

RELIGIOUS ASPECTS OF THE MEXICAN CONSTITUTION OF 1917.

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THE student of clericalism as a political factor readily comprehends the genuine repugnance of the Mexicans to the political activities of the church, and understands fully the reasons for the thorough and complete subordination of the church to the state in that country. The very grave wrongs and the large injury done the Mexican people by clericalism will be accepted by the student as ample justification for this complete elimination of ecclesiastical interests from the civil affairs of the state. A very large majority of the people have long desired to rid themselves, root and branch, of clerical domination admittedly the cause of a large share of the national ills. The historian will not fail to realize that these reforms are directed against clericalism, of whatever nature, and not against religion as such. He understands full well that the Mexicans are a very devout people and that the great majority of them—fully ninety-eight per cent—worship according to the rites of the Roman Catholic Apostolic Church. The damage done to church property by the soldiery during the recent revolution was not committed because of hatred of Roman Catholicism, but rather was done as a protest against the pernicious misuse of the confessional by many of the conservative clergy for the purpose of spreading propaganda inimical to the best interests of the people. The reforms, therefore, are directed against those forms of religious activity, irrespective of creeds, considered a menace to republican institutions and a grave danger to the state. Very many of the reforms inserted in the constitution of 1917 will be found in the constitution of 1857, in the famous Laws of Reform (*Leyes de Reformas*) of 1874, as well as in the philosophical writings of *Gômes Farias*.

The complete control over all religious worship and all out-

ward ecclesiastical forms is placed in the federal authorities.¹ The privilege to embrace the religion of one's choice, and to practice all ceremonies, devotions, or observances of any particular creed, either in place of public worship or at home, is fully guaranteed, provided always that these do not constitute an offense punishable by law. Every act of public worship is to be performed within assigned places; and these places must at all times be under direct governmental supervision. (Article 24). The congress has on right to enact any law establishing or prohibiting any particular form of religion in Mexico. Moreover, "The law recognizes no judicial personality (*personaldad alguna*) in the religious institutions known as churches." All establishments of monastic and religious orders are absolutely forbidden. The ministers of whatever creed are considered merely as persons exercising a profession, and are accordingly subject to the laws governing professions. "Only a Mexican by birth may be a minister of any religious creed in Mexico." In addition, and with the evident purpose of controlling clerical activities of a political nature, it is provided that religious institutions of whatever description, and all ministers of whatever creed, shall have no legal capacity to acquire ownership in real properties or in water rights. Moreover, no religious institution and no ecclesiastic shall have a legal right to hold or administer properties or to make loans on real estate. All property in possession of religious institutions, and of all individuals exercising the profession of religion, at the time of the adoption of this constitution, are confiscated and the ownership of such property is vested in the nation. The state and territorial governments are to determine which of the religious buildings shall be used for temples of public worship, the number of such temples, as well as the number of ministers of each community. New structures may be erected only with the permission of the Department of the Interior (*Gobernación*). The temples so constructed belong to the nation and may be used for public worship only. Such temples are always subject to the careful supervision and inspection of the governmental authorities. The caretaker, together with ten citizens, is to be directly responsible under the government for the proper management of the houses of public worship. Moreover, it is provided that episcopal residences, rectories, seminaries, orphan

¹ *Constitucion de los Estados Unidos Mexicanos* (official edition) and H. H. Branch: *The Mexican Constitution of 1917 compared with the Constitution of 1857*.

asylums, collegiate establishments of religious institutions, convents, and other buildings constructed or designed for the administration, propaganda, or teaching of the tenets of any religious creed, shall belong to the nation. All such buildings are to be used exclusively for religious services. In addition, all charitable institutions, private and public; all institutions for scientific research, or for the diffusion of knowledge; all buildings of mutual aid societies, or organizations formed for any lawful purpose, may in no case whatsoever be under the patronage, direction, administration, or supervision of religious corporations, institutions, or ministers of any creed, or of any of their dependents. It is furthermore provided that these institutions and persons may not acquire ownership in lands or make loans on real property where the terms of the contract exceed five years. No ecclesiastic may inherit either in his own name, or through any agent, real property of any kind. He is also legally incapable of inheriting by will any real property or money from a fellow ecclesiastic, or from any person to whom he is not related by blood to within the fourth degree. To prevent the resumption of clerical influence in politics, it is expressly provided that no minister has a right to vote, to hold public office, to be a candidate, or to take part in any way in political affairs. Meetings of a political nature may not be held in the temples of public worship. Religious periodicals of every kind are strictly forbidden to criticise the fundamental laws of the land, the public authorities, or in any way to interfere with the policies of the different governmental bodies. The same restriction is imposed upon the activity of the religious press in general. (Article 130).

In the field of education, there are likewise very definite restrictions upon the privileges of religious institutions and the ministers of all religious creeds.² Neither religious organization nor ministers of creeds may engage in primary instruction, either in private or in public institutions: all such education must be secular and gratuitous. (Article 3).

As if to put a finality to it all, trial by jury for the infraction of any of the laws dealing with religious matters is strictly forbidden. (Article 130).

² Neither religious institutions nor ministers of religious creeds may engage in primary instruction, either in private or in public institutions: all such education must be secular and gratuitous. (Article 3).