its report. The Board had accused the members of the cathedral chapter of not collecting their portion of the tithes by their own decision. On the one hand, this avoided the underlying problem. On the other:

The regulation which determined the distribution that should be made of the decimal tithe, and the aid that should be provided to the members of this Venerable Cathedral Chapter, was published on 9 May, four days after my statement was presented to the supreme government. And could it be carried out before it was published?⁶³

What is more, the published regulation was not directly communicated to the chapter. In denouncing the rebelliousness of the chapter, the Board was being insolent and overreaching its authority. The Board was also revealing a “narrow-minded understanding” of the matter. The chapter justified its actions in civil terms on the basis of the National Constitution, the 18 December 1824 decree and the laws in effect. In ecclesiastical terms, the chapter clung to “the dispositions of canon law” and “the current discipline of the Church”: “A religious, honorable, and praiseworthy course of action, worthy of your veneration!”⁶⁴



The spokesman also denounced variations in the distribution of tithes, and justified a dignified and honorable resistance on the part of the chapter until its “pending appeals to the sovereign General Congress” were resolved. Attacking the Board’s reasoning as insincere, he underscored “the artfulness, cunning and injustice of that report.” After various additional notes designed to further fortify his argument, he praised Article 3 of the National Constitution on the question of the inalienably Catholic character of the Mexican nation, adding: “and without the Church, without a Holy Pontiff, without ministers, without canon law, the Councils, the rules, and the current discipline, the Apostolic Roman Catholic religion is a chimera, an insignificant trifle, a mockery.”⁶⁵

This seemed to be the culmination of this declaration, with the Church upholding popular sovereignty as much as strict adherence to its religious duties. But it was not. Instead, the spokesman went further, in a direction full of ambiguities. He had defended the chapter by appealing to liberal ideas of citizen’s rights and the right to defend one’s own property and principles, but now he asserted a more traditional idea, quite rash in the context of the time:

The Church has its sovereignty, its power, its jurisdiction, its laws, its discipline, its own weapons and its ministers – in principle the highest and most sublime. The nation which confesses, constitutes and swears to the religion of Jesus Christ must from that very moment recognize, respect, maintain and protect the sovereignty, power, jurisdiction, laws, discipline, weapons and ministers of that Church. The Church is not an individual, a citizen, who lives only under the protection and power of the civil government, but a sovereign who obtains and must exercise, in the midst of civil society, its power, its jurisdiction, its laws, its discipline and weapons, must name and maintain its ministers, working on some points in complete freedom, and on others in accordance with civil sovereignty.⁶⁶

Giving priority to another range of considerations weakened the recourse to constitutional freedoms. The chapter did not respond on a single plane, but kept shifting belligerently from one to the other.⁶⁷ Was the Church justified in demanding the rights of an individual and later demanding to be treated as sovereign? How could these two lines of thinking be reconciled? How could the Church take the position of a subject, turned citizen, on the one hand, and of a parallel power, on the other? This might be traditional, but at this moment of crisis,



the internal coherence of clerical discourse was sharply weakened. This could only limit the effectiveness of this discourse and, later on, push the Church towards a position as an embittered detractor of the triumphant liberal state. For now, its concrete message was only the requirement that “ecclesiastical discipline” be maintained “without alterations until the exercise of patronage was settled.”⁶⁸

Another 1827 pamphlet was dedicated precisely to laying the foundations, from a different perspective, for this same idea of freezing change until a Concordat governing the patronage had been reached. Arroyo, the author, summarized a historical and gradualist vision of human events. Society and its standards were fragile and uncertain; society needed to be careful that – whatever happened – changes took place in an orderly fashion and with “exact calculations.” “One need not try hard to ruin things: it is done with a stroke of the pen. But raising up and fortifying afterwards what was so swiftly and imprudently ruined does not tend to be so easy.” This was true of tithes and of the future of parish fees, as it was more generally true of the state’s attempt to invade the Church’s legitimate sphere of action. Question by question, “each one of enormous dimensions, this was invariably a matter of affairs which deserved careful study and appropriate decisions.” However, instead of this, a “mass of enormous and vast ideas” were presented without “precise, determined, specific, exact goals, which could be called initiatives, bills or decrees, and subjected to a vote.” The pamphlet intended to forestall the threat that liberal ideology, in full expansion, would dominate the legislature and drive the future course of events. The immediate spur for the pamphlet was a wide-ranging speech about clerical questions presented by Congressman Gómez Huerta in the neighboring legislature of Zacatecas. The response was originally presented to the Congress of Nuevo León, but it was later printed in Guadalajara.⁶⁹

The unmitigated liberal approach of Gómez Huerta, the pamphlet argued, could not be the way to proceed. It was inappropriate to lump everything together. Historically, many governments had later retreated from such rash steps, and “I cannot persuade myself that all of this is as simple and straightforward as representative Gómez Huerta believes.” This congressman, the pamphleteer stated, simply repeated the ideas of the Mexican Thinker, whose ideas came from liberal Spaniards established in London. Behind them were the ideas of very debatable authors: “only this is surprising.”⁷⁰



“To form a proper judgment,” one had to read the other side, the rebuttal of these ideas. For example, it happened that the Church was criticized for a supposed medley of impediments to marriage, but critics exaggerated their number and did not take into account the means for overcoming them. “The exaggeration is, one can see, so far-fetched that it would barely be forgiven coming from an Andalusian.” There was no reason for “such bitter and resentful complaints.”⁷¹

According to this pamphlet, it could not be more evident that only men of true learning could resolve these matters, but provincial legislatures were not apt places to find such men or to carry out the decisive deliberations on these issues: “up in the Federal Congress there are wise men who understand all these points more than representative Gómez Huerta and more than all of us.” The Federal Congress was very aware of the pros and contras of all these questions, and there was no need to bother its members in an attempt to illuminate them. From all of this, the author concluded simply that “no ill comes from remaining silent, but some may indeed come from speaking out.”⁷²

It is symptomatic and significant that *El Defensor* picked up on Arroyo’s ideas in its articles.⁷³ His approach was consistent with the vision clearly forged by the cathedral chapter of Guadalajara: the sovereign right to express opinions and formulate judgments was legitimate. But on ecclesiastical matters, the decisions derived from Mexican sovereignty should be taken at a national level, in the lofty chambers of the National Congress. Just as the cathedral chapter had been referring its conflicts with the state government of Jalisco to the national presidency, so the Concordat itself would finally have to pass through the National Congress. The imperative push was invariably for this to take place at the national level. Once more, the Church revealed that it was only partially committed to popular sovereignty. The Church accepted that state legislatures had the rights popular sovereignty granted, but it thought they should delay their exercise of those rights not only on behalf of a national solution, but also in deference to the supreme wisdom of the national legislature and of the national executive in Mexico City.



A Delicate Balance: A Free Church in a Free Nation

But if the Church of Jalisco slipped a little in adjusting itself to the implications of its theoretically and officially patriotic adherence to national sovereignty and the 1824 Constitution, it was not about to suffer criticism or reproach. When José de Jesús Huerta accused the Church of being ultramontane, he sparked the publication of a harsh response, another 1827 pamphlet, apparently from the pen of José Ramírez.⁷⁴

Ramírez spoke for more than the Jalisco Church in his insistence that no exercise of patronage was licit until a Concordat had been signed with the Papacy. But he could hardly contain his indignation at being accused of being ultramontane. The good of the fatherland, he suggested, required a careful detachment on matters of Church–state relations. Despite this, he alleged, Huerta proceeded to attack, implicating all by accusing them indiscriminately of surrender to the Roman Curia. Using phrases like “a foreign power” to refer to the Papacy was incendiary and irresponsible, yet they were employed by “our politicians, some of them with a quite unforgivable lack of reflection.”⁷⁵

Ramírez denounced Huerta for speaking of an ecclesiastical aristocracy, when he himself called the majority of the citizens “the people” only if they supported “the Enlightened portion of the Republic.” If they did otherwise, he wrote them off as “the rabble” – “an ominous specter.” He also asserted that Huerta had quite inexact knowledge of the authors on whom he based his arguments. *El Defensor* was a more trustworthy source, Ramírez suggested, “so that the use of [ecclesiastical] authorities not become a weapon that turns against whoever fires it.” Ramírez showed his impatience before what he clearly saw as the obstinacy of Huerta, as well as his poor handling and “muddling” of sources. Huerta, he suggested, had surrendered to “reasons of state” and was mistaken. And, as this whole business bordered on mutual accusations, Ramírez felt free to denounce Huerta as a Yorkino and Freemason. If one had to choose between being Yorkino and ultramontane, Ramírez added, he would find himself obliged to choose the latter. But he added that at this level (which he obviously found to be vulgar and unrefined), he would certainly find himself in the company of Miguel Ramos Arizpe, Francisco Pablo Vázquez and José Miguel Guridi y Alcocer.⁷⁶



No longer wishing to descend to Huerta's level, Ramírez turned with arrogance and exasperation to boast of his own knowledge on the patronage question, to denounce Huerta's position as puerile, and to appeal to "public judgment" as his final resort. Undoubtedly enraged, this member of the Guadalajara cathedral chapter was not only defending his erudition, but also – and with singular determination – his patriotism, his commitment to republican ideas, and his confidence in the people. Up to what point? It was unclear, but the intentions behind his pamphlet, and its likely political effects, were more obvious.⁷⁷

Ramírez' peculiar conception of the 1824 Constitution and the role of Mexican popular sovereignty can be seen in another pamphlet he published in 1827. This was his report on the patronage, originally written as a substantiated "vote" for the National Congress in 1824. Its publication in Jalisco in 1827 was undoubtedly significant, coming at a moment when the question of patronage came up locally once more and was under consideration by the committee Huerta presided over in the Federal Congress. Ramírez' openly patriotic and optimistic language in this document resembled the welcome given to national Independence in many sermons during 1821 and 1822. Ramírez saw the 1824 Constitution as the Church's solution against unbridled liberalism, and celebrated Catholicism's elevation to the status of national religion. He said the Constitution was an

immortal act for that article [Article 3] alone which, expressing the most legitimate and true general will, sanctioned and made as eternal as anything human can be, its sovereignty, independence and liberty, and gave full reign to the best hopes and greatest confidence deposited in their representatives by eminently Roman Catholic peoples.⁷⁸

Evidently, for Ramírez the union of religion with independence expressed "the national will, in what is most recommendable and precious about it, which is its faith, its hierarchical order, its essential discipline, and the sole true religion it professes" against indifference and opposing dogmas.⁷⁹

In 1824, Ramírez had called for restraint in avoiding the sudden changes which he thought damaged society:

When we have passed from a despotic and arbitrary government to a liberal and lawful one, we see that liberty, rights, and citizenship are proclaimed and sustained all over in every aspect and in every



possible way, by the means and to the degree we all know. But we also observe, as shown by a multitude of very evident events, that this enthusiasm for the system nears true fanaticism, and on the sole basis of repeating that word and applying it exclusively to the clergy, we see the very advantages of the system denied in practice, and without any further grounds, the clergy are presented as a class of enemies of society deserving oppression and the despotic exercise of civil authority.⁸⁰

Ramírez demanded a well-developed Concordat between the national state and the Papacy, so that patronage might be exercised. He insisted on a “middle way” between the “ultrareligious” and “political fanatics.” He appealed to the moderation of Bentham, “who I will never tire of citing.” And he goaded Mexican patriotism by emphatically declaring that, in religious matters, “I would not wish us to be such servile imitators of the Spaniards any longer.” In both temporal and religious spheres, then, Mexico had to set out its own honorable and sovereign course. In the “political infancy” of Mexico, adherence to Catholic religion would be an irreplaceable foundation of reason and stability. A Concordat was thus the matter of the hour.⁸¹ The consecration of political life in the First Mexican Republic was the ideal means for countering the force of Jacobin liberalism. The union of fatherland and religion by means of the constitutive act of the nation was the most secure barrier against the arbitrariness of kings and assemblies. Royal arbitrariness came more out of weakness than conviction; that of assemblies responded to Jacobin pressures. The middle way was a representative republic, preferably with emphasis on the National Constitution and the Federal Congress.⁸²

If this Mexican constitutional solution was clearly laid out in Ramírez’ writings, *El Defensor* did not miss the opportunity to reinforce this idea in 1828–29 with a long article about the French Revolution and the civil constitution revolutionaries had wished to impose on the French clergy.⁸³ It is worth stressing that the article on the French clergy and civil constitution removed the last bit of innocence from the Church–state conflict in Jalisco. Centered on the confiscatory measures taken against the property of the French clergy, the article declared that those measures had tried to destroy the Church. In addition, the article argued that in this way the French government had taken over “considerable coffers with which to foment rebellion more and more, in sum, to



pay the costs of revolution with the loot from the altar, the priesthood, and the suffering members of Jesus Christ.” This exposed the clergy to becoming

the toy of the people, subject to the whims of the multitude and so-called legislators, irreconcilable enemies of Catholicism, and to make use of the expression of the [French] Assembly itself, a troop of wage workers and mercenaries, who could hope for nothing more from a corrupt nation than swift collapse into the greatest indigence and misery.⁸⁴

The civil constitution to be imposed on the French clergy had been the careful product of an alliance between *Encyclopédie* atheists, Protestants, and Jansenists. The article claimed that

a plan existed, and was to be carried out in due time. The idea was to make many innovations, to alter and even destroy ancient institutions, but at the same time they [such individuals] wanted to pretend these mutations were true to the rules of the Church, so the destruction were seen as a means of perfection in the eyes of the ignorant, who everywhere are the majority, and finally [the idea was] to be schismatic, heretical and impious, although appearing Catholic for some time.⁸⁵

The article said the solution to the abuses of the French clergy was a call for a national Church Council. This would have allowed abuses to be attacked, while protecting ecclesiastical jurisdiction and the institutions of canon law. Neither denying the existence of abuses nor trying to correct them by inappropriate methods was suitable, the author argued. The French civil constitution’s attack on ecclesiastical authority and the clerical hierarchy, the “slow death” assigned to cathedral chapters, the assault on cloistered life, and the insistence on civic oaths: all these faced the dignified rejection of the greater part of the French clergy. Threatened by the “patriotic fanaticism” of the rabble, the clergy of France resisted, vicars and the simple priests of rural areas as well. Bishops responded similarly. The clergy placed its principles above its ambitions and abandoned the short-term pursuit of public recognition and promotions.⁸⁶

The supplement to issue 105 of *El Defensor*, on 16 January 1829, was dedicated to contrasting the economic and numerical



weakness of the Mexican clergy with its importance for the state and excellent morale and patriotism. There were foreign countries which pursued “the clumsy objective of corrupting the Americas, of demoralizing them, of weakening their forces with vice and disorder, and of thus achieving a victory otherwise impossible.”⁸⁷ Towards this end,

they have tried to break the sacred bonds joining the interests of Church and state, to spark the most stubborn war between priesthood and empire, in short, to renew the bloody scenes played out in France in the last days of the past century in order to destroy us and tear us apart so that, oppressed by the most cruel desperation, we might offer our innocent hands to the most shameful chains and bend our necks to once again bear a yoke far more ignominious than the one we finally managed, at the cost of uncounted sacrifices, to shake off gloriously.... Woe unto us if we second their liberty-killing plans; misery unto us if we let ourselves be seduced!⁸⁸

The author clearly asserted that the Church could coexist perfectly well with the Mexican federal republic.

The author of the supplement insisted that the Church found itself weakened. In fact, “the appearance of the Mexican Church was pitiful.” The lack of communications with the Papacy, the advance of anti-clerical thinking, and the stalling on the matter of the patronage due to a lack of instructions from the federal government all left the Church without a clear direction and with a significant shortage of priests. There was only a single bishop left in the Republic, the cathedral chapters were emptying out, the parishes were in the hands of interim priests and with an insufficient number of ministers. If the federal government did not act because of a lack of funds, it could count on a donation on the part of the clergy and well-disposed individuals. It was not advisable for the cathedral chapters to fade away, “those august senates where the pastoral rod rests in the absence of the bishop, sole depositaries [under such circumstances] of episcopal power.” The problem with priests was also grave:

Ah, three thousand, six hundred, and seventy-nine ecclesiastics: will they be enough to attend to eight million faithful scattered across great distances? Well, that is the number of priests there are in the republic, without excepting the sick and injured....⁸⁹



An air of desperation and weariness invaded clerical discourse due to the unresolved religious situation of the republic, and therefore the unresolved role of the clergy itself in national life. The clergy were as worried about growing weakness as about uncertainty and attacks:

In fact, the clergy have completely fulfilled the obligations the fatherland imposes on its individual members, have effectively and powerfully cooperated in Independence and in the establishment of the current form of government. And what rewards have they received? Have their cries been heard? Have their fortunes improved? Ah! Today it is the same as it was in 1821, and so it will be as long as we have no communication with the Apostolic See.⁹⁰

Thus the decade closed in a way not so different from 1821–22. On both occasions, clerical discourse resorted to consecrating the bonds between Church and state amidst political crisis in Mexico. On the first occasion, this solution was achieved despite the transition from the Iturbide regime to republican politics. On the second, clerical discourse was simply trying to get the republican solution to fulfill its promise to the Church, but the pressures to exclude the Church from the republican pact were very strong, by this point. The lack of resolution on the patronage matter between 1824 and 1826 had allowed this topic to become more popular in state legislatures, as in Jalisco, becoming mixed up with questions such as tithing, the borders of dioceses and states, and so forth. The issue of patronage in the hands of local legislatures promised to push Church–state relations to the breaking point. While clerical discourse showed the same theocratic tendencies at the end of the 1820s as it had at the beginning, the tone of clerical discourse was now far less optimistic.

The Golden Rule:

Constitution, Patronage and Mutual Cooperation

From 1829 to 1833 this new tone spread through debate on the Church–state question. In 1831 and 1832, several documents were produced in this vein. Examining them will allow us to bring this chapter to a close, and to set the stage for the major changes associated with the years 1833 and 1834 and their immediate consequences in the conservative and moderate governments in power until 1853.



The liberal point of view, quite solidified by 1831, could be seen in pamphlets like one entitled *Observaciones sobre la Bula de su Santidad el Señor Gregorio XVI* (Observations on the Bull of His Holiness Gregory XVI), published in Mexico City. The pamphleteer signed his name "A Secular Priest" and managed to provide a new liberal synthesis by rejecting a Papal Bull in reference to the reform of religious orders in Mexico. Concerned over the sovereignty of "Mexican borders," the author lamented that a Bull which nowhere recognized the Mexican government should have been allowed into the country. This allowed the Pope easier direct handling of ecclesiastical questions in Mexico without recognizing the country's political regime. The danger of such actions was that the clergy would consolidate their dominion over the people and economy of the country independently of the government and, in fact, with effective power over the unenlightened citizenry.⁹¹ The supremacy that Mexican historian Reyes Heróles saw as indispensable for the new liberal state had only been a chimera.⁹²

In opposition to this position, which did not add much to what Lissaute had set out in 1830, there emerged new versions of an equally consolidated clerical stance. These included two pamphlets by Pedro Espinosa, a prominent member of the cathedral chapter, and later the bishop of Guadalajara, and several more folksy writings recalling the old days of 1824–26 when the Church was still struggling to give coherence and formality to its position in the face of a growing liberal threat and the aftermath of the death of Bishop Cabañas. In his writings, Pedro Espinosa addressed the issues of tithes and fees. On the first issue, he returned to the recurrent position that the liberal government was pushing for more power than an absolutist king, and that republican liberty therefore benefited everyone but the Church.⁹³ Espinosa accepted that the state should reassume civil legal jurisdiction over tithing, but not that it should directly administer it. Thus, coercion in tithing fell to the state. Espinosa claimed that administration of tithes by the Church was more efficient and productive; any other procedure would be marred by un-republican arbitrariness and excess. The author insinuated that liberal self-interest also favored direct Church administration of tithes, since it would yield better results than administration by bureaucrats on state salaries. Espinosa insisted on the existence of two sovereignties – temporal and spiritual – in Catholic society like in any other. From this standpoint, tithes were clearly argued to be ecclesiastical income, due to their origin, their purpose, and



the intent of contributors, whatever the specific arrangements between Church and state might be. That was why contributors responded so positively.⁹⁴

The King of Spain himself had asked the Church to control tithing, which underscored this line of argument. The Church's support of the independent Mexican government led it to acquiesce to de facto state control over tithes, since "the Church never looks upon the well-being of peoples with indifference." Later changes had not fundamentally altered that situation. For Espinosa, the legal reference point for the new republic was the 1824 Constitution and the Federal Congress, but he did not fail to point out, in keeping with more recent clerical feeling, that "I am not unaware that the sovereign Federal Congress might one day err, since it does not have the gift of infallibility."⁹⁵

Stressing that the Church was a legitimate property owner, he argued that in the new legal order the state was no longer lord of "lives and possessions." The anti-statism of Espinosa became evident in his attack on the contradictions of a liberal state that was stronger than the former absolutist state so loathed at the time.⁹⁶

In a way, Espinosa's other pamphlet on parochial fees was an extension of the previous one. Basically, he argued that even all tithes combined were not enough to meet the needs of the parishes, and therefore fees were indispensable in sustaining the ecclesiastical work of the parishes. In addition, to remove fees only to later restore them out of necessity would only stir up the matter unnecessarily, while diminishing the force of custom. Espinosa called for fees to be revised within an atmosphere of cooperation between Church and state. But his clear intention was to show that, far from having an excess of money at their disposal, parish priests and their churches were in a situation of "penury." There was "a great scarcity of ecclesiastics," and priests found themselves obliged to work in non-ecclesiastical activities because of the lack of adequate income. In any case, "a just and rational reform does not only consist of taking away what is abundant, but also of providing what is lacking."⁹⁷

Although Espinosa still believed that the woes of the clergy were occurring in "the land of riches," he did not fail to mention that the state of Jalisco did not even have enough money to make its contribution to the federation, and therefore could not be expected to aid the Church at this difficult moment. He recalled that certain expropriations of Church possessions by the government before 1810 had already reduced the once-flourishing resources of the



clergy. Again, Espinosa did not offer a new approach, but he did restate matters in a succinct, persuasive, and graphic way.⁹⁸

The remaining pamphlets also addressed tithes and patronage. One called for the disappearance of the Board of Tithes the state had established in Jalisco. Justice, the rights of the Church, and general utility demanded this step be taken. Administration of tithes by the cathedral chapter meant that those most interested in receiving tithes would be directly involved in collecting them; the pamphlet suggested this was a good idea. Current denunciations of avarice, on the one hand, and negligence, on the other, were contradictory and anything but impartial, the pamphlet emphasized. Real problems with the tithe were minor and could be addressed within the prior system of Church administration.⁹⁹

Another pamphlet went to the heart of the matter – in republican and legal terms – by inquiring whether the law protecting the new Board was truly a law,

because to be the law, a law must be just, as a man must be free and a circle must be round. An unjust law is the same as a circle that is not round, a man who is not free. But, let us say the law is not unjust: does that mean it is immutable? Such a quality is not possessed by any law other than natural law.¹⁰⁰

In addition, the drop in tithe collections after the Board's creation was due to its lack of public esteem, the pamphlet argued, and if the prior situation was not restored, tithes would end up disappearing entirely. The argument closed with a set of calculations showing that the tithe did not meet the ecclesiastical needs that had inspired its creation.¹⁰¹

A third pamphlet also justified Church administration of tithes, but it did so within a many-sided argument: the priesthood was seen as a divine creation, not a creation of society; the Council of Trent was presented as the basis for this doctrine; divine rights were stated to be equivalent not to "virtue" but to "what has been immediately established by God." Therefore, the Scriptures, tradition and the Church Councils were the pillars of the dogma and principles of the Catholic Church. Priests were thus the interpreters entrusted with the sacramental and doctrinal life this established.¹⁰²

The priesthood does not directly serve the national body ... it serves divine worship, and for this there are priests in the Catholic



Church entrusted with the instruction and sanctification of man. Their functions, directed immediately at the spirit, have nothing to do with society, whose object is temporal matters. The Church is a society independent of civil society; combated by civil society, it endures. The first statement is a truth of faith, while the second is proven by history.¹⁰³

Tithes were seen as the income proper to this independent society. Coming from the people, this income – once given – duly belonged to the Church. Ecclesiastics were not “employees of the nation,” and Church dogma and discipline – that is, the temporal organization of the Church, and even its possessions – were inextricably bound together. To reinforce his statements, the author of this pamphlet cited Article 3 and Article 50, Faculty XII, of the 1824 Constitution, which established the Catholic Church and pointed the way towards a Concordat for the exercise of patronage. Similarly, he cited the General Decree of 18 December 1824, which stated that there would be no variation on matters of ecclesiastical income unless mutually agreed to by Church and state until the exercise of patronage had been arranged.¹⁰⁴

The last pamphlet from 1831 demanded that patronage be resolved in order to achieve the necessary balance between the temporal and spiritual aspects of “man.” Recognition of Mexican Independence and patronage by the Pope was already under way, so there would be no problem in that respect. On the other hand, the bishops had sworn an oath to uphold the 1824 Constitution, without being obliged to do so by any Article of that Constitution. The real problem was not between Church and state, the author asserted, but between the Church and a handful of agitators who were trying to do damage to “a nation still in swaddling clothes, because of the egoism of certain public writers.” Those writers did not respect the Constitutional Articles which joined Church and state in preserving and protecting worship. The pamphlet’s author appealed to the now-familiar name of the “Enlightened Bossuet” to mark the exact divide: orthodoxy in the faith should go along with due respect for the civil sovereignty of the state. He seemed to suggest that the fortitude of an independent Mexico would come from proper cooperation between both powers, thus resolving conflicts.¹⁰⁵



In concluding, it might be said that the late 1820s and early 1830s had witnessed the rapid application of abstract principles guiding the relations between Church and state in the new republic to the key outstanding economic questions faced by any Catholic state. In this process, the political and diplomatic questions of patronage and Concordat worked their way to the fore. While Church voices continued to battle in favor of a recognition of separate spheres of action for the Church and the government within a Catholic state, and availed themselves of liberal principles in their arguments, the times were quite definitely those of conflict, confrontation and even acrimony. There was intense debate over the interpretation of the 1824 Constitution, orthodoxy in the Catholic faith, and equity under the law. The Church did, however, successfully assert the golden rule which the clergy hoped would solve the problem: patronage and mutual cooperation under the Constitution of 1824.

This page intentionally left blank