The Church and State Question in Guatemala: 1871-1885

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THE CHURCH AND STATE QUESTION
IN GUATEMALA
1871-1885

by
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VITA

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The author has been selected to serve on the book review committee for the Catholic Historical Review. He also has been
selected to do abstracts in the Hispanic American area for the Bulletin of Historical Abstracts.
PREFACE

The initial plan called for analysis of the Church and state question in Guatemala from the Revolution of 1871 to the death of President Barrios in 1885. The abundant documentary material for the period made the plan impractical. Secondly, research made it clear that the Liberal victors of 1871 had resolved the issue by the time of the drafting of the Constitution in 1879. Therefore, the bulk of the research project covers the period from 1871 to 1879 and the remaining years of the Barrios administration are treated in summary fashion.

The research project was made possible through the Smith-Mundt Student Exchange Grant, which the author received from 1959-1960. The research activities were further facilitated with the help of many Guatemalans, who went beyond the call of ordinary courtesy in lending a helping hand. Special thanks are due to Lic. Joaquín Pardo, director of the Archivo del Gobierno de Guatemala and Archbishop Mariano Rosell y Arellano, whose kindly permission made it possible to spend six months in the Archivo de la Curia. Neither can the author neglect to thank other Guatemalan citizens, who without restriction permitted the consultation of their private collections. Much of the following story could not have been written had these collections remained closed. Request
for anonymity does not permit public recognition of their kind consideration. Very special thanks are in order for Dr. Paul S. Lietz, whose original suggestion of the topic and constant encouragement have played no small role in furthering the project. Last, but not least, the author is greatly indebted to his wife, who in spite of her many domestic obligations, contributed immeasurably to the project with many hours of typing and critical comments.
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CHAPTER I

INTRODUCTION

A free Church within a free state has been the ideal at one time or another of practically all the Hispanic American republics. The struggle to achieve this goal has left deep and lasting wounds, which have begun to heal only in the twentieth century, and the present modus vivendi in Church and state relations in Hispanic America has failed to answer the question whether the Church enjoys a true juridical independence. Since practically all Hispanic America republics are governed by constitutional principles formulated in the nineteenth century, the answer to the question must be in the negative. The Church's demand for juridical independence has been a frequent cause for her conflicts with the state in the past century. The modus vivendi of the present century has done much to ease the conflict, and it may be hoped that the practical experience gained through the modus vivendi will aid the solution of the juridical question.

Guatemala in undergoing all the vicissitudes of Church and state relations in Latin America has, with the exception of Mexico, undoubtedly witnessed the severest conflicts. It will be the purpose of this work to analyze the nature of this conflict during the period of 1871 to approximately 1885.
So far little scholarly research has been done on the problem. Mary Holleran's *Church and State in Guatemala* (1949), a short but significant contribution, treats the Church and state relationship during the national period, but her broad scope has permitted space for only one chapter on the Liberal period from 1871 to 1885. Holleran maintains that the relationship of Church and state during the national period was a legacy of the colonial *patronato real*, and the real issue is whether the Vatican should have extended the *patronato real* to the new republic. Thus the issues of Church and state relations during the national period were essentially the same as those of the colonial period "with only the names and the men changing."¹ This writer finds the explanation unsatisfactory, because (a) it fails to consider the essence of the Liberal theory of government and (b) the *patronato real* played only a secondary role in the Liberal concept of government. In short it is safe to assume that the Liberal concept of government would have evoked a conflict with the Church even if there had been no *patronato real*.

J. Lloyd Mecham in his *Church and State in Latin America* (1934), recognizing the influence of the *patronato real* in Church and state relations in Latin America during the national period, views the conflict as an attempt by the civil authority to curb the traditional political power of the Church. The severity of the conflict, he concludes, depended greatly on the degree of

compromising spirit on both sides. Unfortunately, Meehan's work with a scanty five pages on the Liberal reforms from 1871 to 1885 is too broad in scope to be of any real value to the present study. Apart from the studies of Holleran and Mecham, no scholarly study in English has been made of the problem in Guatemala.

Even less scholarly are the publications in Spanish. The contributions have been mainly the result of biographical accounts of President Barrios, such as Jesús E. Carranza, Algunos Datos o Referencias para la Biografía del Benemérito Justo Rufino Barrios, Reformador de Guatemala y Caudillo de la Unión de Centro América (2nd ed., 1930), Víctor Miguel Díaz, Barrios ante la Posteridad (1935) and Casimiro D. Rubio, Biografía del General Justo Rufino Barrios, Reformador de Guatemala; Recopilación Histórica y Documentada (1935). These three highly partisan accounts express the typical Liberal view that the Liberal reform of the 1870's was indispensable to destroy the power of the Church in every nonreligious sphere so that the country could progress materially. Lorenzo Montúfar popularized this view in his seven volume work entitled Reseña Histórica de Centro América (1878). The thesis also has been accepted by the Protestant missionary biographer of President Barrios, Paul Burgess, Justo Rufino Barrios (1926). The North American Burgess on the Guatemalan Reformador is the more

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2 J. Lloyd Mecham, Church and State in Latin America (Chapel Hill, North Carolina, 1934), pp. 502-508.
moderate appraisal of Barrios than the three Guatemalan biographers. The Liberal view received additional support in Mariano Zeceña's *La Revolución de 1871 y Sus Caudillos* (3rd ed., 1957), a positivist account, which sees President Barrios' victory over the political power of the Church as the beginning of the realization of the Positivist ideal.

Among Conservatives, the studies of the Church and state issue are practically nonexistent. The leading Conservative writer was Padre Rafael Pérez. His *La Compañía de Jesús en Colombia y Centro América después de su Restauración* (1896-98), primarily concerned with the Jesuits, charges the Liberals of the 1870's with intent to destroy the Church. This theme was adopted by Carlos Wyld Ospina in his *El Autócrata Ensayo Político-Social* (1929).

The present work is not an apology for the traditional Liberal or Conservative. Appreciations of the Liberal fear of an all powerful Church does not thereby deny that there was a basis for the Conservative fear of the destruction of the Church within the Liberal state. Had the Liberal ideology been drawn to its ultimate logical conclusion, the very existence of the Church would have been seriously threatened. Conceding that the Liberals were sincere when they denied that their intention was to destroy the Church, the writer hopes to show in the following pages that the Liberal ideology intended to restrict the Church to the purely religious sphere and not to destroy it. Partisan writers in Guatemala, up until now, have failed either to appreciate the
Liberal intention or to consider seriously if the Liberal ideology was practical in a country that was almost completely Catholic.

The present work is based primarily on the archival deposits in Guatemala City. The governmental archives are rich in legislative and presidential enactments, memorias of governmental ministries and diplomatic correspondence. The archives of the Church, located in the residence of the archbishop, yielded a significant contribution, for much of its material has been overlooked by previous writers. The discovery of some thirty volumes of correspondence between ecclesiastical and state officials, and between religious superiors and their subjects has permitted insights into the Church and state question hitherto not touched. The letters written by pastors to their religious superior are most helpful to understand the effects of the Liberal program on the local level, and correspondence between civil and religious authorities reveals significant points of conflict that are usually not mentioned in public enactments. In addition, in the Biblioteca Nacional there is the valuable collection of some fifty newspapers containing excellent expressions of Liberal ideologies. The few Conservative newspapers were either published shortly before the Liberal victory of 1871 or after the death of President Barrios in 1885. Both Liberal and Conservative journals show extreme partisan views. Unfortunately, the administration of President Barrios, while proclaiming freedom of the press, restricted it in practice. This undoubtedly explains the absence of Conservative publications.
The same holds true for publications known as hojas sueltas of which the Biblioteca Nacional and governmental archives have excellent collections, especially for the earlier years of the Liberal administration. The few Conservative hojas sueltas that were found were usually located in private archives. The small number of Conservative publications suggests weak opposition or lack of freedom of the press. The broad vistas which the archival collections have opened to the present writer are easily discernible in the study that follows.

The inauguration of Church and state relations in the national period showed no radical departure from the colonial tradition. The Declaration of Independence from Spain on the 15th of September, 1821, gave the customary official recognition to the Catholic Church. Symbolic of the smooth transition from a colony to nation is the fact that the captain general of the Kingdom of Guatemala, Gabino de Gaínza, continued on as the provisional governor of the provinces of Central America until a new government could be established. Within four months the Central American provinces on January 5, 1822, approved their annexation to the Mexican empire of Agustín de Iturbide. By this act the Central American provinces accepted the religious guarantee included in the

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3 José Mata Gavidia, Anotaciones de Historia Patria Centroamericana (Guatemala, 1953), p. 310. The entire Declaration of Independence is cited in this work. See also Manuel Pineda de Mont, ed., Recopilación de las Leyes de Guatemala (Guatemala, 1872), III, 249.
Plan de Iquala. Union with Mexico was short-lived due to opposition to annexation in the Central American provinces and the quick collapse of the Iturbide regime in March of 1823. Subsequently, Central America saw fit to announce its second Declaration of Independence; this time from Mexico. Again the declaration recognized Catholicism as the only religion of the United Provinces.  

Although the two declarations of independence indicate harmonious relations between the Church and state, the Liberals in 1824 were able to enact laws removing the impediment of illegitimacy to obtain public offices, restricting the publication of pastoral letters, requiring civil confirmation in the appointment of curates, and abolishing the clerical privilege of importing goods free of duties. Shortly thereafter on November 22, 1824, the United Provinces proclaimed their first constitution, which modeled after the United States constitution, established the Federal Republic of Central America. Article 11 declared Catholicism to be the official religion of the republic, but at the same time the constitution guaranteed religious toleration.

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5 Mecham, pp. 362-363. See Also Pineda de Mont, ed., p. 250.

6 Ibid., p. 363; Pineda de Mont, ed., pp. 250-251. Already in September of 1823, the national assembly had reduced considerably the number of religious fiestas for the sake of the material and moral welfare of the country. Ibid., pp. 274-275, 280.


8 Mecham, pp. 363-364. Toleration did not include the public practice of non-Catholic beliefs as is evidenced by two laws passed by the state of Guatemala and the federal assembly in 1824 and 1825. Pineda de Mont, ed., p. 251.
On February 6, 1825, the constitutional congress was installed which elected Mariano Gálvez, a Liberal, as president of the congress and Manuel José Arce, a moderate Liberal, as president of the federation. The early years of the federation saw the Liberals in control who in 1826 enacted several anti-clerical laws. Tithes were reduced by one-half; natural children (whether of laymen, priests or religious) were given inheritance rights; superiors of religious orders were forbidden to promise obedience to their respective generals in Spain and twenty-three years was established as the minimum age for entry into any convent. The Liberal ascendancy was short-lived, since by 1827, the Conservatives were once more in control. President Arce, who had become disenchanted with the Liberal measures, gradually assumed the leadership of the Conservatives called the Serviles. According to Mecham, the president was "Sincerely desirous of abolishing factionalism and establishing peace and harmony, [and] he saw in the Liberal anticlerical program disruptive factors which had to be curbed."  

The brief Liberal ascendancy was followed by a similarly short Servile domination, namely 1827-1828. The Servile reaction undid the earlier Liberal acts by re-enstat[ing religious control of

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9 Mecham, p. 364. For the law on the age of religious vows, see Pineda de Mont., ed., pp. 251-252. The assembly also passed laws in 1825 to aid public instruction. These laws did not abolish private instruction, but they did require indirect government regulation of private instruction. Ibid., pp. 12-13.

10 Mecham, p. 368.
education, banning Liberal expressions and repealing the Liberal laws against religious communities. Throughout this period neither the Liberals nor the Serviles were able to resolve the religious issue that plagued all of the newly independent Hispanic American Republics. This was the question of whether the new republics would enjoy the ecclesiastical patronage, which the Spanish crown still claimed. Since the Vatican throughout the 1820's refrained to recognize the independence of the new republics because of fear of Spain, the issue obviously could not be resolved at the time.

The brief Conservative domination of approximately two years was followed by a second Liberal victory, which was assured on April 13, 1829, when the Liberal Francisco Morazán of Honduras captured Guatemala City. President Arce, who went into exile, was replaced by José Francisco Barrundía, who although president of the federation, was in reality a puppet of Morazán. Morazán assumed

11 Ibid., p. 369.

12 The question of the ecclesiastical patronage resulted in a religious schism in the state of El Salvador where the state congress attempted to erect a new bishopric. For this story see Santiago Malaina, S. J., Historia de la Erección de la Diócesis de San Salvador (San Salvador, C. A., 1944), pp. 12-15.

13 Mecham, p. 369. For a biographical account of José Francisco Barrundía, see David Vela, Barrundía ante el Espejo de su Tiempo (Guatemala, 1956). Ramón A. Salazar considered Barrundía one of the leading students of the French encyclopedists in Guatemala. Ramón A. Salazar, Historia del Desarrollo Intelectual de Guatemala, 2nd ed. (Guatemala, 1951), III, 311. Miguel García Granados, The victor of the Liberal Revolution of 1871, considered Barrundía a man of "good faith," whose ideals were entirely
the presidency of the federation in May of 1832.

The initial act of the new Liberal regime under President Barrundia was the expulsion of Archbishop Ramón Francisco Casáus y Torres, a Spanish-born Dominican friar, on the grounds that he was plotting against the government. At the same time (July 11, 1829) the president banished the Franciscan, Dominican and Recollect friars whom he accused of plotting against the civil authorities. The expulsion decree emphasized the fact that this action was in no way an attack on religion and the faithful were assured that the government would request the pope to send an auxiliary bishop. It was observed that the pope had already made such concessions in Peru and Columbia. A total number of 289 religious were expelled by these decrees. The decrees were issued without congressional authorization. Later President Barrundia reported to the congress of the federation that authorization for his acts was not sought as it was necessary to maintain the utmost secrecy in the execution of the decrees. No reason for secrecy was given.

impractical for Guatemala of the 1830's. Miguel García Granados, Memorias del General Miguel García Granados, 2nd ed. (Guatemala, 1952), IV:446.

14 Mecham, p. 370. 15 Ibid.


18 Ibid., p. 371. Lorenzo Montúfar claimed that as early as July 9, 1829, the congress of the federation had given General Morazán general faculties to proceed against the religious. He added that the expulsion decree was very similar to the one issued by Charles III against the Jesuits in 1767. Lorenzo Montúfer, Resena Histórica de Centro América (Guatemala, 1878), I, 155-156. For a detailed account of Francisco Morazán's role in Central
The congress gave a vote of confidence to the president, and went on to decree the abolition of monastic orders and nationalization of their property. The movable goods of the monasteries were to be sold at public auction with the exception of gold and silver decorations, which were to pass to the public treasury to be coined, and religious vessels which were to be delivered to the poor parishes. Lands of the monasteries were to be rented out with the income used to finance public education. The monastery libraries were to be used in the formation of a public library. 19 On September 7, 1829, the federal congress passed another law prohibiting American religious affairs see Mary W. Williams, "The Ecclesiastical Policy of Francisco Morazán and the other Central American Liberals," Hispanic American Historical Review, III (1920), 119-143. For a Conservative view of the expulsions see Manuel Montúfar, Memorias para la Historia de la Revolución de Centro America, (San Salvador, El Salvador, 1906), IV, 19-32, 2nd ed.

19 Vela, pp. 197-198. Lorenzo Montúfar states that the decree suppressing the monastic institutions was passed by the assembly of Guatemala and later in September of 1829 it was approved by the congress of the federation. L. Montúfar, I, p. 157. Montúfar gives a list of religious property that was sold between 1831 and 1837 along with the price obtained for the property and who bought it. He noted that many of the purchasers of the property were clergymen and Conservatives. Ibid., pp. 241-246. For the decrees on suppression of monastic institutions and the expropriation of the properties see Pineda de Mont, ed., pp. 252-257. The decrees made two significant exceptions. The Bethlehemite hospitalers, a religious society founded in Guatemala, was not suppressed because of its humanitarian services. Neither were any of the female religious communities suppressed but the nuns were prohibited in the future from taking solemn vows. Finally members of the suppressed religious communities could request secularization if they desired to remain in the country. Those who refused secularization were promised by the government a yearly lifetime pension of 150 pesos to be paid from the expropriated religious temporalities. Ibid., pp. 253-255.
the entry into the federation of members of any religious order.
On June 13, 1830, Congress gave its official confirmation to the
expulsion of Archbishop Casáus accusing him of opposing independ-
ence, inciting rebellion and accepting a subsidy from the Spanish
king. 20 The last accusation concerned the archbishop's acceptance
of a pension from the Spanish government when he went into exile in
Havana, Cuba. In the meantime, the cathedral chapter appointed Dr.
Diego Batres vicar of the archdiocese and shortly thereafter Pope
Gregory XVI named him the legal administrator of the archdiocese.
Between 1831–1833 congress abolished Church tithes, prohibited the
promulgation of papal bulls, proclaimed religious toleration,
recognized Catholicism as the official religion and insisted on the
right of ecclesiastical patronage. In 1834 legislation was passed
stating that no authority may force a professed nun to remain in
her convent. Subsequently, a decree in 1836 established civil
marriage, and in 1837 civil divorce was permitted. 21

20 Mecham, p. 371.

21 Malaina, p. 11. Among the reasons given for religious
tolerations was that liberty of cults would remove a great obstacle
to immigration. Vela, p. 261. The provision for religious liberty
was incorporated into the federal constitution in 1835, but it
never received the official sanction of the states of the federa-
tion. L. Montúfar, II, 170 and 173. The federal congress in-
sisted that liberty of cults would provide for more fervent prac-
tice of religion and do away with superstitious practices, guaran-
tee individual rights, terminate revolutionary agitations, aid
immigration and further progress in keeping with the modern world.
Pineda de Mont, ed., p. 260. In regard to the civil pace for
apostolic pronouncements the federal congress held that this was a
power natural to the state and necessary for the security of public
tranquility. Ibid., p. 276. Although the diezmo or Church tithe
Since the above decrees were issued by the federal government, the execution of the religious reform program by the state authorities left much to be desired. As early as 1832, Nicaragua because of growing dissatisfaction with the central government withdrew its financial support from the federal government. In 1833 El Salvador, Honduras and Costa Rica followed a similar course of action. Thus by 1833, Guatemala was the only state that remained faithful to the federal union.\(^{22}\) In reality all the states were pushing through their own Liberal religious reform program during the 1830's. For instance, Costa Rica reduced the number of religious and political holidays and abolished Church thithes. Honduras even went as far as to legalize marriages of secular priests.\(^{23}\) The greatest advance in Liberal reform was made in Guatemala where both federal and state authorities were under the domination of the Liberals. This was especially evident when Francisco Moranzán succeeded José M. Barrundia as president of the federation in May of 1832, and was abolished, congress levied a tax on land owners and the ejidos in order to reimburse the Church for the loss of revenue suffered by the abolition of the diezmo. \(^{22}\)\(^{2}\)\(^{3}\) Mata Gavidia, p. 338. The formal declaration of independence of the various states from the Central American federation came at a later date: Nicaragua, Honduras and Costa Rica 1838, El Salvador 1841, and Guatemala 1847. J. Daniel Contreras, Breve Historia de Guatemala (Guatemala, 1951), p. 103.

\(^{23}\) Mecham, pp. 372-373. For a brief resume of religious reforms in the individual states during the 1830's, see Malaina, pp. 11-17.
when Mariano Gálvez assumed the governorship of the state of Guatemala in 1831.24

Mariano Gálvez, whom Mecham considered the Valentín Gómez Farías of Guatemala, revamped public education in accordance with Liberal goals. Two years before he became governor, the assembly of Guatemala enacted a series of orders providing for the support of public instruction. In December of 1829, the assembly ordered that certain clerical stipends, and the episcopal cuarta be given to the University of San Carlos to support chairs.25 The assembly also ordered that the traditional assessment known as the cuarta de colegio should again be levied on the clergy to support the Colegio de Tridentino, which the assembly claimed suffered a serious decline due to lack of funds.26 The order of the assembly in

24 Although both Morazán and Gálvez were Liberals, Gálvez showed himself hostile to the presence of the federal government in Guatemala. This caused Morazán to move the federal capital to San Salvador in 1833. The issue of a federal district continued to plague the Morazán administration and the issue was never successfully resolved.

25 Colección de los Decretos y de los Ordenes mas Interesantes que Obtuvieron la Sanción, Emitidos por la Lejislatura del Estado de Guatemala (Guatemala, 1830), p. 27. The episcopal cuarta was the traditional offering of the clergy to their archbishop. This was now claimed by the state since the archbishop was in exile. The cuarta de colegio was an assessment placed on the clergy to finance the Colegio de Tridentino.

26 Ibid., pp. 27-28 and Recopilación de las Leyes de Guatemala, III (1872), 275-280. According to the assembly the collection of this cuarta had fallen into disuse for some time.
regard to the pious funds of the banished religious communities and parishes provided that these funds be destined for the support of priests in carrying out their religious functions. These priests were no longer allowed to collect the customary derechos or stole fees associated with the administration of the sacraments or burial. They were, however, permitted to accept voluntary contributions from the faithful. 27 In turning its attention to the property of the banished religious communities, the assembly ruled that certain buildings or monasteries be converted into primary schools and supported by the income from the property of suppressed religious associations. 28 The books in the suppressed monasteries were ordered to be placed in the university library as well as globes and instruments of instruction. Valuable paintings and sculpture were to be delivered to La Sociedad de Amantes de la Patria. 29 The assembly further decreed that a certain part of the building of the suppressed monastery of Santo Domingo be given to the University of San Carlos and La Sociedad de Amantes de la Patria. 30 Certain parts of the suppressed monastery of San Francisco were ordered to be converted into a house of correction, which was to be supported by the income from the property of the

27 Colección de los Decretos y de los Ordenes mas Interesantes que Obtuvieron la Sanción, Emitidos por la Legislatura del Estado de Guatemala, p. 28.

28 Ibid., pp. 42-45. 29 Ibid., p. 44.

30 Ibid., pp. 45-46.
Gálvez initiated educational reforms immediately after taking office as governor of Guatemala on August 28, 1831. His first educational decree dated September 30, 1831, provided for the establishment of a normal school to be directed by the Sociedad Económica. The purpose of the school was the training of teachers in pedagogical methods, including the Lancastrian system. On December 11, Gálvez decreed the establishment of a female primary school in Guatemala City for the teaching of reading, writing, arithmetic and vocational arts. It was also recommended that the Lancastrian system be employed as a method of instruction. The most comprehensive educational reform was the decree of March 1, 1832, entitled “Bases para el Arreglo General de la Instrucción Pública.” This was a complete revamping of the educational system from the primary school to the university. Article 1 of the “Bases” declared that the only objective of education was the perfection of man as a natural and social being. Articles 9 and 10 provided that all public instruction must be uniform, supported by

31 Ibid., pp. 46-47.
32 Jáuregui, pp. 82-83. The basic educational decrees of Gálvez are cited completely in this book. For the educational decrees of Gálvez, see also Pineda de Mont, ed., pp. 17-25 and 31-32.
33 Jáuregui, p. 84. Through the Lancastrian system the government hoped to relieve the problem of shortage of teachers.
34 Ibid., p. 85. For the decree of March 1, 1832, see also Pineda de Mont, ed., pp. 55-89.
the state, and gratuitous. Article 11 made it clear that Articles 9 and 10 did not apply to private education which must remain "absolutely free" except in so far as it may be necessary for the state to see that general regulations of education be observed by private institutions to safeguard the public welfare. 35 Title IV (Articles 17-26) divided education into three divisions: primary, secondary, and professional or university. The curriculum on all three levels included the customary liberal arts offerings but at the same time there was a heavy emphasis on the practical sciences such as medicine, agriculture and geology. On the primary and secondary level courses in religion and Church history were retained as were the chairs in philosophy, theology and canon law on the university level. 36 The "Bases" called for centralized control of education through the establishment of an Academy of Studies in the capital which was under government supervision and included secondary and professional education. It suppressed the old University of San Carlos and the lawyers guild, which was known as the Colegio de Abogados. 37 The Academy was the only institution authorized to confer bachelor or professional degrees.

35 Jáuregui, pp. 87-88.

36 Ibid., pp. 88-91. In addition the educational reforms called for the establishment of Sunday Schools for adults, who because of their work could not attend during the week. Pineda de Mont, ed., pp. 39-40.

37 Jáuregui, p. 92. The Colegio de Abogados, a colonial institution, had the definitive voice in admitting candidates to the legal profession.
Provisions were made to continue the Colegios de Tridentino and de Infantes as seminaries and the establishment of colegios in the departments when circumstances favored it. While these institutions were permitted to offer a limited number of secondary courses, the right to confer degrees still remained with the Academy of Studies. On the primary level the "Bases" still permitted a considerable amount of control by the local municipalities, jefes políticos and curates. The departmental colegios were placed under the immediate dependence on the Academy of Studies in the capital. The seminaries were permitted to remain under ecclesiastical authority, but the approval of the civil government was required in carrying out their academic functions. Finally the Academy of Studies in the capital was declared to be the central establishment of instruction directly under the authority of the government. The Academy was looked upon as the right arm of the government in advising and carrying out educational reforms. The entire educational system was to be financed by local and state governments and by endowments. In addition certain property of suppressed religious communities was designated for educational purposes. For instance, part of the monastery of San Francisco was

38 Ibid., pp. 94-95.

39 Ibid., pp. 96-97. The Academy of Studies comprised three sections, men with major degrees such as doctor or master in (1) the physical sciences, (2) ecclesiastical, moral and political sciences and (3) fine arts.

40 Ibid., pp. 98-101. 41 Ibid., pp. 101-104.
given temporarily to the Academy of Studies. The same held true for the libraries of the suppressed religious and exiled archbishop and all useful instruments of instruction which belonged to the suppressed monasteries. In the section on methods of instruction much emphasis was placed on uniformity of instruction, especially in the use of textbooks approved by the Academy of Studies. The uniformity was further stressed when it was required that all teaching must be done in Spanish with the exception of certain professional studies such as theology, canon law and medicine where Latin was still considered indispensable. The intent of this provision was well stated in Article 10 which urged the immediate eradication of indigenous tongues. In spite of the stress on centralization and uniformity, the "Bases" called for the continuance of the old colonial system of "opposition" in the selection of candidates for chairs in the Academy of Studies. Since

42 Ibid., pp. 105-110.

43 Ibid., pp. 110-111. According to Héctor Humberto Samayoa the stress on uniformity of education had its roots in pedagogical principles of the French Revolution and came to Hispanic America via the Spanish Constitution of 1812. Héctor Humberto Samayoa Guevara, La Enseñanza de la Historia en Guatemala (Guatemala, 1953), p. 20. Additional evidence of French influence in education is the decree of September 15, 1832, which listed a considerable number of French textbooks to be used in public instruction. Recopilación de la Leyes de Guatemala, III (1872), 98-99. Later in August of 1833, another educational reform was enacted. In the sections relative to primary schools in Indian communities the intent of primary education was to make all Indians ladinos. Ibid., pp. 33-38.

44 Jáuregui, p. 112. "Opposition" required applicants for a university chair to present theses which would be judged by a
"opposition" was based on merit, the state presumably would have little or no voice in the selection of capable professors. The state in order to stimulate the education of its subjects offered incentives to both students and teachers such as exemption from military service and awards for academic achievements. No longer did the state permit corporal punishment for academic failures, instead a student who failed in required examinations was subject to expulsion from the institution. As a final inducement for professional education no aspirant to the priesthood, medicine or jurisprudence could engage in these careers without the professional degree. For an ecclesiastical career Article 126 made it mandatory that the aspirant to the priesthood earn the licentiate either in theology or canon law before ordination and if this were impossible, to receive it within three years after the conferring of holy orders. Although the "Bases" makes frequent references to the role that the ecclesiastical authorities are expected to play in the administration of the educational system on all levels, the state assumed more control than in the past in educating its citizens. Undoubtedly, the Gálvez administration sincerely intended to improve professional training by asserting the right of selection of aspirants to professional careers. Whether or not the committee of faculty members. During the Liberal reform of the 1870's this was abolished in favor of state intervention in the selection of university professors.

president and his reformers realized it, governmental selection of men to an ecclesiastical career could eventually terminate in the formation of a national clergy that could seriously undermine the independence of the Church.

Had Gálvez, restricted his reforming zeal solely to the field of education, his administration might have been of longer duration. Shortly after the promulgation of the educational reforms, however, laws were enacted which secularized cemeteries, reduced the number of religious holidays, allowed nuns to leave their convent and take back their dowries, declared marriage a civil contract and called for absolute divorce. Along with these innovations, Gálvez introduced the Code of Livingston in 1837. The code, compiled by Edward Livingston in 1821 for the French and United States inhabitants in Louisiana, provided for trial by jury, habeas corpus, public trials, punishments commensurate with the crime and safeguarding a person's innocence. The provision of trial by jury was considered radical in Conservative circles. The code was never enforced and was officially suspended in March of 1838 with the exception of the sections which dealt with the law

47 Mecham, p. 372. For the laws permitting nuns to leave the convent and calling for periodic visits of nuns' convents by civil officials to see that the laws are properly enforced and for the laws on civil marriage and divorce, see Pineda de Mont, ed., pp. 260-261 and 300-309.

48 Jáuregui, p. 129. The Code of Livingston was actually a combination of French and Anglo-Saxon legal practices.
of habeas corpus. There is no doubt that the Code of Livingston and many of the other innovations of Gálvez were premature for Guatemala of the 1830's. These innovations, especially the introduction of civil marriage, which was ridiculed as the "Ley del Perro," did much to undermine the Gálvez regime. Furthermore, factions developed in the Liberal ranks, one of which was led by Barrundia, who worked for the overthrow of Gálvez. Finally the federal government, now in El Salvador, under the Liberal Morazán did little or nothing to aid the tottering government in Guatemala. 50

In June of 1837, Rafael Carrera, a Conservative caudillo, led a revolt in the eastern part of Guatemala. Aided by the growing discontent against the Gálvez administration, Carrera was able to seize control and establish a Conservative administration which continued until 1871. Belated efforts of Francisco Morazán in 1840 to overthrow Carrera proved unsuccessful. 51

García Granados, IV, 498-515 and Tobar Cruz, p. 49. During the uprising of Carrera, Los Altos in western Guatemala declared itself independent. The separatist movement was immediately crushed by Carrera after his victory in 1838. Ibid., p. 472. According to Liberal interpretations one of the most important factors in the defeat of the Liberals was a cholera epidemic in 1838. According to Liberal writers the clergy were spreading the rumor among the ignorant populace that the sickness was due to poison in drinking water placed there by the Liberals. Pedro Tobar Cruz finds this version only partially acceptable. While he does admit that local curates may have spread such rumors to arouse distrust.
Granados, a contemporary to the events, described Carrera as an illiterate, who possessed natural talent and aptitude for learning. Yet in spite of all the deficiencies that may have existed in his background and character, he had a talent for leadership. Educated Conservatives and Liberals who had acquiesced in Carrera's usurpation of power may have hoped to use him as a front in pushing through their respective policies. What they failed to recognize was that they had a born leader on their hands whose authority, ruthless at times, permitted no opposition. Although Carrera failed to extend civil liberty, he restored political stability, which had been lacking ever since Guatemala achieved her independence.

By 1839, Rafael Carrera secured his victory and began a Conservative reaction. His initial demands, presented to the federal congress, called for the impeachment of Mariano Gálvez, abolition of taxes imposed by Gálvez, permission for the people to nominate curates as judges, cancellation of sales of land made by Gálvez to in the government of Gálvez, he cites the public addresses of the leading clergymen of the day in which they warned the faithful not to participate in the uprising of Carrera. Tobar Cruz, pp. 147-154.

52 Ibid., p. 471. A less favorable description of Carrera appeared in El Amigo de Guatemala, which called him a barbarian intent upon destroying everything decent. El Amigo de Guatemala (Guatemala), August 30, 1838. The term "cachurecos" connotating barbarism was applied to the followers of Carrera. The term is still used in Guatemala today meaning backwardness. In spite of this García Granados claimed that the cachurecos conducted themselves properly when they triumphantly entered the capital in 1838. García Granados, IV, 473-474.
foreigners, recognition of Rafael Carrera as general-in-chief of the division of reform, recognition of both state and federal constitutions, complete abolition of the Code of Livingston and all laws that attack public morality. Furthermore, in May of 1839, Padre Bernardo Piñol, future archbishop of Guatemala during the Liberal period of the 1870's, in an address to the assembly of Guatemala called for the re-establishment of peace, justice and respect for religion. He pointed to the need of religious principles to secure true peace and justice. With an obvious reference to the Liberals of the 1830's he asked the legislators to end the disorder, anarchy and multitude of unjust and tyrannical laws. This, he insisted, must be done by deeds and not by "beautiful words and pompous offerings of liberty, equality and property." 54

The Conservative reaction lost no time in repealing Liberal legislation. On June 21, 1839, a decree was enacted which declared null and void the act of 1830, which confirmed the expulsion of Archbishop Ramón Francisco Casaus. The same decree requested that a communication be sent to the exile prelate in Havana inviting him to return to his diocese. 55 On the same day the assembly

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53 Victor Miguel Díaz, Apuntes y Reseñas (Guatemala, 1924), pp. 58-60.

54 Sermón que el Día 29 de Mayo de 1839 en la Acción de Gracias por la Solemne Instalación de la Asamblea Constituyente del Estado de Guatemala, dijo en la Santa Iglesia Catedral, el Presbítero Bernardo Piñol (Guatemala, 1839), pp. 9-11.

55 L. Montúfar, III, 373. Shortly before this action the new government revoked its membership in the federation. This was a
ordered the re-establishment of the religious societies suppressed by the decree of July 28, 1829. Article 3 of the legislative act made it clear that the government still retained a voice in the establishment of other religious societies. The following October 3 the assembly abolished the decree of December 6, 1829, which ordered that the churches of the suppressed religious societies be converted into parish churches. In effect this meant that the re-established religious communities would regain their churches. In December of 1839, the assembly ordered the reintroduction of the diezmo, and declared Catholicism to be the official religion of the state, but simultaneously permitted toleration of other cults. In 1840, the assembly abolished the Liberal law which

formal recognition of what already was an accomplished fact. Ibid., p. 309. Archbishop Casáus, because of his advanced age, never returned to his Guatemalan diocese. He remained in Havana administering its diocese until his death in 1845, at which time Padre Francisco de Paula García Peláez became the new archbishop of Guatemala, a position that he held until his death in 1867. Malaina, p. 17. For a short biographical sketch of Archbishop Francisco de Paula García Peláez, see Francisco Fernández Hall, "Historiadores de Guatemala posteriores a la Independencia Nacional. El Doctor don Francisco de Pablo García Paláez," Anales de la Sociedad de Geografía e Historia, XV (March, 1939), 264-278.

56 Pineda de Mont, ed., pp. 261-262.

57 Ibid., p. 262. In a decree dated November 7, 1840, the assembly ordered that the capital from endowed chaplaincies may no longer be divided as the previous Liberal laws required but the income must go to the person who is entrusted with the obligations of the chaplaincy. Ibid., pp. 333-334. Many of these chaplaincies had been originally entrusted to members of religious societies.

58 Ibid., pp. 262, 297.
made marriage a civil contract and permitted its dissolution. At the same time the ecclesiastical fuero was re-established. The following year the assembly allowed the ecclesiastical authority to use its faculties of imposing spiritual penalties on those who read "impious, immoral and obscene" books. The assembly permitted the reintroduction of religious holidays which had been abolished in the 1830's. One of the most significant acts of the conservative dominated assembly was the passage of the decree of July 4, 1843, which permitted the return of the Jesuits who had been absent from Guatemala ever since the expulsion decree of Charles III in 1767. But two years later on May 8, 1845, the assembly reversed itself by revoking the decree. The assembly noted that the decree of 1843 did not bear in mind the actual status of the Society of Jesus or the evil the society had caused in countries such as France, Belgium and Switzerland. It stated that the readmission of the society was unacceptable because of the still existing pragmatic sanction of Charles III and the papal brief of Pope Clement XIV which suppressed the society. The

59 Ibid., p. 263. 60 Ibid., pp. 273, 286.

61 Ibid. Civil judges were required to enforce the articles pertaining to the reading of prohibited books. Ibid., pp. 281-285.

62 Ibid., pp. 270-271. For the list of religious holidays, see Ibid., pp. 281-285.

63 Ibid., p. 270.
assembly argued that it had no knowledge of a papal disposition permitting the re-establishment of the society in Guatemala. Finally the assembly observed that since the Jesuits aspire to absolute domination of governments, it would be imprudent to permit their re-establishment. As a token of conciliation the assembly promised compensation for expenses incurred to several Jesuits who had entered Guatemala after the legislative act of 1843. The statute of 1845 was in turn undone by a presidential decree on June 7, 1851, which permitted the re-establishment of the Jesuits. The president's decree was approved by the assembly the following November 5. There were two significant factors that brought about the re-establishment of the Jesuits. One was the influential role of Archbishop Francisco de Paulo García Peláez, who favored the return of the Jesuits to aid the work of education, and secondly President Carrera at this time was engaged in drawing up the Concordat of 1852. The Conservative

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64 Ibid., p. 271. The action of the assembly might be described as a case of ignorance being bliss since it was conveniently forgotten that Pope Pius VII in 1814 had authorized the re-establishment of the Society of Jesus.

65 Ibid. The few Jesuits had taken up their residence in the port of Santo Tomás on the Caribbean side.

66 Ibid., p. 272.

67 Ibid.

68 Santiago Malaina, *La Compañía de Jesús en El Salvador, C. A. 1864 a 1872* (San Salvador, El Salvador, 1938), p. 5. The presidential decree stated that the re-entry of the Jesuits had been requested by lay and religious leaders to aid the work of the Church and the teaching of youth. Acuerdos y Decretes del
regime also provided concessions to religious foundations by giving them financial aid in their works of charity and education. 69 Similarly the government granted permission in 1864 to the Society of St. Vincent de Paul to open a colegio mayor for the education of the diocesan clergy. 70

The years 1851 and 1852 marked the climax in cementing relationships between the Church and state under President Carrera. The new constitution formulated in 1851 granted concessions to the Church similar to the ones she enjoyed during colonial times. Article 5, which concerned the election of the president, granted the metropolitan archbishop the right to participate in the election of a president along with the members of the assembly, judges of the court of justice and members of the council of state. 71 Among the powers of the presidency there was listed the ecclesiastical patronage with the additional statement that this will be

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69 Pineda de Mont, ed., p. 273. On December 5, 1839, the assembly in its "Declaración de los Derechos del Estado y sus Habitantes" guaranteed the right of an individual to bequeath his property to religious foundations without the fear of expropriation. Ibid., p. 233.

70 Ibid., p. 289.

71 Gaceta de Guatemala (Guatemala), October 25, 1851, p. 1. On June 25, 1852, President Carrera gave certain members of the clergy the right to elect representatives to the assembly to represent the interests of the clergy. Acuerdos y Decretos del Gobierno Civil de los Anos 1850-1869, AC, vol. XXIII.
done in accordance with the desires of the Holy See.\footnote{Gaceta de Guatemala, October 25, 1851, p. 1.} As members of the influential council of state, which was the advisory body of the president, there were listed the archbishop, bishops who happen to reside in the capital, governors of the archdiocese and president of the ecclesiastical cabildo.\footnote{Ibid.} The following year, 1852, the ties between the Carrera regime and the Holy See were further strengthened with the signing of a concordat. Catholicism was made the official religion. Public instruction must adhere to Catholic doctrine and the clergy were placed in charge of teaching the ecclesiastical sciences. The Church must be allowed free communication with the Holy See and have right of ecclesiastical censure over publications harmful to religion. The state was given the responsibility of collecting tithes, ecclesiastical patronage and jurisdiction over clergymen in civil matters. The jurisdiction was limited in cases of second and final instances where the concordat required that at least two clergymen must form part of the tribunal. The Church's right to acquire property was recognized and all persons who had purchased expropriated ecclesiastical property were allowed to retain the property with the understanding that such expropriations will not be repeated. Existing religious associations must be recognized by the state along with
the right of establishing others. The concordat also contained an oath which the religious leaders in Guatemala were supposed to take in stating their allegiance to the civil authorities. The oath read as follows: "I swear and promise to God on the Bible to obey and be faithful to the Government established by the Constitution of the Republic of Guatemala; at the same time I promise not to meddle personally or by medium of advice in any project which can be contrary to national independence or to public tranquility." The Concordat of 1852 served as the basic guide for Church and state relations until its abrogation during the Liberal upheaval in the 1870's.

The Conservative reaction repealed many Liberal innovations in the field of education. As early as November of 1840, the university was reorganized according to the colonial system of chairs, as was stipulated in the original university charter. This did away with the Gálvez reform which made the university a part of the Academy of Studies. The final abolition of the Gálvez university reforms came in the decree of 1855 which reinstated the old

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74 José Rodríguez Cerna, Pactos con Países Europeos y Asiáticos (Guatemala, 1944), III, 250-255. The concordat was drawn up by Cardinal Jacobo Antonelli and Fernando Lorenzana, the representative of Guatemala.

75 Ibid., p. 254. Lorenzo Montúfar argued that the concessions to the Church made the Church an important instrument in keeping President Carrera in power. L. Montúfar, III, 381.

76 Pineda de Mont, ed., pp. 179-194.
The Conservative reforms gave increasing importance to the Church in the field of education. For instance, a decree of 1846 provided for inspection of courses in Latin and philosophy in Quezaltenango by the local curate or by another person appointed by the local corregidor. The intent of the inspection was the prevention of corruption of the students through the teaching of erroneous doctrines. The most significant role granted to the Church was in the area of elementary education. According to the Ley de Pavón dated September 16, 1852, the local curate, along with the municipal authorities, received an important administrative voice in the elementary schools within the parish confines. In addition the elementary curriculum placed heavy emphasis on the teaching and practice of religion. The Ley de Pavón was a reaction to the Liberal policy of centralizing control of education and secularizing the curriculum.

The Conservative religious policy did much to foster harmony between civil and religious leaders. Periodic pronouncements of

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77 Ibid., pp. 203-211. With the reinstatement of the old university constitution came the re-establishment of the Colegio de Abogados. Ibid., p. 216.

78 Ibid., pp. 202-203. A similar religious influence can be detected in the decree of 1846, which guaranteed freedom of the press. Among the restrictions of freedom of the press was the prohibition of antireligious attacks. Ibid., pp. 241-246.

79 Ibid., pp. 47-52.
religious leaders show little or no criticism of the policy of president Carrera. Padre Basilio Zeceña in an address in 1851 commemorating the thirtieth anniversary of independence stressed two basic principles to avoid future revolutions. One was the need for changes in keeping with modern times and the other was the recognition of religious principles in governing the nation. 80 The orator gave no indication that he considered the Carrera administration deficient in meeting the changing times, but he did make it clear that there was a greater need for educational expansion, which if accomplished, would render great merit to the Carrera administration. 81 Archbishop Francisco de Paula García Peláez, who earlier had misgivings about Carrera's rise to power, was more positive in his commendation of the Carrera regime. In an address in 1856 commemorating the thirty-fifth anniversary of independence he argued for a strong alliance between Church and state. He noted that this alliance has existed since independence even though the Liberals had attempted to break it. Fortunately, the archbishop observed, this trend was reversed with the victory of the Conservative forces under President Carrera. At the same time the archbishop did not view the alliance as a theocracy but merely saw it as the recognition of religious principles in

80 Oración Pronunciada en la Santa Iglesia Catedral en el XXX Aniversario de la Independencia por el Sr. Presb. D. Basilio Zeceña (Guatemala, 1851), pp. 5-6.

81 Ibid., p.6.
fostering the welfare of the state and society. One of the most significant addresses was the one delivered by Padre Juan José de Aycinena y Piñol. The address delivered on January 1, 1864, does not reveal the feelings of the orator toward the Carrera regime, but it is significant for its condemnation of the doctrine of sovereignty as popularized by the French Revolution. The address has an added significance since it became one of the basic issues in the conflict between the Church and state in the 1870's. The prelate, in referring to the republic, omitted calling it a sovereign republic. He justified the omission by observing that the word has taken on the meaning of "omnipotence" in the assemblies of the people. The archbishop opposed such an idea, since it meant that the assemblies were subject to no law, not even divine law, the precepts of the Bible or the supreme authority of the Church established by Christ. He added that "The error of popular absolute sovereignty proclaimed by the disturbers of social order has been without any restriction the primordial cause of the disastrous revolutions which have taken place in Catholic countries in order to convert them into atheists or at least into schismatics as a preparation for practical atheism." There is no evidence that

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82 Discurso Pronunciado el 15 de Setiembre de 1856 XXXV Aniversario de la Independencia de Guatemala, por el Ilmo. Arzobispo de Esta Santa Iglesia Dr. D. Francisco de Paula Gracia Pelaez (Guatemala, 1856), pp. 7-8.

83 Sermón Predicado en la S. I. Metropolitana de Guatemala, el día 1. de Enero de 1864 en la Función de Acción de Gracias, que
Padre Piñol included the Carrera regime in his attacks on the doctrine of absolute sovereignty. Yet within seven years, while Padre Piñol was archbishop, the Church became engaged in a life and death struggle with the state over this very issue. One can easily suspect that there were a considerable number of Liberals who were familiar with the ideas propounded by the priest, ideas that were not easily forgotten when the Liberals assumed control in 1871.

The Carrera domination of political life assured harmonious relations between the Church and state. As long as he was president, there appeared few opportunities to reintroduce Liberal reforms. The only opportunity the Liberals had was in 1848 following the resignation of President Carrera, who apparently felt that there was sufficient stability in the republic to warrant his stepping aside. Within six months after the resignation on August 16 three Liberal presidents held the executive reins; namely, Juan Antonio Martínez, Bernardo Escobar and Mariano

se celebra con asistencia de las Autoridades por El Ilmo. Sr. Arcediano, Dr. D. Juan José de Aycinena y Piñol, Marques de Aycinena, Obispo de Trajanopolis, Caballero de la Real y Distinguida Orden Española de Carlos III etc. etc. etc. (Guatemala, 1864), pp. 3-4.

84 The reader must not gain the impression that the civil authorities were subservient to the Church. The fact remains that the Carrera regime could and did oppose the will of the religious leaders as happened when the government refused to return property to the metropolitan cathedral, which the religious authorities argued belonged to the cathedral. Juan José de Aycinena, Demostración del Derecho de Propiedad que en la Plazuela Illamada
paredes. The political turmoil and the fact that the assembly on October 13 issued a decree prohibiting the return of Rafael Carrera caused his supporters to work for his return to the presidency. Thus on June 5, 1849, the assembly under the presidency of Mariano Paredes reversed the decree of exile on the grounds that it violated constitutional guarantees, and that circumstances and need for tranquility demanded it. Rafael Carrera returned from his brief exile in Mexico in July of 1849 and the following month he again became president. His return made him even more powerful than he had been prior to his resignation as is evidenced by the fact that in 1854 he was declared "Jefe Supremo y Presidente Vitalicio de Guatemala." His powers were further extended the following year by means of constitutional amendments. The "perpetual" presidency lasted until his death in 1865, during which

"De Sagrario" Tiene La Santa Iglesia Metropolitana de Guatemala (Guatemala, 1865). This pamphlet can be located in Acuerdos y Decretos del Gobierno Civil de los Años de 1850 a 1869, AC, vol. XXIII.


86 Acuerdos y Decretos del Gobierno Civil de los Años de 1848-1879, AC, vol. XXII.

87 Ibid.

88 Ibid.

89 Ibid.

90 Acuerdos y Decretos de Gobierno Civil de los Años de 1850 a 1869, AC, vol. XXIII.
time no opposition seriously threatened his tenure. After the
election of another Conservative in 1865, Vicente Cerna, the
Liberals renewed their efforts to regain political control.
CHAPTER II

THE POLITICAL REVOLUTION OF 1871

Again there was the sound of revolutionary uprisings in the distant mountains. To the post-independence Guatemalan, uprisings were common occurrences. The sack of a village in the isolated mountains ordinarily caused little concern for the man living in the capital. The raid on a pueblo might merit mention in the official Gaceta de Guatemala with the assurance that the government was using all the means at its disposal to insure tranquility in the republic.\(^1\) The only novel aspect of the uprisings in the latter part of the 1860's was that they occurred in the western part of Guatemala known as the Occidente. Aside from the independence movement of the Los Altos region with its center at Quezaltenango in the late 1830's, there were few, if any, serious revolutions in the area. The Oriente, in eastern Guatemala, had always been the center of rebellions. It had been a scene of bloodshed during the colonial era; it was here that the early Spaniards encountered stubborn opposition. Perhaps greater unrest in the Oriente may be attributed to its warlike Indian element, which was more bellicose than the pacific Indians of the Occidente. Another is the large

\(^1\)Gaceta de Guatemala, April 3, 1869, p. 5.
mestizo element of the Oriente as compared to the high percentage of pure blooded Indians in the western regions. Warlike Indians coupled with the mestizo element became most useful tools in furthering the personal ambitions of the local caudillos. Furthermore, poor economic conditions, a high rate of illiteracy and religious fanaticism prevailed in the Oriente. A rumor was sufficient to start a frenzy. Pedro Tobar Cruz has made an interesting study of the psychological, sociological, and economic factors which have made the Oriente a hotbed for revolutionary movements. He characterizes the Oriente as a drama of a people in gallant, sometimes barbaric, revolt with the eternal hope that one day their efforts will be crowned with success. 2

It was the Oriente that defeated the Liberal reform program of Gálvez and it was the same Oriente that opposed the Liberal government after 1871. The Liberals of the 1870's, forgetting that the Oriente had fought for and against religion, viewed opposition in the region as clerically inspired. Justo Rufino Barrios, leader of the Liberals of 1870's, never understood the nature of the opposition in the Oriente. This was probably because he was from the Occidente.

The peaceful separation from Spain in 1821 offered no precedent for the bloody subsequent revolts. 3 The independence revolt was essentially political. Although the periodic tumults in the

2 Tobar Cruz, p. 163
3 García Granados, I, 21.
Oriente and Occidente showed political ambitions, they simultaneously carried the seeds of a social and intellectual revolt. The initial Liberal victory was the defeat of a monarchial institution. The second victory was over the Church, which the Liberals of the nineteenth century considered the greatest obstacle in achieving a modern state. Herein lies the true nature of the revolt of 1871. The Liberals of the 1870's completed, in a more radical fashion, the unsuccessful Liberal program of the 1830's.

One of the early leaders of the intermittent uprisings in the Occidente was Colonel Serapio Cruz. The caudillo had run the complete political gamut from ultra-Conservative to ultra-Liberal. In 1854 he actively supported the resolution which proclaimed the ultra-Conservative Rafael Carrera president in perpetuum, but by 1869, he was leading a movement of libration against the Conservative President Vicente Cerna. Cruz had gained invaluable experience in guerrilla warfare in the uprisings of 1848 in the Oriente, which stood him in good stead in his later revolutionary activities in the western part of the republic. The civil authorities of Huehuetenango and Totonicapán found it most difficult to cope with the guerrilla tactics of Cruz in the mountainous region.

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4 Acuerdos y Decretos del Gobierno Civil de los Años de 1848 a 1879, AC, vol. XXII, doc. October 21, 1854.

5 Ibid., doc. December 14, 1848.

6 Gaceta de Guatemala, May 12, 1869, p. 2.
Whenever the mountains did not afford sanctuary, Cruz relied on the hospitality of the state of Chiapas in Mexico. President Cerm requested the governor of Chiapas to prevent the use of the state as a place of refuge for Cruz and his followers. The continued raids across the border indicate that the Mexican governor ignored the request. Cruz caused further unrest by promising the Indians more common lands and cheap liquor. The concern that Cruz and his followers aroused can best be understood through the reports in the Boletín de Noticias. One issue, dated May 7, 1869, reported that Cruz had attacked Nebaj, Chiantla, Huehuetenango and Memestenango. It estimated that his followers consisted of five hundred Indians and a few Ladinos. It was thought that only one hundred of these were armed with guns, some with machetes and knives, and the rest without arms. It was reported that Cruz persuaded the ignorant Indians that he was a representative of Rafael Carrera. The government assured its citizens that a force was being sent to quell the uprisings. The report lamented that the uprising had no other purpose than to satisfy personal ambitions, and start a war between castes.

Cruz stepped up his activities in preparation for a push towards the capital. In December of 1869, he made another attack on

7Ibid., June 7, 1869, p. 1.  
8Ibid.  
9Boletín de Noticias (Guatemala), May 7, 1869, p. 1.
Huehuetenango, where he was defeated by government forces under the command of the Aquilino Gómez Calonge. Even in defeat, Cruz inflicted heavy damages on the inhabitants of Huehuetenango, as shown by the report that Gómez Calonge sent to his government. He wrote that unspeakable cruelty had been inflicted on the people of the city by the so-called libertadores. Huehuetenango is a scene of ashes. More than ninety houses were destroyed by fire. Respecting neither rich nor poor, the attackers even killed women and servants. Many inhabitants fled to the mountains, where they had to live like beggars.10

While the pillage in Huehuetenango took a serious toll of lives and property, the Cruz forces lost some of their key figures. Among the dead were Ramón Cruz, son of Serapio Cruz, and Evaristo Cano, both leaders of the rebellious factions. It also was reported that Justo Rufino Barrios had been seriously wounded in the military engagement.11 Barrios earlier had conducted a number of independent raids on various Guatemalan towns along the Mexican border. At this time he and Serapio Cruz were attempting to unify their actions. Another notorious caudillo among the insurrectionists was Vicente Méndez Cruz, who apparently was a nephew of Serapio Cruz. Reports in the official bulletins indicate that the Cruz family was the core and inspiration for these

10 Gaceta de Guatemala, December 16, 1869, p. 3.
11 Ibid.
initial western raids.

Aside from keeping the Occidente in general turmoil and weakening the prestige of the Cerna government, the objectives of the periodic raids were somewhat obscure. A common objective appears to have been the destruction of the liquor distilleries. The rebels considered them monopolistic enterprises, since the government prohibited the distillation of liquor to all persons who did not have a franchise to produce alcoholic beverages. The government argued that the right to distill liquor must be limited in order to reduce drunkenness, a perennial problem in Guatemala, especially among the Indian population. The other objectives of Cruz and his followers were never clearly defined. President Cerna, in an address to the assembly on November 25, 1869, observed that the insurgent factions had proclaimed no political principles; were merely seeking a change favorable to their individual interests. He assured the assembly that the government would do everything within its power to end the destruction of lives and property in the Occidente.

12 Ibid., November 30, 1869, p. 2.


Occasionally, the insurgents issued statements of objectives, but these probably never attracted the attention of President Cerna. Barrios issued one such statement in a letter dated May 15, 1869, and addressed to the first alcalde of San Rafael Pie de la Cuesta. He wrote "... my mission is not to rob, not to assassinate, and not to avenge personal grievances; on the contrary, my desires are to liberate my country from the slavery in which it is found, to offer guarantees to my fellow citizens and to end monopolies in order that the poor people can live with some comfort." Barrios significantly omitted any mention of religious reforms, a characteristic of later proclamations by the insurrectionists. Could it have been that Barrios and his supporters did not consider the religious issue of any significance at this early period? This seems highly doubtful because the religious reform program became the central plank of their program after their victory in June of 1871. Mariano Zecena, the Positivist historian of Guatemala in the latter part of the nineteenth century, observed that the Revolution of 1871 in its initial stages was solely a political revolution; that is, the removal of the Conservative administration. The initial strategy of the insurgents was to subordinate the religious objective to the political in order to gain wider support among the people and discontented Conservatives. Any religious reform that tended to curtail the role of

15 Cited in *El Imparcial* (Guatemala), July 19, 1935, pp. 4-5.
the Church, as was the case after 1871 would have aroused clerical opposition. The rebels fully realized the consequences of such opposition, and the success of their program could not be assured unless they were strongly entrenched in power. Such certainly was not the situation prior to June of 1871.

The defeat of Serapio Cruz at Huehuetenango did not deter him from seeking the defeat of President Cerna. While Barrios sought refuge in Chiapas after the defeat at Huehuetenango, Cruz made plans for a more audacious maneuver with the capital as his immediate goal. On January 22, 1870, he led a force of four hundred men to Palencia, some twenty kilometers distant from the capital. The strategy was for a surprise attack but the Cerna government was quickly informed of the move. The government forces of four hundred men under the command of General Antonio Solares quickly routed the Cruz forces and killed Serapio Cruz. 17

16 Mariano Zeceña, La Revolución de 1871 y sus Caudillos, 3rd ed. (Guatemala, 1857), pp. 50-53.

17 Liberal writers cite the death of Serapio Cruz as a typical example of Conservative barbarism. These writers claim that Cruz was beheaded and his head placed on a stick and carried in a triumphal march in the capitol. The report appears to have its origin with the Liberal historian, Lorenzo Montúfar. Miguel Angel García, Diccionario Historico Enciclopédico de la República de El Salvador (San Salvador, El Salvador, 1935), V, 368-372. The publications of the day make no mention about the decapitation. Gaceta de Guatemala, January 28, 1870, pp. 3-4 and La Semana (Guatemala), January 24, 1870, p. 1. On the other hand, Hubert Howe Bancroft commends President Cerna for his magnanimity, which he claims was greatly due to the moderating influence of Silas A. Hudson, the North American minister. Hubert Howe Bancroft, History of Central America (San Francisco, 1890), III, 419.
The Cerna government gained confidence from this victory. Nevertheless, the uprising in Palencia had fateful consequences for the Conservative regime. Evidence appeared that García Granados and two other members of the representative assembly were involved in the conspiracy of Serapio Cruz. In addition, the Cerna government accused two army generals of aiding the rebels. On May 18, 1870, President Cerna decreed their expulsion from the republic. Each was required to leave a bond with a solemn promise that they would not disturb the peace of the country directly or indirectly, and that they would not return to the republic without the permission of the government. The bond of García Granados was set at 10,000 pesos with the added instruction that he would not be allowed to live in any one of the Central American republics.

The open clash between the Liberal forces in the representative assembly and the Cerna administration had already come to a head a year before the defeat of Cruz in Palencia. On January 17, 1869, Cerna had been re-elected as president by the representative assembly. García Granados and the Liberals demanded that the election be taken to the people. The Liberal candidate J. Victor Zavala, a veteran of the campaigns against the filibustering

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18 Ramón A. Salazar, *Tiempo Viejo Recuerdos de mi Juventud*, 2nd ed. (Guatemala, 1957), p. 160. Salazar was a personal friend of Barrios and a prominent Liberal historian in the latter part of the nineteenth century in Guatemala.

19 *Gaceta de Guatemala*, February 19, 1870, p. 3.
William Walker, had obtained twenty-one votes as against the thirty-one votes of President Cerna. 20 General Zavala was a moderate Liberal and no doubt García Granados, a moderate himself, and his Liberal colleagues hoped that a victory by Zavala would enable them to inaugurate a Liberal era. Their demands to have a popular election went unheeded; since Zavala accepted his defeat as final, the Liberals thought that there could be no serious change of policy on the part of the Conservative administration until President Cerna's term expired on December 31, 1872. Apparently, the Liberals had no intention of waiting out this period. Of greater importance was the fact that as long as the election of a president remained in the hands of a Conservative assembly, the Liberals believed that victory never could be assured. While many of the moderate Liberals, perhaps including García Granados himself, may have questioned the reason for revolutionary action, President Cerna aroused the Liberals to a more radical course of conduct by his expulsion decree against García Granados and some of his colleagues. What started out in 1867 as sporadic caudillo uprisings in western Guatemala now became a unified campaign under the capable direction of the Liberal emigré.

García Granados was experienced in military affairs. He had fought in the army of José Arce against the Salvadorians and later against Francisco Morazán. He expressed affection for the military

20 Ibid., January 22, 1869, pp. 1-2.
life in his memoirs. His favorite hero was Julius Caesar. A basic theme in his memoirs is the critical analysis of the military errors of his commanding officers, especially those of José Arce. Such criticisms could well have merited the wrath of his commanding officers, but fortunately, he did not publish his memoirs until about fifty years after the battles had taken place.

The portrait that García Granados presents of his father in his memoirs shows him to be no revolutionary model for his son. According to García Granados, his father had migrated from Spain to Guatemala shortly before 1792. Throughout his life he remained loyal to Spain, refusing to swear allegiance to the new republic of the United Provinces of Central America. The conservatism of the father had little influence on the son who, at an early age, familiarized himself with the French Enlightened thinkers. In his memoirs he wrote that he secretly read Voltaire, Rousseau and Holbach. He added that it was not strange to find that the young men of his day, influenced by Liberal ideas, became more or less "volterianos."

Travels in foreign countries must also have done much to shape the mind of the future Liberal leader. In December of 1823 he started his trip to the United States to continue his education and

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21 García Granados, I, 55.  
22 Ibid., p. 21.  
23 Ibid., p. 17.
learn English. He attended schools in New York and Philadelphia. In the latter city he came under the tutorship of a man called Lafitte, whom he called a freethinker. Dissatisfied with the educational offerings in the United States, he heeded the advice of his brother, and sailed for England in November of 1824. His English tutor was an Anglican clergyman. Although García Granados was a Catholic, he apparently never discussed religious matters, if one may judge by his silence on the subject.²⁴

Back in Guatemala by 1827, García Granados with his older brother were involved in a political and military movement against Francisco Morazán. In 1829 both were accused of engaging in traitorous activities against the Morazán government. García Granados was acquitted, but his brother was exiled to Mexico, where García Granados joined him in 1830. While in Mexico, García Granados witnessed the inauguration of Liberal reforms under Valentín Gómez Farías in 1833. His reaction to the Mexican Liberal program is not clear from his writings. He favored the centralization of power that took place in Mexico under the Conservative reaction in 1834, and contrasted it to the decentralization of power in the United Provinces of Central America. He noted that the decentralization of power in Central America was responsible for the frequent conflicts between the central and

²⁴Ibid., I, 50-57.
state governments. He remained in Mexico until 1837, when he decided to return to his native land to reside there permanently.

There is no evidence that García Granados became involved in any opposition movement against the Conservative regimes after 1839, except the already mentioned opposition to the Cerna administration in the late 1860's. This led to his political exile, which brought him to the United States. Here with the aid of Francisco Andue, a countryman and political refugee, García Granados made arrangements for the purchase of military supplies. They bought two hundred Remington rifles and fifteen Winchester rifles. In addition, they bought two hundred uniforms, twelve swords for the officers, one howitzer and other supplies for a military expedition. This equipment was sent to a trustworthy person in San Juan Bautista in the Mexican state of Tabasco, and García Granados journied to Mexico City to obtain the necessary tolerance from President Benito Juárez and Sebastian Lerdo de Tejada for the projected invasion of Guatemala from the state of Chiapas. It is not known what assurance García Granados received but Juárez did not interfere with the invasion plans. García Granados continued his journey to Comitán in the state of Chiapas, where he set up his temporary headquarters. Before

25 Ibid., III, 309.

26 Rubio, p. 81. See also Salazar, Tiempo Viejo Recuerdos de mi Juventud, pp. 160-161.
carrying his plan into operation, García Granados had to be assured at least of the passive support of Governor Domínguez of Chiapas. He urged the governor to grant clemency to the Guatemalan emigres in his state and reminded him that since there was a democratic government in Mexico, it was of vital importance that a similar government be installed in Guatemala to strengthen the bonds of union between the two nations.27 The successful purchase of North American arms and the assured noninterference of the Mexican authorities were two important factors in the eventual success of the Revolution of 1871, as the Cerna administration well realized. As early as November of 1870, President Cerna, in his address to the assembly, alerted the assembly to the potential threat to public order by the unfriendly acts of the authorities of Chiapas who had permitted hostile attacks on the Guatemalan

27 Ibid., p. 83. See also Manuel Valladares, "Apuntamientos sobre el General Rufino Barrios y su Gobierno," La Reforma Social, XXVII (December 1923), 299. The North American minister, Silas A. Hudson, in a letter to Hamilton Fish accused the Mexican authorities in Chiapas of showing a favorable attitude to García Granados and his followers, which he claimed numbered five hundred. He write that "The Mexican state of Chiapas has allowed Guatemalan [sic] insurgents again and again since my residence here, and in many ways, has given evidence of a most implacable enmity toward this government, as personally constituted." As further evidence he reported that the foreign ministry of Guatemala has frequently called the attention of the Mexican government to these unfriendly acts. He added that he has advised the United States legation in Mexico to bring the matter before the Mexican federal authorities for favorable consideration. Legación en Washington de 1870 a 1880, Archivo General del Gobierno (Guatemala City), doc. B99-6-3, 4433, 93389. (The Archivo will be cited hereinafter as AGG.)
border settlements. He noted that this presented a serious threat to the friendly relations existing between the two republics. On repeated occasions, he continued, he had sent formal protests to the authorities of Chiapas requesting an end to the acts of aggression against the border towns. Since the protests went unheeded, the president informed his congress that he had brought the matter to the attention of the Mexican federal authorities so that they might exhort the state officials to check the activities of the political refugees and maintain good relations between the two republics. There was no reply to Cerna's request, in fact the revolutionaries continued their activities in Chiapas without any noticeable molestation. At the same time, Cerna must have remembered with regret that a few years earlier he had offered his country's co-operation to President Juárez and Governor Pantaleón Domínguez of Chiapas to suppress Porfiristas and Indian uprisings.

President Cerna was fully aware of the military advantage that the revolutionaries enjoyed with the Remington and Winchester rifles. This becomes very clear in the correspondence from the Guatemalan ministry of foreign affairs to its minister, José María Vela, in Washington, D. C. In a letter dated April 16, 1871, the


urgency of purchasing Remingtons was clearly stated. The letter further stated that a similar request had been made the previous December. José María Vela replied that the original request could not be fulfilled because the United States army was buying all of these modern weapons that were available.\(^\text{30}\) A second letter, dated a month later indicates that the foreign minister of Guatemala forwarded five thousand pesos for the purchase of two hundred Remingtons. There is no indication that the weapons were ever sent.\(^\text{31}\) If they were, they must not have arrived in time for President Cerna to use in his final battles against the revolutionaries, which took place the following June.

\(^{30}\) Legación en Washington de 1867 a 1872, AGG, doc. B99-6-3, 4432, 93388. The inability of President Cerna to purchase modern weapons in the United States raises the question of whether or not certain United States interests favored the revolutionists of García Granados. There can be little doubt about the attitude of the North American minister, Silas A. Hudson, who favored the Cerna government. In fact, this may have been one reason why Barrios requested his dismissal shortly after 1871. Perhaps certain United States interests viewed the defeat of the Cerna government as an opportunity to dislodge British commercial interests in Guatemala. For instance, in 1869 Beford C. T. Pim, a British naval officer, announced the contract for the construction of an interoceanic railroad. *Gaceta de Guatemala*, November 8, 1869, p. 1. The project never materialized due to the revolution in 1871. It was later taken up by the Barrios government but financed with North American capital. In addition, President Cerna had borrowed heavily from England shortly before his defeat. J. Fred Rippy, *British Investments in Latin America, 1822–1849* (Minneapolis, Minnesota, 1959), p. 105. For additional information on British commercial interests in Guatemala, see Robert A. Naylor, "British Role in Central America Prior to the Clayton-Bulwer Treaty of 1850," *HAHN*, XL (August 1960), 361–382.

\(^{31}\) Legación en Washington de 1867 a 1872, AGG, doc. B99-6-3, 4432, 93388.
With the unofficial support of the Juárez regime and North American arms García Granados enjoyed a decided advantage over his Conservative opponent. But he also needed a veteran experienced in guerrilla warfare, and no one was more qualified than Justo Rufino Barrios who had been carrying on sporadic raids across the Mexican border since 1867.

Barrios knew the Occidente well, for it was here where he was born and raised. Unfortunately, Barrios did not write his memoirs as did his co-worker, Gracia Granados. The details of his life before the 1871 revolution remain obscure. Little or nothing is known about his views of government, Church and state relations, political economy or the origin of his Liberalism.

Barrios was born in the village of San Lorenzo, a few miles north of San Marcos, on July 19, 1835. His parents, don Ignacio Barrios and doña Josefa Auyón, descendents of Spanish families, were well-to-do, holding large ranch lands devoted mainly to the raising of horses and cattle. Barrios was the fourth child in a family of seven. His early education was obtained from the sacristan in San Lorenzo, who was in charge of the church due to

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32 An attempt has been made to write a biography of Barrios prior to his becoming president. J. Luis García A., Don Rufino (Guatemala, 1959). This is an historical novel and with it goes the almost impossible task of separating fact from fiction. The author used a number of primary documents, but these are in the main governmental sources which have little or no direct relationship to the early life of Justo Rufino Barrios. The novel is well-written, but verbose.
the absence of a resident pastor. His education consisted of little more than learning by rote the catechism of Padre Ripalda, which appears to have been the most common education of the day for the people in outlying rural areas. The mother of Barrios hoped her son would become a priest. With this in mind, plans were made to send him to San Marcos to receive a more formal type of education. 33 Here he studied under Leandro Rodán, whom he admired greatly and whose friends were amply rewarded when Barrios became president. His main course of studies consisted of reading, writing and arithmetic. According to Casimiro Rubio, Barrios left San Marcos to study under the Jesuits in Quezaltenango. 34

33 Paul Burgess, Justo Rufino Barrios (Philadelphia, 1926), p. 26. Mr. Burgess was a missionary in Guatemala shortly after the era of Barrios and much of his information in the biography is based on interviews with the contemporaries of the Guatemalan president.

34 Rubio, p. 19. Apparently Rubio obtained this information from Burgess, whose work he cited frequently. Burgess mentions that Barrios attended the Jesuit school in Quezaltenango, citing his authority as Miguel Llaven, a contemporary of Barrios. He added that when the Liberals took over the Jesuit school in 1871, they burned all the official records of the school and thus there is no record of Barrios' matriculation in that institution. Burgess, p. 32. J. Fred Rippy expresses the view that "all of the schools he [Barrios] attended were schools of the Church, for the most part under the control of the Jesuits." J. Fred Rippy, "Justo Rufino Barrios," Hispanic American Essays, ed. A. Curtis Wilgus (Chapel Hill, North Carolina, 1942), p. 285. All of these views lack documentation. The Jesuits originally expelled from Hispanic America under Charles III did not re-enter Guatemala until 1851. Pineda de Mont, ed. p. 272. In the beginning the Jesuits confined their activities to the direction of the archdiocesan seminary, La Asunción de Nuestra Señora. Acuerdos y Decretos del Gobierno Civil de los Años de 1850 a 1869, AC, vol. XXIII, doc. October 1, 1851. Considering the fact that their personnel must have been limited in the early
Apart from the study of Latin in Quezaltenango little is known of his academic life there. During the years 1857 to 1859 he completed his studies for the Bachiller en Filosofía. These studies probably were made in the Escuela de Cristo in Guatemala City. Neither Latin nor philosophy aroused his interest. While attending the University of San Carlos, he showed preference for either law or engineering. Although his university studies were terminated abruptly in 1861, he managed to obtain a diploma qualifying him as a notary public. There is some evidence that his intention to complete his legal studies was not realized because of an affair with a young lady, a member of one of the capital's leading families. This may also account for his quick departure for San

years, the present writer finds it difficult to accept the fact that they were operating a school in Quezaltenango prior to 1857. The Jesuits did open a school in Quezaltenango, but this was not until April of 1869. Luis Xavier España, S. J., Discurso Pronunciado en la Inauguración del Colegio de San José de Quezaltenango (Guatemala, 1869). There remains the remote possibility that one or more Jesuits may have come to Quezaltenango prior to 1857 to engage in parish activities and that one of these may have been the tutor of Barrios. Nevertheless, there is no evidence that Barrios had any direct contact with the Jesuits prior to the capture of Quezaltenango by his forces in the spring of 1871.


36 Burgess, p. 53. The affairs of the future president approached notoriety. Rippy states that eight of his natural children grew up to share some of the honors of their father. Rippy, "Justo Rufino Barrios," p. 283. Barrios provided well for his illegitimate offspring: his oldest natural son, Venancio, had gone
Marcos, where he took up the practice of notary public.

While at the university he came under the influence of such men as Antonio López Colón, Padre Aníbal María Arroyo, Pedro Valenzuela and Padre Manuel F. Vélez, under whom he studied law. Manuel J. Dardon, chief justice of the supreme court while Barrios was president, served on his examining board. Not too much is known about these men with the exception of Padre Arroyo, who represented the Liberal faction of the clergy and became a very intimate friend of Barrios.37

Enrique Guzmán, Diario Íntimo (Managua, Nicaragua, 1912), p. 32. Guzmán knew Barrios and many of his friends since he spent some time in Guatemala toward the end of the Barrios administration. In regard to Padre Arroyo he commented that he had heard it said that the priest "... has no moral sense, that he is an habitual drunkard, impudent, envious, extremely vain, and one of the most abject panderers of Barrios." Guzmán wrote that Padre Arroyo in an interview admitted that he had illegitimate children, some of whom, Guzmán claimed, were the offspring of incestuous relations between the priest and his sister. Guzmán cited in Miguel Angel García, Diccionario Histórico Enciclopédico de la República de El Salvador (San Salvador, El Salvador, 1943), VI, 230-231.
Barrios was an average student but did well in Latin and mathematics. There is no evidence for accepting the view of his close friend, General Andrés Téllez, that Barrios was a shining example of scholarship. More realistic is the judgment of a contemporary of Barrios:

Barrios was not learned. It is said that in his youth he distinguished himself in the classes of mathematics and that he learned with some perfection Latin; but by the time of the revolution [1871], he had forgotten everything. He had some general ideas. He was not an atheist, as many suppose. He had a prodigious memory, above all for faces. His expression was not easy. He was very proud and greatly pleased with himself so that he did not venture to make himself ridiculous with a badly spoken phrase. He spoke his own language with some imperfections and archaisms commonly heard in the place where he was born. He was a friend of a good table. He did not enjoy alcohol nor is it known that he ever was seen inebriated.

Whatever Barrios may have lacked intellectually, he made up for it in tremendous energy and action. His impetuosity, however, makes understanding him extremely difficult. Such questions as motives and consequences of actions appear to have elicited little consideration. Burgess characterized him well when he called him "volcanic." His "volcanic" personality makes the analysis of his motives difficult. His motives as the future Liberal leader

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38 Rubio, p. 19.
39 El Progreso Nacional, Guatemala, April 1, 1896, p. 2.
40 Rippy thinks that many of Barrios' actions were based on "resentments of a personal nature" and that he most likely carried within him the inveterate animosity of the campesino against the ruling aristocratic class. Rippy, "Justo Rufino Barrios," pp. 285-287.
were probably determined more by his advisers than by a well thought out philosophy. The greatest achievement of Barrios was his ability to carry out successfully the program advocated by the Liberal school. In this respect both Mariano Gálvez in the 1830's and García Granados, more capable in many respects, failed.

On his return to San Marcos in 1861, his father, in recognition of achievements at the university, gave him part of the family estate known as El Malacate. Thus besides serving as a notary public, he also became a gentleman farmer. The plantation at this time lay in the state of Chiapas, and it was considered part of Mexican territory until the boundary treaty of 1882 with Mexico, when it became part of Guatemala. 41

El Malacate afforded Barrios a substantial income. In the early years it was important as a cattle ranch but later on Barrios experimented successfully with the planting of coffee, a crop that did remarkably well in the area; in fact, the entire district ranks as one of the most productive centers of coffee in all of Central America. 42 El Malacate also after 1867 served as a favorite rendezvous for Barrios and the revolutionaries, and in 1870 it

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41 X. Y. Z., Limites con Méjico la Zona Comprendida entre los Ríos Chixoy y Santa Isabel es de Guatemala y No de Méjico (Guatemala, 1889), pp. 5-9.

42 The possession of El Malacate indicates that Barrios was financially well-to-do prior to his entry into the political arena. For him the presidency was no necessity in order to enrich himself. Later on the executive office brought him additional wealth but this is a traditional occurrence among Guatemalan presidents. Rippy, "Justo Rufino Barrios," pp. 283-284.
became the meeting place between Barrios and García Granados.

With García Granados' participation in the revolution, the revolutionaries gained an additional advantage. The early phase of the revolution was marked by what many Guatemalans may have thought to be plundering raids intent upon the destruction of the whiskey distilleries. Thus in the eyes of the more responsible citizens the activities of Cruz and Barrios must have been viewed as bandit raids rather than attempts at social and economic reform. William T. Brigham must have expressed the sentiments of many Guatemalans when he described Serapio Cruz as "... a typical brigand, who for some time waged a guerilla war from his mountain retreats, capturing the distilleries of aguardiente (then a government monopoly), and destroying what he could not carry away." García Granados however, with his aristocratic background, appealed to the aristocracy whose support was essential to defeat the Cerna government. He also had the intellectual capacity to give the revolutionary movement a raison d'être, a factor that cannot be overestimated in the Liberal victory. In short, García Granados possessed the qualities that was wanting in Serapio Cruz and Barrios. Burgess described the role of García Granados and Barrios well when he wrote:

The combination was a good one. Granados brought to the partnership his culture, his brains, his ripe experience as a politician, money and arms and prestige in the Capital City, where many ties of blood and friendship assured him a large following. Barrios contributed his intimate knowledge of the territory where the first fighting would have to be done, his experience as a guerrilla fighter, his prestige in western Guatemala and above all, his personal magnetism and daring well calculated to secure soldiers to use the arms which Granados had brought with him.44

After García Granados assumed command of the insurgent forces, the focal point of rebellion shifted from the southern part of Chiapas to the northern town of Comitán. In the beginning there were certain difficulties between García Granados and the governor of Chiapas. According to Andrés Téllez, a member of the revolutionary force, the difficulties were resolved when García Granados made the necessary "gifts" so as to have complete freedom in his activities.45

On March 28, 1871, a revolutionary army of probably some seventy men crossed the border.46 Like many Hispanic American

44 Burgess, pp. 69-70.
46 The number of men in the invading force is open to question. Seventy appears reasonable in light of preparations made and it also is the number given by Víctor Miguel Díaz, who cited an official bulletin as evidence. Díaz, Barrios ante la Posteridad, p. 53. Burgess placed the number at twenty-eight and cited Andrés Téllez as his evidence. Burgess, p. 72. The number twenty-eight corresponds closely to that given by Miguel C. Alvarado, who listed the participants by name. Miguel C. Alvarado, Pro-Patria (Numero Tres Justo Rufino Barrios) (Quetzaltenango, Guatemala, 1925), pp. 7-10. Rubio, who probably obtained his information from Burgess, placed the figure at twenty-eight. Rubio, p. 84. Jesús E. Carranza stated there were twenty-nine men but added there were "other patriots." Jesús E. Carranza, El General Justo Rufino Barrios, 3rd ed. (Guatemala, 1956), pp. 84-85.
revolutions, the invading force looked very unimpressive, but the rugged terrain and surprise attacks were important factors in their initial success. Although insignificant, these victories were important in enlisting new recruits, most of whom probably were more interested in the political rewards that the new regime might offer than in fighting for the revolutionary ideals, which up to this time had not been officially proclaimed. 47 The first contact with the government forces took place in April at Tacaná, in the department of San Marcos, near the Mexican border. The revolutionaries were outnumbered five to one, but their strategic location and modern weapons enabled them to achieve victory. 48 The spoils of the victory consisted mainly in robbing the liquor supply and funds of a near-by distillery. Shortly afterwards, more guns were brought across the Mexican border and recruiting activities increased.

A little more than a month after the initial invasion, the first proclamation was issued by García Granados setting forth the objectives of the revolution. The proclamation, dated May 8, called for an end to the present dictatorial and tyrannical form of government. The government must faithfully execute laws and never consider itself superior to the law. The Constitutive Act of 1851, which created the perpetual dictatorship of Carrera was

47 Burgess, p. 75.
48 Rubio, p. 86.
to be repealed. It called for a freely elected national assembly rather than one consisting of subordinate employees of the government. It also demanded a free press, army reforms, tax reforms, wider extension of public education in keeping with national needs and the abolition of monopolies in the liquor industry, which were hostile to agricultural and commercial interests. Insisting that this was his basic reform program, García Granados claimed that any other objectives attributed to him were false. He stated: "I repeat that my ideas are well known and that I am an enemy of utopias and dangerous experiments." It is significant that no reference was made to any religious reform. Nor is there evidence that any Church leader interpreted the proclamation as the beginning of an antireligious movement. However, the absence of a clerical reaction may have been due to the fact that Church leaders were unaware of the proclamation. Díaz, a biographer of Barrios, stated that the proclamation was originally printed in San Salvador, El Salvador, and shortly thereafter it was secretly reprinted in Guatemala City to be distributed among the inhabitants. In fact the document was not officially published until eleven days after the occupation of

49 García Granados cited in Burgess, p. 77.

50 Díaz, Barrios ante la Posteridad, pp. 50-51.
the capital by the revolutionary forces. The fact remains that outside of demanding the removal of the Cerna government the proclamation called for no radical reform. Its moderate tone could, and apparently did, gain the support of both clerical and lay interests.

After the capture of San Marcos, the rebels pushed along the coastal region, taking the important city of Retalhuleu on May 14. Control of the city assured them possession of the rich coastal area and enhanced the prestige of the insurgents. From the coastal region, they moved north into the department of Quiché, where, on May 28, after initial setbacks, they won the battle of Laguna Seca, near the town of Chiché. Again the army of "liberation," as it called itself, was outnumbered. Although the revolutionary ranks had swollen to three hundred strong, they faced a government force of nine hundred men under the command of Colonel Aquilino Calonge, and it was the spirited cavalry charge of Barrios that saved the day. It was during this battle that Barrios was reputed to have worn a red "Garibaldi" shirt.

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51 Boletín Oficial (Guatemala), July 11, 1871, p. 1.

52 Ibid., p. 79.

53 Carranza, p. 86. Ciriaco F. Alonzo, an eyewitness to the "liberation" campaign in 1871, also reported that he saw Barrios dressed in a red shirt. J. Lizardo Díaz O., Apuntamientos Históricos (Quezaltenango, Guatemala, 1932), p. 11.
Whether he wore the red shirt to distinguish himself as the leader of his forces or as a symbol of the revolutionary ideas remains unclear. Barrios left no writings which show an awareness of the ideals or achievements of the Italian unification leader.

The victory at Laguna Seca seriously imperiled the position of the capital, since the "liberating" army pushed forward and took Antigua, a city only thirty miles from the capital. At this point, Barrios believed it advisable to retreat, since he did not consider his forces adequately organized to meet the full impact of the government forces in the battle for the capital. In their retreat they passed through the town of Patzicía, where on June 5 they halted to sign the Acta de Patzicía. Little different than the proclamation of May 8, the brief document called for an end of the Cerna dictatorship, proclaimed García Granados provisional president and called for a constituent assembly to draw up a new constitution. 54 Sixty-seven revolutionaries signed the proclamation. It received limited publicity outside of the revolutionary ranks prior to June 30, and President Cerna was kept completely ignorant of the act. 55

The newspaper La Semana, the only one to continue publication in the capital at the time, made no mention of the revolutionary

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54 Adrian Vidaurre, La Constitución de Guatemala (Guatemala, 1935), p. 41.

55 La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas (Guatemala, 1894), p. 4.
activities during the latter part of May and early part of June. From May 28 to June 19, the last day of its publication, there was no mention of the dangerous threat to the Cerna government. It carried articles that attacked extreme Liberalism and defended the Cerna administration as being properly liberal in keeping with the circumstances of the republic. Perhaps the reference to extreme Liberalism was a vague reminder to its readers of the Liberalism associated with the followers of García Granados. On the other hand, it was not unusual for the Conservative press to offer periodic reminders about the dangers of Liberalism. The silence may be better explained by the fact that the government probably feared excessive alarm in the capital should the real danger of the revolutionary forces become known. It may well be that the Cerna administration was ignorant of the demands of the revolutionists. According to Zeceña, the program of the revolutionists was much more attractive than the Conservatism of President Cerna. The traitorous activities within the ranks of the Cerna administration may lend further proof to the contention that the Conservatives were ill prepared to meet the challenge of the revolutionists. But here, as in all revolutions, individual motives are open to question.

56 Zeceña, p. 60.

57 Valladares, p. 300.
After the declaration of the Acta de Patzicía, Barrios and García Granados withdrew their forces to Quezaltenango, where they set up their first provisional administration. Here García Granados appointed his first jefe político of Totonicapán, who served as the political boss of the department directly responsible to the president. The new office replaced that of corregidor, which dated back to the colonial period. Undoubtedly, García Granados borrowed the institution from the Juárez regime in Mexico. The system was greatly perfected by Barrios as president and like Porfirio Díaz of Mexico, he utilized the jefes políticos to consolidate his power.

On June 10 and 11 the provisional government issued its first decrees. These provided for the making of Champerico a maritime port with customs offices in Retalhuleu, a concession to western interests in Guatemala, which claimed that the centralism of the Conservatives neglected interests outside of the capital. Provisions were also made for governmental non-interference in the growing of tobacco which had been restricted by the Conservative administration. Finally, there was to be free importation of comiteco, a rum manufactured in Comitán, Mexico, by Pantaleón Domínguez, a close friend of García Granados. The decrees were obviously aimed at pleasing the inhabitants of Quezaltenango and gaining the full support of the western inhabitants in bringing the

58 Rubio, p. 100. 59 Ibid.
revolution to a successful conclusion.

Shortly after taking possession of Quezaltenango, the provisional government faced its first major military engagement with the Cerna forces. Previously, the task of containing the revolution was left mainly in the hands of the officers of Cerna, but the rebel control of the second most important city prompted Cerna to take personal command of his forces. On the field of Tierra Blanca near Totonicapán, Cerna suffered a major defeat on June 23. Again the revolutionists were outnumbered six to one, and this fact prompted Casimiro Rubio to remark that the battle "... with all certainty can be compared to the armed encounter which immortalized the hero of Thermopylae."  

The defeat at Tierra Blanca forced Cerna to retreat and prepare for the defense of the capital. Barrios pursued the retreating forces, and prevented adequate defense preparation. He had the additional fortune of receiving aid from Guatemalan political refugees who had fled to El Salvador, especially Mariano Villalobos, General Gregorio Solares, and José María Samayoa, who had aided in the setting up of a Liberal regime on April 15, 1871, in that republic under Santiago González. These men, with a small force, invaded Guatemala from El Salvador and joined forces with

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60 Ibid., p. 112. The question of Barrios' ability as a military general is open to serious dispute. In his audacity he may have had few equals, but audacity more often than not can lead to rashness, and his subsequent death in 1885 in the battle of Chalchuapa may serve as proof of this. Salazar, p. 169.
Barrios in the battle of San Lucas a short distance from the capital. Although the army of "liberation" with its recent successes had increased its forces to about 2,400, it was still outnumbered by the Cerna forces which had 4,000 men.61 Possession of higher ground greatly aided the victory of Barrios, and faced with defeat, President Cerna realized that it was useless to carry on the struggle.62 The battle of San Lucas took place on June 29 and the following day the capital fell without resistance. According to Andrés Téllez, an officer in the Barrios-García Granados army, the triumphal entry of the "liberators" into the capital was most orderly and they were received with great enthusiasm by the inhabitants.63

One of the first acts of García Granados, the provisional president, was to assure Archbishop Piñol that he would enjoy all religious guarantees and that the "liberation" movement was not anticlerical. In fact the provisional president requested and obtained the privilege of having a "Te Deum" service celebrated

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61 Carranza, p. 89.

62 After the defeat at San Lucas, President Cerna sought political exile in El Salvador. Estanislao Sandoval, a close friend of the defeated president, reported that he had to offer money to Cerna in order to finance the escape since the president was leaving without a single red cent in his pocket. Alfredo Quinones, Anecdotas Históricas del Caudillo Unionista General Justo Rufino Barrios Reformador de Guatemala, 3rd ed. (Guatemala, 1921), p. 15. Vicente Cerna returned to the Guatemalan capital after Barrios became president in 1873, but there is no evidence that he ever was molested by his former enemy.

63 Rubio, p. 123.
in the cathedral as a thanksgiving for his victory. There is no reason to question the intentions of the provisional president at this time. Before the rebels entered the capital, both García Granados and Barrios insisted on the services of a chaplain in their army. While the provisional government was stationed in Quetzaltenango, Padre Trinidad Gutiérrez, chaplain of the Beaterio de Belén, was nominated by García Granados and Barrios as chaplain of the army. Although the priest accompanied the army on its march to the capital, he refused to celebrate Mass, since he claimed that the vicar provincial of Quetzaltenango, Padre Manuel González, did not have the faculties to make such an appointment. The correspondence of Padre Gutiérrez to the Curia over this matter does not indicate that any drastic measures were taken by the revolutionary leaders to force compliance with their demands. The vicar provincial of Quetzaltenango defended his actions by stating that a similar last minute appointment had been made shortly before the battle of Tierra Blanca, and that the spiritual needs of the soldiers demanded it.

Furthermore, there is hardly any indication that the revolutionaries seriously molested the local pastors on their march from the Mexican border to the capital. The only reported incident of molestation was made by Padre Manuel Grageda, pastor of Nebaj. In his letter of October 20, 1871, to his religious superior in the

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64 Ibid., p. 126.  
65 AC, tomo 1871, docs. 343 and 344.
capital, he reported that on the night of March 12, 1871, Barrios and his men entered his sleeping quarters and took him prisoner. He was taken outside of the town where he was robbed and his life was threatened. He further stated that he heard Barrios remark that he wanted to make this an example to the rest of the clergy. The incident was denied by the followers of Barrios, Vicente Cruz, José María Barrios, Juan Viteri, Ignacio Cruz, and Felipe Cruz. These witnesses accused the priest of leading a most immoral life and, as such, his complaint could not merit belief. Apart from this reported incident, there is no further indication of any violence committed against the clergy or the Catholic religion prior to the victory on June 30, 1871.

Outside of destroying distillery monopolies, removing trade restrictions and calling for a democratic government, no radical measures had been introduced by the new government. Thus far, the revolution was basically political offering little or no indication of reform in other areas of Guatemalan life. On the surface, at least, it appeared that once more the Church and the state could and would work in harmonious cooperation. But in the light of subsequent events, the political revolution was only the lull before the storm. The true revolution was yet to come.

66 Ibid., doc. 557.
CHAPTER III

A RELIGIOUS REVOLUTION IN THE MAKING

The first official acts of the provisional government after the occupation of the capital on June 30, 1871, showed no sweeping reform tendency. García Granados, as head of the government, was inclined toward a moderate evolutionary reform. He had already assured his countrymen that he was "an enemy of utopias and dangerous experiments." His Memorias, completed shortly before his death in 1877, show him critical of the Liberal administrations of Francisco Morazán and Mariano Gálvez during the 1830's. He asserted that these men sought quickly to radically transform a backward state into a modern one by means of decrees and a constitution. "But this transformation," he claimed, "is the work of education, of time and of long practice of institutions, which are desired." ¹ Although in fundamental agreement with the religious reforms of Mariano Gálvez, he concluded that the Liberal program of the 1830's was doomed because of its direct attack on the clergy. The power of the clergy among religiously fanatic and ignorant people is very great and according to García Granados

¹ García Granados, II, 286-287.
could be weakened gradually only through education. Thus his desire for moderation partially explains the reluctance that García Granados showed in meeting the radical demands of the extremists within his ranks.

One of the first official acts of García Granados was the diplomatic recognition of the Liberal regime of Tomás Guardia of Costa Rica on July 5. The recognition is significant, since it shows the new government's willingness to recognize a Liberal regime with which the Conservatives had severed relations.

Another departure from Conservative policy was the decree of July 7 proclaiming absolute freedom of the press. The decree repealed the law of April 30, 1852, passed under the influence of Francisco Pavón, which allowed ecclesiastical and civil censorship. The provisional government placed restrictions on the freedom of the press by prohibiting attacks on the private lives of the citizens and insisting that all articles must be signed. Publications carrying unsigned articles, including those of a harmless nature, would be accused of libel. Freedom of the press immediately

2Ibid., IV, 428.

3Recopilación de las Leyes Emitidas por el Gobierno Democrático de la República de Guatemala, desde el 3 de Junio de 1871 (Guatemala, 1874), I, 3-4. At the time of the recognition, Lorenzo Montúfar, a Liberal political exile from Guatemala under the Conservatives, served in the cabinet of President Guardia. Later when the Guardia administration swung more to the right and welcomed Conservative exiles from Guatemala, Montúfar returned to Guatemala to hold important posts under the presidency of Barrios.

4Ibid., p. 4. Article V.
opened the way for the publican of many broadsides authored by Liberals and Conservatives. The authors conveniently concealed their identity with colorful pen names. Neither were private lives of citizens always respected. If the number of broadsides still remaining in private and public collections is representative of the original number published, the conclusion must be that the Liberals were more productive than the Conservatives. The accusation of one Conservative broadside, however, that the new government restricted Conservative publications may also account for a smaller number of broadsides from Conservative pens. Although extremist demands are evident on both sides, the broadsides are significant in that they point to a religious revolution in the making as the following examples show.

A broadside, dated July 3 and signed "A Guatemalan," attacked the wealth and power of the clergy. These, he insisted, must be replaced by priests who professed voluntary poverty and were zealous for the welfare of the people. The archbishop was specifically cited as one of the clergy who had failed in fulfilling the precepts of poverty as demanded in Scriptures. 5

5 "Ciudadanos Libertadores," July 3, 1871, Colección de Hojas Sueltas 1871-1873, arranged by Gilberto Valenzuela (Biblioteca Nacional, Guatemala City), tomo 6. (The collection will be cited hereinafter as CHS.) The broadsides are arranged in a chronological order without pagination. Practically all of the broadsides are anticlerical and offer excellent examples of anticlerical writings during the early years of the new government. Later the number of broadsides drops off considerably, probably due to the increased number of newspapers, many of which served as a media for anticlerical writings.
Dr. Mariano Ospina became the leading writer for Conservative interests. In a broadside of July 11, 1871, he expressed concern over the threat to religious liberty. Although not concerned with absolute religious freedom, Dr. Ospina pointed out the danger to religious liberty if the clergy and religious places of worship can be insulted and profaned by "... freethinkers who do not want priests nor religious communities." He feared that Catholic parents might lose their right of educating their children if the teachers whom the parents had selected were removed. This possibility, he thought, could lead to a state's propagating ideas favorable to one interested group. He concluded that Catholics must enjoy the same rights as the "freethinkers" who desired their children to study Proudhon, Mazzini or Felix Pyat.6

Dr. Ospina was immediately answered by "Yo," who favored religious freedom but did not consider it always applicable in the field of education. According to "Yo," good schools and teachers produce good citizens and since this is an indispensable means for obtaining the general welfare of the state, the state cannot close its eyes to the field of education. The writer defined free education as teaching useful, productive, patriotic and progressive subjects. Any educational program contrary to these objectives, "Yo" contended, could never secure true liberty for the people.

6"Nuestras Aspiraciones," July 11, 1871, CBS. Dr. Ospina originally signed himself "Nosotros" but later identified himself. He had held important educational posts under President Cerna.
He concluded that many parents were incompetent to judge the educational needs of their children and that "... finally it must not be forgotten by one who desires truly the liberty and glory of his country that the children are the property of the Republic and their formation today is for the welfare of the fatherland."  

Dr. Ospina on July 27 wrote a lengthy rebuttal to the position of "Yo." He argued that the state must respect all religious beliefs, but he admitted that the state had the right to restrict certain religious practices. For instance, minority sects, such as Protestants in Guatemala, could expect religious toleration but not religious freedom. This meant according to Dr. Ospina, that Protestants could practice their beliefs but not in public, whereas Catholics, who enjoyed religious freedom, could practice their beliefs publicly. He claimed that this distinction had been recognized in previous Guatemalan constitutions, which declared Catholicism the official religion of the state but guaranteed that other religious sects would not be molested. The writer held that the greater religious freedom Catholics enjoyed in Guatemala could be justified by the principle of the will of the majority. The doctor, however, advocated neither absolute religious freedom nor complete separation of Church and state. These would make the Catholic Church in Guatemala too powerful and thereby run counter

7"Yo," n. d., CHS. Felix Pyat (1810–1889) was a French journalist, whose radical ideas on democracy brought him into frequent conflict with the political authorities.
to Liberal objectives. Dr. Ospina defended the Concordat of 1852, since it permitted state intervention in certain ecclesiastical matters, and therefore it was possible to curb the power of the Church. The writer warned the Liberals that absolute religious freedom and the demand for greater Protestant immigration could mean only a more powerful Church, since the Church with its greater freedom thrives on opposition. In the concluding part Dr. Ospina directed his attention to "Yo's" position on education. He conceded the right of education to the state, but he insisted that parents retain the right to send their children to the school of their choice. The issue then was whether the people had the right to determine the educational program or was that right reserved to four or six elected officials, who were usually the heads of a party and interested in propagating their own ideologies. For Dr. Ospina, the basic issue was whether the right to educate was that of the father of a family or the minister of education. To accept the state as the sole authority in education was the reincarnation of "divine right" rule. Neither could Dr. Ospina accept the proposition that children are the property of the state, for if this were true, the citizen would enjoy no more right than the slaves of African kings. 8

Other broadsides could be cited to show the public airing of controversial issues. Often the publications degenerated into attacks on personalities and as a result, ideological differences

8"La Discusión," July 27, 1871, CHS.
were overlooked. For instance, a broadside published in defense of Dr. Ospina pleaded for a discussion of ideas, not personalities. According to the broadside, the plea went unheeded and Dr. Ospina was threatened with exile, even with death. The broadsides lamented the fact that freedom of the press was not assured as promised by the provisional government. Rather freedom of the press was a means of insulting persons, especially those who had rendered meritorious services to the country as was the case with Dr. Ospina who had held the university chair of political economy and constitutional law. 9

The increasing number of anticlerical broadsides was one factor that on July 24 prompted twenty-four clergymen in the capital to petition the archbishop for permission to publish a Catholic newspaper to be known as Boletín Ecco de la Arquidiócesis. The clergymen thought that the newspaper could offer religious instruction to the faithful and serve as an official news agency for the archdiocese. In addition, they hoped that the newspaper could "... contradict, censure and refute the invectives which are daily hurled against Catholicism and in this way guard against the evils which threaten the country with the diffusion of antireligious and immoral ideas." 10 There is no evidence how the arch-

9 "Los Señores Ospina," n. d., CHS. See also Rafael Pérez, S. J., La Compañía de Jesús en Colombia y Centro-América después su Restauración (Valladolid, Spain, 1898), part 3, 168.

10 AC, tomo 1871, doc. 375.
bishop reacted to the plan. In fact, there is no evidence that any Catholic newspaper was ever published during the presidencies of García Granados and Barrios. Perhaps the archbishop feared that a Catholic publication refuting anticlerical publications would result in more attacks on the Church. The periodic pastorals are the only known media of publication by which religious leaders defended the interests of the Church.

In spite of the demands of certain writers of broadsides, García Granados followed a course of moderation. The provisional president made no attempt to intervene in religious instruction and permitted clergymen to serve as members of the Council of Education. He appointed chaplains for each regiment in the army.\(^\text{11}\) He requested the archbishop to celebrate the solemn office of the dead on July 29 for all the men who had died in the battle of San Lucas. According to the request, both the provisional president and his officials hoped to be in attendance. The archbishop agreed.\(^\text{12}\) The provisional president also offered liberal amnesties to all political prisoners.

García Granados believed that the greatest need for reform lay in the field of education as a preparation step for other Liberal measures. Here again he urged moderation citing the reforms that England had accomplished through a moderate evolutionary program.\(^\text{13}\) Neither did the provisional president favor radical

\(^{11}\text{Rubio, p. 130.}\)
\(^{12}\text{AC, tomo 1871, doc. 371.}\)
\(^{13}\text{Rubio, p. 131.}\)
social equality. His decree of August 2 went no further than to abolish courteous titles of civil, military and ecclesiastical officials. This was nothing new, since a decree of 1823 had practically done the same thing only to be abolished in 1844.\textsuperscript{14} His moderation even permitted the re-enactment of Conservative measures passed under the Carrera regime, as happened on August 11 when he declared that the law of August 19, 1851, was again in full effect.\textsuperscript{15} The law provided for the inviolability of the members of the assembly, which according to García Granados had been violated by ex-President Cerna when he exiled a number of representatives in 1870. The provisional president had been one of the exiled members.

Ironically, the decrees which did not further moderation were the ones the provisional president issued for reasons of administrative efficiency. One such decree was that of July 24, which divided the country into four military districts: West, Center, South and East, to facilitate enforcement of executive orders.\textsuperscript{16} Another one concerned modifications of freedom of the press. Under the earlier decree violations of freedom of the press, such as unsigned articles, were to be tried before a judicial tribunal. The new decree gave sole jurisdiction in these matters to the local

\textsuperscript{14}Recopilación de las Leyes, I (1874), 7.

\textsuperscript{15}\textit{Ibid.}, p. 8.

\textsuperscript{16}\textit{Ibid.}, p. 6.
Since neither commanders of military districts nor jefes políticos were always moderates, the policy of moderation was not always effectively realized on the local level.

During the early days of the provisional government, Barrios did not assume any position in the central government. Casimiro Rubio claims that García Granados wanted him to serve as the minister of war in order to reorganize the national army. Barrios refused, stating that he wished to return to his ranch in Malacatán to rest and develop his ranch which had been neglected during the revolutionary years. Barrios delayed his stay in the capital, probably because he was engaged in financially reimbursing his soldiers for their services during the revolution. In addition, he may have felt that his services might be needed to suppress a Conservative rebellion developing in the East. Since Barrios had refused the position of minister of war, García Granados offered him the position of the military commander of the West, also known as Los Altos, with his headquarters in Quezaltenango near his ranch. Barrios accepted, and took up his new duties in the later part of July.

Before leaving the capital, Barrios arranged to have a printing press sent to Quezaltenango. The press made possible the publication of El Malacate under the editorship of Andrés Téllez, an intimate friend of Barrios. El Malacate became a propaganda sheet

17 Ibid., p. 9. 18 Rubio, p. 129.
for French Revolutionary and Mexican Liberal ideas. The French Revolutionary ideologies had had a strong and enduring influence in Guatemala since the days of the Enlightenment. Of greater significance at this time was the growing bond of friendship for, and conscious imitation of, Juárez' Liberal regime in Mexico. As early as July 8, 1871, Luis Batres, in a letter to the Mexican minister of foreign relations, encouraged the renewal of diplomatic relations, between the two neighboring republics having "identical institutions." In reply the Mexican minister of foreign relations, Gregario Mariscal, expressed the great pleasure of the Mexican Republic at seeing the successful termination of the Liberal revolution in the neighboring republic. Batres was optimistic when he spoke of "identical institutions," since as of July 1871, these institutions were far from being realized in Guatemala.

Broadsides in Quezaltenango like those in the capital spread the virus of anticlericalism. Especially significant were the attacks of El Malacate upon the Jesuits, who had a school and parish in Quezaltenango. The Jesuits appealed to the municipal authorities to end the anticlerical attacks. The council complied with the request on August 12. Instead of considering the Jesuit complaints, the council discussed the legality of the re-

19 Ibid., p. 132.
20 Boletín Oficial, November 18, 1871, p. 2.
21 Ibid.
establishment of the Society of Jesus in Guatemala in 1851. The council concluded that the presidential decree re-establishing the society was never approved by the national assembly. The council then went on to consider other reasons why the Jesuits can no longer be tolerated in Quezaltenango. According to the council the Jesuits during their twenty years of residence in Guatemala had made no educational contributions, but had enriched themselves through wills and theft. The council accused the society of taking much of their money out of the country and importing articles free of duty, which they frequently sold. Additional wealth was acquired through taxing the faithful and having their penitents work on the Jesuit coffee plantations. Furthermore the traditional monopoly of the Jesuits over the consciences of mothers and their influence over ex-President Cerna were well known. For these reasons the council urged the civil and military authorities

22 Rubio, p. 132. Since the early issues of El Malacate are missing in the newspaper collection of the Biblioteca Nacional, there is no way of knowing the exact basis of the early attacks against the Jesuits by this paper. This writer can only judge the anticlericalism of the paper by articles that appeared after the expulsion of Jesuits from Quezaltenango. For instance, Carlos Gregorio Orellana argued that the expulsion of the Jesuits was not an attack on religion but was necessary for the sake of progress and education. He added that the expulsion of the retrogressive Jesuits enabled a state to defend its sacred rights of liberty and become a model of the educated world. El Malacate (San Marcos, Guatemala), November 7, 1871, pp. 2-3. The paper called itself independent and dedicated "to tell the most pure truth to the entire world."

23 Burgess, p. 90.
to send all the Jesuits in the department to the capital. In addition the council insisted on its right to supervise schools in its jurisdiction and urged the provisional government to secularize education in accordance with the ideals of the nineteenth century. 24

The action of the council was not approved by the people of the city. Padre Pérez, a Jesuit who was among the group expelled from the republic in September of 1871, accused Barrios of using "brute force" to have the council issue the order. He further affirmed that similar tactics were employed to have other municipal councils in the area approve the expulsion of the Jesuits from Los Altos. 25 Approximately nine days after the Quezaltenango action, the city council of Totonicapán pronounced its satisfaction over the expulsion, stating that it considered the Jesuits pernicious, as they were in all Catholic countries where they had set foot. 26 Totonicapán sent special congratulations to Justo Rufino Barrios for his effective intervention executing the order.

Since the expulsion decree applied only to the Los Altos region, the municipality of Totonicapán was quick to observe that this was only the initial step in the reform movement. Article

24 Ibid., pp. 90-92. See also Rubio, pp. 133-134.


26 Jesús E. Carranza, Un Pueblo de Los Altos (Totonicapán, Guatemala, 1897), p. 146.
two of the Totonicapán act sounded a prophetic note when it stated that the expulsion of the Jesuits from Los Altos was only the beginning of the reform. The council recommended that a copy of the act be sent to García Granados so that he may take the necessary steps to expel the Jesuits from all parts of the republic. 27

Again evidence is lacking to explain what motives the twenty-three signers of the act had in urging the expulsion of the Jesuits. The anti-Jesuit feeling in the council is even more difficult to explain when it is recalled that in Los Altos the Jesuits administered no other institutions except a parish and school in Quezaltenango. The fact that a number of city councils quickly followed the example of Quezaltenango might possibly indicate that this was an organized campaign against the Jesuits. There is no evidence for this nor can it be clearly determined what role Barrios or other jefes políticos played in the municipal actions. Since there is no record of any popular support for these actions, one cannot conclude that the councils acted because of public pressure. One thing is clear. Local political leaders showed the provisional government by word and deed where the new reform must begin.

The Jesuits were notified of the act of expulsion at 9 P. M. on August 12, the same day the city council had passed the act.

27 Ibid., pp. 146-147.
The expulsion act was delivered to Padre Ramón M. Posada, the Jesuit Superior, ordering him and his men to leave the city by 3 A. M. and go to the capital. The superior requested that Padre Rufino Castillo should be excused from making the trip because of illness. Barrios refused to grant the request, but allowed the priest to remain at a nearby parish until he regained his health.28 The manner of carrying out the expulsion was reminiscent of the expulsion of the Jesuits under Charles III. Quick action and secrecy were considered necessary to forestall any opposition from local inhabitants who might oppose the expulsion of the Jesuits from their midst. Influential persons had enrolled their sons at the Jesuit school, and the departure of the Jesuits two years after their arrival in the city would again make it necessary to send their sons to the capital for an education.

The reaction of Archbishop Piñol to the expulsion was not long in coming. The first report that the archbishop received came from Sister María de la Encarnación, Superior of the Congregation of the Belemitas. Her letter of August 14 (the day after the expulsion of the Jesuits from Quezaltenango), informed the bishop that the expulsion of the Jesuits meant that much of the spiritual work in the area remained undone, and requested permission for her congregation to continue the work of the Jesuits. She also asked for a chaplain, a position that had been held by a

28 Pérez, pp. 171-172.
Jesuit. In conclusion she expressed fear about the status of her own congregation because of certain rumors, but added that due to the shortness of time she could make no further explanation. The archbishop replied on August 19. He granted the desired faculties and appointed a new chaplain, but he did not state if a protest was made to the civil authorities. 29 Two days later the vicar provincial of Quesaltenango, Padre Manuel González, complained to the archbishop that the lack of priests was making it impossible to fulfill the spiritual needs of his people. He noted that the inventory of the possessions of the Jesuit Church of San Nicolás indicated that none of its possessions had been removed. He refused to take part in the inventories of the personal possessions of the Jesuits, which was carried out by the city authorities. 30

The first reaction of the archbishop was to notify the provisional president about the increasing anti-Jesuit propaganda in the capital. He stated that he was fully aware that the political authorities could do nothing if the propagandists keep their opinions to themselves, but propaganda in the press and public meetings was a serious threat to public and religious peace. He requested an immediate end to the anti-Jesuit propaganda and hoped that the expulsion of the Jesuits from Los Altos would not be repeated in the capital. 31 García Granados did not reply. The

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29 AC, tomo 1871, doc. 426.
30 Ibid., doc. 431.
31 Ibid., doc. 427.
archbishop in a letter of December 1, 1871, written while he was in exile in León, Nicaragua, commented on the silence of the provisional president. He observed that García Granados did not reply officially but merely offered vague excuses, which approved the Jesuit expulsion from Quezaltenango and made no guarantees that similar acts would not be repeated in other parts of the republic. The expulsion of the Society of Jesus from Guatemala in September of 1871, according to the archbishop, was the only reply of the government to his protests.32

The reticence of the government in the matter was also attacked in a broadside of August 19, signed by "M. C." The writer desired to know if the political authorities of Quezaltenango acted on their own authority or were instructed to do so by the central government. The explanation was of utmost importance, since for him the Jesuits were responsible for introducing a truly modernized system of education in the republic, which he claimed had influenced changes in the liberal arts and physical science curriculum on all levels of education including the university. He charged that the expulsion constituted a violation of the right of freedom and individual guarantees, an accusation that the present regime hurled against the fallen Conservative government.33

32M. A. García, II, 428. See also Pérez, p. 177.

33"Un Amigo Verdadero del Gobierno Provisorio," August 19, 1871, CHS.
The opponents of the Jesuits rushed to defend the government by accusing them of being involved in crimes during the revolutionary movement, especially the massacre of revolutionists in Palencia. The charge was challenged by an anonymous writer, "A. Z.", who pointed out that the Jesuits actually ministered to the wounded revolutionists. Thus the charges of the opponents, he claimed, could not be substantiated, but this was nothing new since all the countries, which had expelled the Jesuits hitherto, had done so without substantiating their accusations. On the other hand, in the countries where true liberty reigned, such as England and the United States, the society had not suffered molestation. The charges and counter-charges continued, even citing the case of a Jesuit priest in France who was accused of having illicit relations with women, whom he killed afterwards. As usual, all writers concealed their identity.

The attacks of the broadsides undoubtedly prompted the government to issue an official bulletin explaining its position over the expulsion of the Jesuits from Quezaltenango. The bulletin defended the actions of the political authorities of Quezaltenango,

34 "A los Sres. Redactores de la 'Verdad,'" August 11, 1871, CHS. La Verdad was a Conservative newspaper in El Salvador which bitterly attacked the Guatemalan Liberals.

35 "Contestación a la Carta dirigida a los Sres. Redactores de la 'Verdad,'" August 20, 1871, CHS.
stating that the inhabitants of the municipality had to take radical action against the Society of Jesus in order to preserve public tranquility and prevent greater future evils. The government insisted that the expulsion was not an attack on religion; to state otherwise was a malicious calumny. The government warned the reactionaries that the only true constitution in existence was the Act of Patzicía of June 3, 1871, by which "... the provisional president has the necessary power to reform all the abuses of the past administration and duly carry out the principles proclaimed in the manifesto of May 8 of the present year; that is to say, he was invested with a true dictatorship which will cease the day that the country will see the fulfillment of that program." 36 As a final admonition, the bulletin stated that the government, in fulfilling its duties of providing peace, order and liberty, would not tolerate the attacks of the so-called "defenders of religion." 37

Although the government justified a temporary dictatorship, it did not demand a radical reform for the problems facing the administration. It is clear that García Granados desired to continue his policy of moderation but in doing so, he was causing a widening rift in the Liberal ranks. As a result, the radical Liberals looked more and more to Barrios for leadership in a thorough reform. As late as 1874, Lorenzo Montúfar wrote, the Liberals

36 "Alcance al Boletín Número 7," n.d., CHS.
37 Ibid.
needed Barrios to achieve unity of ideas and action.\textsuperscript{38}

García Granados did not underestimate the influential role that Barrios played in the Liberal group. On August 24, 1871, Francisco J. de San Román, the Jesuit Superior, wrote a letter to the provisional president demanding a clarification of the behavior of Barrios in Quezaltenango. The superior made it clear that since the Jesuits had been legally admitted into the republic, their recent expulsion and privation of property could best be considered illegal, inhumane, and an insult to religious authority. He considered it ingratitude to the very men who had rendered many meritorious services to the country, especially since the government had acted without any judicial authority and in a most arbitrary fashion.\textsuperscript{39} García Granados replied that he owed his position to the men in Quezaltenango, and thus he could not oppose them.\textsuperscript{40}

The Jesuits, expelled from Los Altos, immediately received offers of help from the Franciscans and leading families of the capital. Even Henry S. Hudson, the North American minister, offered his protection on the grounds that President Grant had sent instructions to protect persecuted persons.\textsuperscript{41} Some of the prominent ladies of the capital demanded an interview with García Granados, but they were dismissed with the reply that women had no

\textsuperscript{38} M. A. García, VI, 7.  
\textsuperscript{39} Pérez, p. 183.  
\textsuperscript{40} Ibid., p. 184.  
\textsuperscript{41} Ibid., p. 178.
voice in politics. Agitation in favor of the Jesuits was also taken up by many prominent men of the capital, who, Padre Pérez claimed, numbered 6,500, and represented the true feeling of the people about the Jesuits. On August 28, some of these men called for a meeting in the assembly hall of the university to discuss the attacks made against the Jesuits by the junta patriótica in the capital. While the meeting was in session, the junta patriótica barred the exits so that the men could not leave. After their release, they took their complaints to the provisional president who refused to discuss the matter. Next they attempted to publish their complaints, but this was stopped by García Granados. In Villanueva and Amatitlán, both towns only a few miles distant from the capital, signatures were taken up for a petition to keep the Jesuits in the country. This action also was stopped by the arrest of the persons in charge of the petition. In spite of this, and the hostile action of the various juntas patrióticas, four hundred thousand signatures were collected in

42 Ibid., p. 185. 43 Ibid., p. 186.

44 The junta patriótica was a Liberal club in favor of radical and speedy reform. A number of these clubs were founded during the early days of the Liberal period of which the most prominent were those in the capital and Amatitlán. The clubs were an imitation of the ones founded during the independence movement. The juntas of 1871 were anticlerical and the one in the capital played an important role in the expulsion of the archbishop. Padre Perez claimed that the clubs were dominated by Freemasons. Ibid., p. 185.

favor of protesting the expulsion of the Jesuits. These figures were not published until years afterwards. The growing agitation over the Jesuit question became quickly enmeshed in the Conservative uprisings in the Oriente. This led to the expulsion of the Jesuits from the entire republic, but first attention must be focused on Barrios in Quezaltenango.

Shortly after the expulsion of the Jesuits from Quezaltenango, Mother Encarnación, Superioress of the Belemitas, addressed a letter to the archbishop on August 22, 1871, in which she mentioned a threat to her religious community by the local civil authorities. She wrote that Don Francisco Aparicio, the first alcalde of Quezaltenango, came to the convent on the orders of General Barrios, and demanded that the nuns must leave their religious

46 Ibid., p. 188. The figure four hundred thousand appears too high for a country with a population slightly over the one million mark.

47 The Belemitas, also called Bethlemitas, were founded in Guatemala in 1653 by Pedro de San José Bethencourt. Originally it was a religious order of brothers engaged in teaching and hospital work. In 1668 a female counterpart was established to care for women patients. Due to lack of vocations, the male order died out in 1838, at which time it became exclusively a nun's order. After 1838, under the leadership of Mother Encarnación, the order concentrated on teaching. Mother Encarnación also inaugurated a series of reforms which caused a split in the order. The reform group under Mother Encarnación went to Quezaltenango where they established a school for girls, while the group opposed to the reforms remained in the convent of Belén in the capital, and devoted themselves to teaching girls. For further information on the Belemitas, see Alejandro Ortiz López, Historia de la Religión Bethlehemita, I (Bogotá, Columbia, 1955).
house, going either as a group to the capital or individually to private homes. The order further stated that the convent was open to the public and that it would be converted into a school for girls. In the light of these circumstances, the superioress decided to leave with her nuns. In the meantime, the citizens of Quezaltenango heard about the order, and since it caused considerable alarm, the civil authorities reversed themselves. But the reversal was only temporary. The nun considered the revolution an attack upon religion, becoming convinced that it was impossible to carry on her work. Thus she requested the prelate to allow her community to leave the country so that they could continue their work in a more friendly atmosphere. Her desire was to go to Quito, Ecuador. She concluded that the situation was grave and the tempest was about to break. 48 The archbishop's reply, dated August 28, approved Mother Encarnación's decision to leave Quezaltenango, since he deemed it impossible for them to continue their religious life and work under such trying circumstances. He expressed displeasure over the advice of the vicar general of Quezaltenango, who suggested that the nuns relax their rules of the cloistered life. In the meantime, he urged the nuns to enter into trustworthy private homes until the formal order of expulsion would be carried out, and then bring all the members of the community to the capital. 49

48 AC, tomo 1871, doc. 442. 49 Ibid.
informed the prelate that the order of expulsion would be carried out the following Monday, and that her community would leave on foot so as not to attract public attention. She requested the prelate to prepare a house for their arrival so that they might continue their religious life and work.\textsuperscript{50} The letter was immediately followed by another in which she bitterly complained about the behavior of General Barrios. The general had left the city leaving orders that the nuns must abandon the convent before his return. Mother Encarnación insisted on a formal order of expulsion, but this was never given. Instead a group of men arrived with threats and ordered the nuns to leave the convent. Accordingly, Mother Encarnación decided to abandon the convent; she asked the convent chaplain to accompany the nuns to the capital. The chaplain, before complying with her request, went to see the local Commandant, Rumaldo Pacheco. The commandant refused to approve the nun's plan, since she feared a reaction from the people. Pacheco also thought that Barrios would not approve of the nuns' going to the capital. Curiously enough, this same commandant initially gave his approval to the departure, and had even promised to guard the nuns on their trip, but the approval did not designate the hour of departure. Again Mother Encarnación asked the archbishop to give her further instructions.\textsuperscript{51} The archbishop's response counseled her not to come to the capital at this

\textsuperscript{50}\textit{Ibid.} \hfill \textsuperscript{51}\textit{Ibid.}, doc. 470.
time, since he considered such action imprudent. He advised that
when Pacheco offered the promised protection, and Barrios returned,
then she should formulate her plan of action and submit it to the
vicar provincial of Quezaltenango. In her letter of September 14, she informed the prelate that she and her community still
had not left the city, as proposed in her previous correspondence
of September 8, because Pacheco did not permit it. According to
Mother Encarnación, the commandant feared that the departure of
the nuns would raise a storm of protest among the townspeople, and
would be followed by bloodshed. In the meantime, she decided to
await a written order which would make the expulsion definitive.
At this point, the correspondence between Mother Encarnación and
the archbishop terminated. The status of the Belemitas in
Quezaltenango remained in doubt until February of 1873, when the
expulsion order of Barrios was finally carried out. One reason
for the delay was that Barrios was commissioned by García Granados
to proceed to the Oriente to quell the Conservative uprising,
which reached alarming proportions in the beginning of September
of 1871. One can only speculate as to what were the true motives
of Barrios and his subordinates in following a vacillating policy
in regard to the expulsion of the Belemitas from Quezaltenango.
According to Mother Encarnación, it was the fear of possible local
uprisings that such an expulsion would engender.

52 Ibid.
53 Ibid., doc. 442.
54 Ortiz López, pp. 283-285. The description by Ortiz López
however, may have seen certain advantages in using dilatory tactics to cause unrest in the convent. The unrest then could serve as public justification for his order of expulsion. The strategy was actually employed by Barrios on a number of subsequent occasions, when he issued decrees against other religious orders. The strategy would not be fully effected in the present case in view of his departure for the Oriente.

The events in Quezaltenango were paralleled by anticlerical acts in other parts of the republic. Only a number of these acts need be cited to show that strained relations developed between local civil and religious leaders.

Requests for removal of pastors made by local political officials were not infrequent. For instance, in a letter of July 27, 1871, the minister of government and justice informed the archbishop of a request made to the ministry by a jefe político, demanding the removal of Padre Recinos, pastor of Jocotán, for arousing animosity between the peoples of Jocotán and Camotán. He accused the pastor of spreading rumors that the people of Jocotán intended maltreatment of the people of Camotán. Since both of these towns were near the Honduran border, the jefe político

of the abortive efforts to expel the Belemites from Quezaltenango is in accordance with documents in the archives of the curia. The documents, as does Ortiz López, show that the civil authorities employed the same procedure in the unsuccessful expulsion of the Belemites as they had used in the successful expulsion of the Jesuits.
feared that intriguing persons could take advantage of the situation to foment trouble, and thereby cause governmental expenditures in suppressing public disorder.\textsuperscript{55} The archbishop answered that the necessary steps would be taken in the case.\textsuperscript{56} Although requests for the removal of pastors were not uncommon during Conservative regimes, they increased substantially under the Liberals after 1871. A brief review of those found in the archives of the curia indicates that the García Granados and Barrios administrations surpassed their predecessors in cases of this type. Frequently, the exact reason for the removal was not stated, as happened in the case of Padre Recinos. He was accused of causing unrest among the people, but the unrest or hard feelings were never adequately explained.

The case of Padre Raymundo Fourcado, pastor of Mazetenango, was a more revealing example of the conflict between local religious and civil authorities. On July 31, he complained to the archbishop that the jefe político of his department had restricted his right of preaching and private conversation, which he found difficult to comprehend in light of the absolute liberty the Liberal authorities had declared. In a lengthy letter, the pastor analyzed the problem that the Church faced in nineteenth century Liberalism. He felt that the basic issue was the separation of Church and state. Separation, as explained by the pastor, meant

\textsuperscript{55}AC, tomo 1871, doc. 378. \textsuperscript{56}Ibid.
the supremacy of the Church in religious matters and flowed from Christ's command: "Render to Caesar the things that are Caesar's and to God the things that are God's." To think that Christ commanded His apostles to preach only that which was pleasing to political authorities, or to preach according to the whims of each generation or political group, was utterly ridiculous. God has rights not only over the individual but also over the social man. God is the very life of the state; to deny this can result only in the greatest misfortune. The Church does not preach complete submission to the state. The priest warned that if the nineteenth century is bent upon destroying these ideas, it will fail just as Nero failed to destroy Christianity. Next the pastor explained the origin of his differences with the jefe político. He thought it stemmed from a burial sermon he gave for a soldier of Cerna's army. According to the pastor, a local woman, who led an immoral life and whom the pastor had reprimanded, reported that the sermon contained traitorous remarks. Padre Pourcado denied it, stating that since the sermon was delivered prior to the Liberal victory, it was his duty to preach obedience to lawful superiors. Furthermore, he criticized the Liberal demand of unrestricted liberty and other ideas which he considered utopian and lacking in morality and justice. Criticizing the jefe político, whom he considered an irreligious and uneducated man, he stated that the official had not even attended the local "Te Deum" service which was offered in honor of the recent Liberal victory. He asserted that the official
hobbled criminals whom he would not permit to be brought to justice. He thought that the unorthodox behavior of the jefe político was mainly due to the advice and instigation of Joaquín Barrios, probably a relative of Justo Rufino Barrios. The official had gone among the poor people of the town, urging them to serve as witnesses against the pastor. Padre Fourcado considered it curious that the jefe político continuously insisted on wearing a red shirt, even on the most solemn occasions. The priest thought that the official liked the color because it undoubtedly expressed his sentiments which were of the same color. In addition to wearing the red shirt, the jefe político insisted on carrying a machete at all times. The pastor concluded that the provisional government would do well to castigate the official and his admirers, especially ordering him to use his machete only for cutting superfluous branches on trees. Exposition of this case apparently had little effect on the political authorities. By the end of December of 1871, the archbishop was informed that the priest had been expelled from his parish. In the note that the archbishop addressed to the minister of government and justice, General Barrios was held responsible for the expulsion. Furthermore, the general was accused of mistreating the priest by striking and imprisoning him prior to the expulsion.


58 *Ibid.*, doc. 708. See also *Ibid.*, tomo 1872, docs. 607 and
Whereas the letter of Padre Fourcado pointed to ideological differences between the Church and state, the report of Padre José Otañez questioned the qualifications of an appointed official. Padre Otañez, who had a parish in the department of Petén, informed the archbishop that a new jefe político had been appointed for the department. As was the custom, inauguration ceremonies were held for the new appointee, including a Mass and "Te Deum." As the festivities of the day wore on, the new jefe político became inebriated, and under the influence of alcohol, he shot three men and wounded a woman. This violence caused serious unrest among the inhabitants, and to avoid the outbreak of an insurrection, the priest requested the alcalde to imprison the jefe político. In the meantime, word was awaited from the central government as to what measures should be taken against the official. The pastor had placed himself in the precarious position of being responsible for the imprisonment of his political superior. There were no serious repercussions from the case, but the report of Padre Otañez demonstrates that the differences between a civil official and a pastor were not always ideological. After 1871, letters of pastors criticizing local political

610; tomo 1873, doc. 837 and El Malacate, February 3, 1872, pp. 3-4 and February 8, 1872, pp. 1-3. El Malacate called Padre Fourcado an idiot and a bandit because he attacked Barrios. It defended the action of Barrios on the grounds that the priest was preaching sedition.

59 AC, tomo 1871, doc. 422.
officials increased substantially. It is not always clear whether this resulted from the enforcement of Liberal measures or from the unbecoming behavior of local political officials, as was the case with Padre Otañez.

The increasing number of anticlerical broadsides, which directed their attacks mainly at the Jesuits and other religious orders, further strained relations between Church and civil officials during 1871. A broadside written by Inés Ramirez on August 28, 1871, demanded the expulsion of the Jesuits from Guatemala because the Society of Jesus "... consisted of hypocritical, egotistical, proud and fanatical members who were intent upon impeding progress and keeping the entire world ignorant." Other writers saw the entire Church as an impediment to nineteenth century progress. Marco Aurelio Soto, intimate friend of Barrios and interim president in 1876, edited El Centro Americano, a mouthpiece for Central American union. In an article dated December 2, 1871, he analyzed the true meaning of unity. Considering first false unities, such as the unity established by the Roman Empire and later the Catholic Church, he asserted that the Protestant Reformation, which terminated the false universal unity of the Church, was a "magnificent movement of the spirit which returned to man his conscience and right to think." He saw in the Protestant Reformation the beginning of individualism and

60"Concuidadanass," August 28, 1872, CHS.
diversity, which opposed the arbitrary will of one man, "... who in his high office, where ignorance and prejudice have placed him, necessarily loses reason, raves, opposes progress and converts himself into an idol, which desires homage due only to the divinity." Unity, Soto continued, must provide ample room for the individual to develop his faculties so as to perfect himself. Similarly, a nation uses diverse elements in achieving strong unity. Pointing to the United States as a model, he added that Italy, Germany and Spain were in the process of achieving this unity. In fact, he did not consider it utopian to envision a confederation of Europe in the future. All this, he concluded, could be achieved if mankind worked with a spirit of diversity of races, laws, customs and religions, essential to the development of man's faculties. 61 The views of Soto rejected religious authority founded on orthodoxy and unity of beliefs. He saw the true strength of a unified nation in the diversity of its components.

The broadsides brought periodic complaints from Church officials. On November 9, the ecclesiastical Curia requested the civil authorities to stop the circulation of publications which contained attacks on Catholic doctrines and morality. 62 In spite

61 El Centro-Americano (Guatemala), December 2, 1871, p. 1.
62 AC, tomo 1871, doc. 595.
of clerical complaints, the tempo of the attacks increased as the radical Liberals played a more influential role in the García Granados government. 63

With the Jesuits concentrated in the capital, García Granados faced the most crucial test of his policy of moderation. Demands for and against their expulsion were daily increasing in intensity. 64 The junta patriótica of the capital was one of the most vociferous groups in urging the provisional government to take measures against the Jesuits similar to ones inaugurated by Barrios in Quezaltenango. In a circular dated August 26, 1871, and signed by José Barberena, Marco A. Soto, Ramón Rosa and Manuel Ubico, the junta assured all the religious superiors of convents that the demand for the expulsion of the Jesuits should not and cannot be interpreted as a threat to the existence of other religious congregations in the Republic. The junta did not intend their expulsion, and would be the first to oppose such action, if attempted, since the other religious communities, through the cultivation of moral principles, cooperated in the work of civilizing the

63 Santiago Malaina, S. J., La Compañía de Jesús en El Salvador, C. A. desde 1864 a 1872, p. 54. Padre Malaina attributes much of the anticlericalism of this period to the work of the Masons. On the other hand a biographer of Barrios points out that Freemasonry was not officially established in Guatemala until some years after 1871. Carranza, El General Justo Rufino Barrios, p. 30. The Guatemalan Freemasons, in 1871, probably were associated with the Mexican Masonic lodges.

64 La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas, p. 6.
people. The junta insisted that the wealth of the Jesuits was a serious threat to political stability. Not only did they foment political disorder but in so doing they were "... perverting the intelligence of youth: depressing the national clergy and the regulars, whose evangelical mission is charity and peace; and misleading through fanaticism the weaker and innocent elements of society, whom the Jesuits make believe that religion and the Jesuits mean the same thing." It was for the sake of religion that the junta demanded the expulsion of the Jesuits, "the worst enemies of Christianity," a fact that had been recognized in all civilized countries, even by Pope Clement XIV himself. Therefore, the religious superiors were asked to help in pacifying the agitated minds of the people, whom, the junta claimed, the Jesuits had stirred up in order to prevent their expulsion. 66

Circulars were also printed requesting the public to offer expressions of gratitude to the provisional president for his religious policy. This was an indirect endorsement of the anti-Jesuit policy of Barrios. Mother Adelaida, prioress of the Carmelites, quickly voiced her disapproval in a letter to García Granados stating that she could not feel grateful "... because the Jesuits are members of the Church as I am; and when one member

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65 "Circular de la Junta Patriótica a los Conventos Religiosos," August 26, 1871, CHR.

66 Ibid.
is cut off the body, the rest resent it also."67 No other letters appeared which would show that other religious groups expressed views similar to those of Mother Adelaida.

Agitations of a similar nature took place in other nearby cities. While the junta patriótica in the capital agitated against the presence of the Jesuits, the junta patriótica of Antigua took up the cry against the Capuchins. The main agitator in this junta appears to have been Manuel Lemus, who according to Padre Pérez, had been educated by the Jesuits, but on his sojourn in Paris had lost his religion. The opposition of the people in Antigua frustrated his plans. The junta even sought the aid of García Granados, but facing a serious crisis in the capital, he apparently had no desire to arouse additional animosity.68 Notwithstanding, two attempts were made to expel the Capuchins before November 4, 1871. Both efforts were thwarted, however, by armed intervention of the people of Antigua.69

The dilemma confronting García Granados assumed menacing proportions. If the Jesuits were illegal in Los Altos, what then was their status in the capital? He had already committed himself to the approval of the act of Barrios in this matter. The continued presence of the Jesuits in the capital fed the fires of agitation both among friends and enemies. Finally, the reports of the

increasing rebellious activities in the Oriente threatened the stability of his regime. In fact, there was a growing threat of an invasion of the city by the rebels. Padre Pérez asserts that an invasion might have been attempted, except for the poor leadership among the rebels and their fear that an invasion at this time might bring personal harm to the Jesuits.\textsuperscript{70} In light of the threatening situation García Granados finally resolved upon the secret expulsion of the Jesuits. Before carrying out his resolution, he called for an interview with some of the leading citizens of the capital, including one or two of the members of the ecclesiastical curia. It was during the interview that he announced publicly his intentions concerning the Jesuits. Immediately, Doctor Francisco A. Espinosa, a member of the curia, and Enrique Palacios voiced their disapproval on the grounds that it would be an act of injustice and an attack on individual guarantees. The reported answer of the president to these men was "... that he had not called them to discuss, but to listen, to see and be quiet.\textsuperscript{71}

The Jesuits already had a premonition of what was coming. Shortly before the order of expulsion of September 3, the Jesuit superior, Padre Francisco San Román, wrote to the provisional

\textsuperscript{70}Pérez, pp. 194-195.

\textsuperscript{71}La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas, p. 7. See also Pérez, pp. 194-195.
president of El Salvador, Santiago González, seeking his permission to enter El Salvador should his society be expelled from Guatemala. He received a favorable reply. However, on September 7, the Salvadorean constituent assembly, not knowing that the actual expulsion of the Jesuits had already taken place in Guatemala, voted against the action of the provisional president, a fact that was unknown to the Jesuits until they attempted to enter El Salvador a few days later. Although González was a Liberal and his usurpation of power in April of 1871, had actually been aided by Guatemalan Liberals, he faced a situation similar to that of García Granados in Guatemala. Padre Malaina, an authority on Church history in El Salvador, considered him favorable to the Salvadorean Church but too weak in the face of the Liberal radical opposition.

García Granados still faced the more vexing problem of enforcing his resolution of expulsion. To avoid further outbursts, he decided to carry out the expulsion as secretly as possible without issuing a formal decree. On Sunday, September 3, 1871,

72 Maliana, La Compañía de Jesús en El Salvador, p. 59.

73 Ibid., p. 65. Padre Malaina cites the complete letter of the constituent assembly in which they refused permission for the Jesuits to enter El Salvador. No specific reasons for the refusal were given.

74 Ibid., pp. 67-73.
Manuel Cano Madrazo, commandant of the department, brought the following letter to the Jesuit superior:

By the disposition of the Minister of War, I have the honor of directing an invitation to you that tomorrow morning at four o'clock sharp you, all Jesuit priests, novices and lay brothers in the Colegio de Tridentino will make the necessary preparations to go to the port of San José and embark on the ship scheduled to leave for Panama on the fifth of the present month. The Minister of War has asked me to inform you through the disposition of the Provisional President and I wish you and all the Jesuits a very pleasant journey. 75

The presidential order contained no explicit reasons for the expulsion. In ordering the expulsion García Granados made a significant concession to the radical Liberals.

Receiving the letter, Padre San Román requested additional time to make necessary preparations for the trip. He claimed that the North American minister had interceded in the society's behalf, obtaining a concession from García Granados that the

75Cited in Pérez, p. 197. The present writer has chosen to follow the account of the expulsion of the Jesuits as given by Padre Pérez, since he was among the number expelled. However, a slightly different version is given by Casimiro Rubio, a biographer of Barrios. Rubio holds Barrios, who perhaps was in the city when the order was given, responsible for the expulsion. According to Rubio, García Granados demanded a full explanation from Barrios concerning the expulsion of the Jesuits from the country. His reply was that not only had he ordered it because of the popular insistence of the people of Los Altos, but also because it was the will of the people of the entire republic. His action apparently exasperated the provisional president, who supposedly answered Barrios, "Fine, you have involved us in this difficulty and you will know best how to get us out of it. I wash my hands of this affair." To which Barrios is supposed to have replied, "I shall then see what should be done." Cited in Rubio, p. 138. Undoubtedly, Barrios' action in Quezaltenango forced the hand of García Granados against the Jesuits in the capital. Nevertheless, the final expulsion of the Society of Jesus must remain the
Jesuits would have three additional days in the country. García Granados denied granting such a concession. Padre San Román also objected to the destination of Panama, a place he regarded as unfriendly because the Colombian government had recently enacted anticlerical legislation which was especially severe concerning the Jesuits.

At 4 A.M. on September 4, the seventy-two Jesuits left the capital enroute to the port of San José. The majority of them were Spanish, Irish, Italian and other nationalities of South America. On arrival at the port, the captain of the North American ship, Salvador, informed them that he considered the Jesuits prisoners, and as such, his instructions were to refuse their entry. The technicality was removed when one of the Jesuits asked permission to enter the ship. On board the ship, besides responsibility of the provisional president. The letter, as cited by Padre Pérez, bears this out, since it mentions specifically that the order came from the provisional president.

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76 Ibid., pp. 197-200.
77 Ibid.
78 Ibid., pp. 624-626. Padre Pérez lists all the Jesuits expelled. The seventy-two included the eleven Jesuits who had originally been expelled from Quezaltenango. In addition to the seventy-two, there were four Jesuits in the port town of Livingston on the Caribbean side. These sought refuge in British Honduras. There is no evidence that the spirit of nationalism influenced the expulsion of the Jesuits.
79 Carranza, El General Justo Rufino Barrios, p. 18.
80 Pérez, pp. 205-206.
the seventy-two Jesuits, there were ex-President Cerna and Ambrosio de la Vega, a merchant who had aided in soliciting signatures in the Santa Rosa area against Liberal decrees. Padre Pérez did not indicate the destination of either man. Another passenger was Delfino Sánchez who, according to Padre Pérez, was going to the United States to buy arms to aid Barrios in an independence movement in Los Altos. 81 It is highly doubtful, however, that Barrios wanted independence for Los Altos at this time. Burgess and Rubio insist that Barrios made additional purchases of military supplies because he feared that the rupture between the radicals and moderates had weakened the Liberal front. 82

On the day before the scheduled departure, September 5, Archbishop Piñol sent the Jesuits his expressions of grief. He thanked them for the good work they had done for the Guatemalan church and people, especially teaching. 83 Probably the letter of

82 Rubio, p. 139 and Burgess, p. 96. Delfino Sánchez returned from his trip to the United States in December of 1871 with one thousand Remingtons and one machine gun. In addition he also had purchased two printing presses, one for the capital and the other for Los Altos. El Centro Americano, Guatemala, December 22, 1871, p. 3.
83 Pérez, p. 207. After leaving Guatemala, the Jesuits were refused admittance in El Salvador and Honduras. They temporarily settled in Nicaragua, but were forced to leave because of the growing tide of Liberalism. They finally received permission to enter Costa Rica, where earlier the permission to enter had been denied because of the influential role of Lorenzo Montúfar in Costa Rican politics. In fact at the time of the Jesuit expulsion
the archbishop was not made public. A few weeks later, when the provisional government sought a public statement from the prelate to justify the expulsion of the Jesuits, the archbishop refused. His refusal led directly to his expulsion, as will be noted in the following chapter.

On September 5, García Granados offered a public explanation for the expulsion. He held the Jesuits, whose views he termed incompatible with liberty, responsible for the growing insurrection in the Oriente. Their status in the country had been illegal because the representative assembly of 1851 which approved their re-entry acted under pressure from the dictator Rafael Cavrera. He accused the reactionaries of making propaganda asserting that the Liberals attacked religion, and intended to follow the expulsion of the Jesuits with that of the other religious orders, and even the expulsion of the archbishop. The Jesuits, García Granados charged, furthered these rumors by not denying them and by not leaving the country voluntarily. He further stated that the expulsion was not carried out in a violent manner. The Jesuits were given several days' notice of their expulsion so that they could prepare themselves for the trip, along with providing them with the means for the journey to the port of San José,

from Guatemala, Montúfar hoped that the Jesuits would not be tolerated in any of the Central American Republics. Rafael Montúfar, Comprobaciones Históricas el Doctor Lorenzo Montúfar y el Partido Jesuítico (Guatemala, 1899), p. 93. His hopes were realized shortly before 1885, when Costa Rica, under a Liberal administration, declared the Jesuit Society illegal in the republic.
and paying their passage to Panama. Insisting that the official position of the government was not inimical to the Church, he remarked: "You know well that I am not accustomed to lie. I assure you that neither do I shelter nor have I sheltered the least idea of attacking Religion or any of its ministers. But you will also understand that I have not only the right but the duty to preserve public tranquility." Obviously, the assertion that the Jesuits had sufficient time for preparations was untrue. Nor did García Granados keep his promise not to molest other religious communities and the archbishop. A few days after this statement, he found it necessary to expel the archbishop for reasons of public tranquility. Finally, according to Padre Pérez, the Jesuits received no compensation from the government for the passage to Panama.

On September 6, Barrios received orders from García Granados to suppress the insurrection in the Oriente. In his reply to the orders Barrios expressed his full support of the provisional president's expulsion of the Jesuits, and stated his reasons why it was necessary to take up arms against the people of Santa Rosa, the center of the rebellion in the Oriente. He assured his followers that his commission to put down the rebellion was to save his fellow citizens from the clutches of tyranny. In analyzing

84 "Compatriotas," September 5, 1871, CHS.
85 Pérez, p. 200.
the origins of the uprising he noted:

Generosity and perhaps excessive indulgence, a consequence of Liberal principles which we use, have aided the enemies of the fatherland, because they have believed us weak on seeing that we do not mark out victory with scenes of horror and extermination as they would have done. Some ambitious men, who do not stop at any means to gain their ends, today desire to make religion a pretext for shedding blood, causing grief and desolation to innumerable families, planting implacable hatreds, and destroying for always the future of our fatherland. They have taken for their pretext the expulsion of the Society of Jesus and these very men [Jesuits] have divided and plotted brothers against brothers. In place of the true religion, these men have only egotism, and since they have been expelled from almost all of the Catholic world, which more than once they have stained with blood, they desire at every cost to remain in Guatemala to do to us what they have done in various countries of Spanish America. Men who have no fatherland (they say it), can be nothing more than noxious, because men who have no fatherland lack the highest honor of humanity; men who have no family and who say they have renounced the benefits of society, should be excluded from our soil, because those who may kill us value nothing, not even the grief of hundreds of families. Rather than ministers of God they should be called the bearers of discord. The true priest of the religion of the crucified always will tell us: LOVE ONE ANOTHER; but these tell us: HATE THE ONE THAT DOES NOT LOVE US, AND DO NOT STOP AT ANY MEANS OF SAVING US.

In the concluding part of the address Barrios warned the people that the Liberals will not be deceived by "false prophets." He reiterated that the government had no intention of attacking religion; on the contrary, it insisted on "holy morality" as a norm of conduct. Accusing a few ambitious men of instigating the revolt, he insisted that he would seek vengeance on ". . . those who have instigated the people and have converted them into an

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instrument for extermination and tyranny." The Jesuits, who were on their way to exile at the time the proclamation was made, were probably unaware of the accusation. Neither is there any evidence that the Jesuits attempted to refute the charges at a later date.

Although neither García Granados nor Barrios substantiated the charges against the Jesuits, the Liberal press accepted them as true. The press accused the Jesuits of fomenting rebellions in the Oriente but it held them responsible for revolutionary acts in the country until the middle of 1873, when the rebellious factions were finally defeated. To view this struggle between the state and the Church solely in the light of Jesuit intrigue is to overlook some of the issues, which eventually terminated the residency of the Society of Jesus in Guatemala. Barrios in his proclamation charged that the Jesuits were men without a country; that is, men without a national allegiance. Their only allegiance was to the pope. Barrios found it difficult to understand how the Jesuits, without a national loyalty, could consider themselves good citizens of a state. Obedience to the pope or a religious superior in Rome meant an inevitable clash with the Liberal concept of

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87 Cited in ibid., pp. 19-20. For the proclamation of Barrios see also Burgess, pp. 98-100.

sovereignty, where the will of the people had little or no limitation. The issue that Barrios raised at this time became an important consideration in Liberal circles when the status of other religious communities was questioned.

Furthermore, Barrios' views found little favor with clergy-men who found in religion dogmas as well as morality. In his proclamation Barrios spoke of "holy morality" as a norm of conduct for the people. Later clarifying his statement, he observed: "I shall not involve myself in discussing which religion or sect is better or worse, more true or less false; but I positively believe that without religion no society is possible and I accept that in which I was born, because it is a religion of consolation. Some speak to the intellect; I prefer to speak to the heart and as to the next life I expect a better world." Barrios obviously had little sympathy for religious dogmas. His religion, in the opinion of one Guatemalan writer, was essentially the love of mankind, having much in common with the religious views of August Comte.

The religious notions of Barrios and other Liberals have not received much attention in scholarly studies of Church and state relations in Guatemala. Many Holleran, for example, showed little

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89 Cited in Rubio, p. 136.

awareness of these notions and instead saw the conflict between
the Church and state in terms of the **patronato real**. Given the
premise of the Liberal concept of religion and the perfectibility
of man, the conflict was inevitable with or without the **patronato
real**. Barrios' proclamation in Quezaltenango was not just cam-
paign oratory. The new role of religion already was being outlined
in the educational reforms initiated in 1872 in Quezaltenango.

By July 23, 1872, the **Boletín Oficial** commended the educa-
tional reforms introduced in Quezaltenango under the auspices of
Barrios. The comments specifically concerned the **Colegio Depart-
mental de Quezaltenango** under the directorship of Anselmo Valdés.
Formerly the property of the Jesuits, the **colegio** offered a new
curriculum for secondary students which included Spanish grammar,
geography, world and national history, arithmetic, morality,
urbanity, lineal drawing, physics, French, English, practical
telegraphy, Latin, Greek, rhetoric, poetry, philosophy, bookkeep-
ing, and practical arithmetic. Observing that the curriculum
was planned for courses of "positive utility in every day life,"

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91 Holleran, *Church and State in Guatemala*, p. 41.

92 According to a report from the National Institute of
Quezaltenango, the course in morality included the learning
of love and respect for reason, the physical world and
humanity; voluntary practice of the virtues, justice and
honesty and the cultivation of the finer things in life that
contribute to the progress of mankind. Urbanity called for
the teaching of personal cleanliness, good conversational hab-
its, courtesy, and politeness. The principles stressed in these
the Boletín justified the omission of a course in religion with the statement that although religion is the foundation of all education it was not included "... because it is presumed that it already has been studied in the elementary school and the home. ..." 93 Apart from the lack of religious instruction, the new curriculum differed little from the previous curriculum drawn up by the Jesuits. For instance, traditional courses such as Latin, Greek and philosophy were still included in the program of studies. In addition, the Jesuits had modernized their curriculum by offering more science courses, which probably differed little from those offered in the new curriculum. In fact, the official Boletín could point to only two significant innovations, namely no course in religion and the practical aspects of certain courses. The radically Liberal newspaper, El Crepúsculo contended that Latin and other studies alien to secondary instruction should be dropped altogether. According to this paper, instruction should be based on the sciences

... most adaptable to the furtherance of national industries: such as mathematics, physics, chemistry, botany, meteorology, agriculture, horticulture, veterinary, geology, metallurgy, minerology, history of mining, astronomy, various forms of drawing, arithmetic, commerce and bookkeeping, and everything that is related with civil, military and mineralogical engineering: in addition foreign languages, especially

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The recommendations of *El Crepusculo* probably were premature in 1872, but they were prophetic in that they became the core of the educational reforms that Marco A. Soto and Lorenzo Montúfar subsequently introduced.

Efforts were also made to expand primary education. According to Carranza, General Barrios made special efforts to erect primary schools devoted exclusively to the education of the indigenous classes. Night schools were established in Totonicapán so that workers would become conscious of their rights. The Guatemalan Liberals were fully aware that a government by the people was impossible without a widespread system of popular education, which would be obligatory from the ages of six to sixteen.

The suppression of the Jesuits eliminated a competing educational system. Simultaneously, Jesuit property could be used to implement the educational reforms. As stated, the municipality of Quezaltenango had expropriated the Jesuit Colegio. Although some

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94 *El Crepusculo* (Guatemala), June 8, 1872, p. 1.

95 Carranza, *El General Justo Rufino Barrios*, p. 20. Carranza considered this the first venture of its type in Guatemala. He obviously neglected to see the work done in education prior to 1871.

96 Carranza, *Un Pueblo de los Altos*, p. 147.

Liberal authors assert that the Jesuits owned extensive haciendas, the fact that they had been in the republic only about twenty years before their expulsion in 1871, suggests caution in accepting the Liberal contentions. It can be noted that when García Granados ordered the expulsion of the Jesuits in September of 1871, he issued no instructions for the disposition of their property. Barrios, acting as interim president, issued the first instructions concerning Jesuit property in a decree of May 24, 1872. It stated that the expulsion of the Jesuits was an accomplished fact; their property was to be nationalized and disposed of by means of public auctions. The income was to be employed for the public good, the present needs of the public treasury and to compensate the government for expenses incurred in paying the passage of the expelled Jesuits. The hacienda of Las Nubes was the only specifically mentioned Jesuit property. The decree does indicate that the Jesuits had additional holdings. Besides Las Nubes, Padre Pérez reported the existence of a small finca

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98 For example, see Díaz, Barrios ante la Posteridad, p. 111.

99 Recopilación de las Leyes, I (1874), 89-90. See also Boletín Oficial, December 6, 1871, p. 1. The hacienda of Las Nubes originally belonged to the Church of La Merced in the capital. Ever since the colonial period, this property belonged to the Mercedarian Fathers, but by the middle of the nineteenth century, the order was almost extinct in Guatemala. With the return of the Jesuits in 1851, Archbishop García Peláez placed them in charge of the Mercedarian property. He also placed them in charge of the diocesan seminary called Semanario Tridentino.
near the capital devoted to the cultivation of coffee. After selling the hacienda of Santa Apolonia because it was impossible to administer, the finca of San José near the city of Quezaltenango was purchased. The income from these fincas was to be used in educating Jesuit seminarians and for the maintenance of religion in general. 100 Whether the government used all of this property for the public welfare, such as establishing schools, is difficult to ascertain. There are strong indications that some of the Jesuit property later passed to private hands with little or no reimbursement to the public treasury. 101 Whatever was the fate of their nationalized property, the Jesuits were not expelled because of their property holdings. This undoubtedly is one reason why the amount of Jesuit property remained a mute point in the proclamation of García Granados and General Barrios.

To his dismay, García Granados realized that the expulsion of the Jesuits had not reduced unrest in the country, especially in the Oriente. On September 13, he reiterated his declaration that the friends of the fallen administration were inciting the people to revolt by spreading rumors that his regime was

100 Pérez, p. 102.

101 Valladares, pp. 303-304. The position of Mr. Valladares is supported by Enrique Guzmán, who was well acquainted with Barrios and his ministers. In his Diario íntimo, he specifically mentions Martín Barrundia as being the recipient of part of the convent of Concepción; Francisco Lainfiesta, the Escuela de Cristo; and Delfino Sánchez, the convent of Santa Clara. These men all served in various ministerial positions under Barrios. Guzman, p. 147.
determined to attack the religious beliefs of the people. Directing his remarks specifically at the discontent in Santa Rosa, he assured the people of that department that his administration has no intention of attacking their religion but rather was determined to defend it. The assurances produced no confidence in the Liberal regime among the Santa Rosans. A few days later, Barrios was placed in full charge of suppressing the Santa Rosa insurrection headed by Manuel Solares. On September 23 and 24, General Barrios won the decisive battle of Cerro-Gordo. It was not a decisive victory over the rebels, for rebellions continued until 1873. Nevertheless, the reactionaries had suffered a setback, which gradually led to the pacification of the Oriente.

García Granados had paid a great price in pacifying the Oriente, for he had sacrificed his policy of moderation for one of radicalism. He could say truthfully that until he expelled the Jesuits, he had been most tolerant and, God willing, he desired to continue his rule of moderation. As subsequent events proved, his intentions were doomed to failure. By expelling the Jesuits, he antagonized the Church, and began his first retreat to the radical camp of Barrios. The general from Los Altos was now in command, and the religious revolution had begun.

102 "Santaroseños," September 13, 1871, CHS.

103 Rubio, p. 146.
CHAPTER IV

RADICALISM ASSUMES CONTROL

The expulsion of the Society of Jesus not only aroused fears about the status of other religious communities but it also violated the Concordat of 1852. In the concordat, the civil government guaranteed the preservation of all religious communities already established in the republic and noninterference with those to be established in the future. The government also promised to respect the canonical laws governing religious houses as well as their religious constitutions.¹ It should be recalled that President Mariano Paredes and his assembly had approved the establishment of the Jesuits in 1851.²

A broadside the junta patriótica of Amatitlán issued on September 20, 1871, led the archbishop to protest. In it the junta lamented the unnecessary bloodshed in suppressing the Oriente rebellion. The broadside asserted that among those responsible for the bloodshed were the religious fanatics who created the impression that the present regime was attacking

¹José Rodríguez Cerna, ed., Pactos con Países Europeos y Asiáticos (Guatemala, 1944), III, 254.
²La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas, p. 7.
religion, García Granados and Archbishop Piñol. García Granados was considered too lenient in suppressing the rebellious factions while Piñol did nothing to calm the disturbed minds of his flock.³

As noted, on August 16, 1871, the archbishop had protested the expulsion of the Jesuits from Quezaltenango and the increasing tempo of propaganda against those then residing in the capital.⁴ The prelate received no official answer from the chief executive other than a promise that he would not attack the religious beliefs of the people.⁵ When García Granados ordered the expulsion of the Jesuits from the republic in September of 1871, the archbishop considered the action of the government a violation of its promise and the real cause for the insurrection in the Oriente.⁶ Furthermore, the archbishop reported that in confidential conversations, García Granados sought the publication of a pastoral letter urging the faithful to avoid all acts of violence.⁷ This the

³"La Junta Patriótica de Amatitlán, a Los Pueblos de la República," September 20, 1871, CHS.

⁴Circular del Arzobispo de Guatemala, Al Clero y a Todos Los Fieles de la Arquidiócesis (San Salvador, El Salvador, 1872), pp. 4-5. The circular contains the complete set of documents relative to the expulsion of Archbishop Piñol. The documents were prepared for publication by the archbishop during his temporary exile in León, Nicaragua, to inform the Guatemalan Catholics as to the true reasons for his expulsion.

⁵Ibid., pp. 1-2. ⁶Ibid.

⁷Ibid.
archbishop refused to do. When the junta patriótica of Amatitlán learned of the confidential conversations, it held the archbishop responsible for the Oriente rebellion, since he failed to issue the desired pastoral. Defending himself, in a letter of October 2, addressed to the minister of government, justice and ecclesiastical affairs, the archbishop observed that although he had issued pastorals on former occasions calling for obedience and tranquility, he did not consider the present revolt an analogous case, since the government bore full responsibility for the hostile acts of its citizens. He expressed fear that a pastoral letter under present circumstances would cause him to lose his impartiality as a pastor, and would place him in a position of contradicting his note of August 16 to the government in which he protested the expulsion of the Jesuits from Quezaltenango and the propaganda against them. His ultimate request was that he also be entitled to employ the same privilege of freedom of the press as the juntas patrióticas had.

Francisco Alburez, acting minister of government, justice and ecclesiastical affairs, informed the prelate that his ministry had sent a note to the press responsible for the publication of the broadside which accused the archbishop of being responsible for the bloodshed in the Oriente. According to the minister, the

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8 Ibid.  
9 Ibid., pp. 2-3.  
10 Ibid., pp. 7-8.  
11 Ibid.
directors of the press were reminded "... that as a result of the state of siege which is in effect in the city, no publication should be printed without previous knowledge of the government."\textsuperscript{12} The minister, however, was insincere, for in a letter of October 12, he supported the accusations of the junta patriótica of Amatitlán. For the minister, refusal to issue a pastoral could be considered only as "... an unjustifiable omission, which can only be interpreted as the result of an exalted spirit of partisanship, as forgetfulness of holy priestly duties and as indifference to the citizenry, even including the victims of Fraijanes and Santa Rosa."\textsuperscript{13} Furthermore, the minister reminded the prelate that he fully demonstrated his partiality by refusing to write the pastoral which could have calmed the minds of his faithful, especially in removing the false rumors that the expulsion of the Jesuits was an attack on the religious sentiments of the citizens.\textsuperscript{14}

The letter of Archbishop Piñol, written on October 17, refuted the accusations of Francisco Alburez. Reiterating his position, Piñol stated that the attack on the Jesuits was one on religion, and to approve such action would make him an accomplice in the act. It was for this reason, the prelate continued, that he protested their expulsion. He made it clear that he did not

\textsuperscript{12} Ibid., p. 9.  \textsuperscript{13} Ibid.  \textsuperscript{14} Ibid., p. 10.
consider the Jesuits and the Catholic religion identical just as no one may identify the government with its ministers. But just as an attack on a civil official has an effect on the government, so has an attack on a clergyman an effect on religion. He reminded the minister that the question was not whether religion can exist with or without the Jesuits, but whether the Church will suffer if its ministers are attacked. He believed his defense of the Jesuits was in accordance with the dictates of his conscience and in the best interests for religion, which was above all human interests. Adding that he had the complete approval of his cabildo, he requested that his letter be published. The request for publication was refused by the government, as it had been refused on earlier occasions, on the grounds that such publications were prohibited during a state of siege.

In the evening of October 17, the government ordered the expulsion of the archbishop. The expulsion decree, dated October 17, essentially reiterated the accusations of the junta patriótica of Amatitlán and Francisco Alburez. The prelate was accused of complicity in the revolution of the Oriente and open hostility to the civil government. His refusal to issue the pastoral letter was given as a specific example of aiding the rebel cause. In addition, the decree stated that the archbishop

15 Ibid., p. 12.  
16 Ibid., p. 13.  
17 Ibid., p. 3.
had directed to the government "... threatening communications for frivolous motives and with the sole purpose of provoking a rupture, which would serve as a pretext for continuing the civil war." The final accusation in the decree concerned the archbishop's refusal to remove pastors who were aiding insurrections, appoint new pastors for vacant parishes or curbe the abuses of the clergy, in spite of the complaints of the people against these men. This final accusation was not substantiated in the expulsion decree. Evidence available in the archives of the curia does not indicate widespread desertion of parishes by pastors due to differences with political authorities. As mentioned, there was a complaint about Padre Recinos' causing unrest between the towns of Jocotán and Camotán. Although the archbishop assured the government that he would remedy the situation, he apparently did not immediately remove the pastor. The only new case that arose before the expulsion of the archbishop was that of Padre

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18 Recopilación de las Leyes, I (1874), 25. García Granados reiterated the accusations on October 19, when he granted a general amnesty to all those involved in the insurrection of the Oriente. Ibid., pp. 23-24. In an official bulletin issued shortly after the expulsion of the two ecclesiastical dignitaries, the state went to great lengths in emphasizing the utmost necessity of the closest harmony between Church and state in a Catholic country such as Guatemala. The Church authorities were reminded that ecclesiastical personnel could expect special protection from the state if they furthered public order and fulfilled the precepts laid down in the Gospels. "Alcance al Boletín Oficial," n.d. CHS.

19 Ibid.
Sabino González, who informed the ecclesiastical government that he had to leave the Oriente and seek refuge in Ocotepeque, Honduras, because he feared implication in the revolutionary movements.  

The priest's action was approved in a note from the ecclesiastical government dated October 15, 1871. These two cases certainly do not indicate a widespread desertion of parish posts in the Oriente, unless one assumes that the vast majority of the vacancies were never reported to the ecclesiastical authorities. Requests for pastoral resignations multiplied as the Liberal reforms increased. Padre Manuel Estupinian, who requested a change of parishes due to the increased persecution of the Church, is only the first of many pastors who sought similar concessions after the expulsion of the archbishop. But even here, one can discover evidence where pastors heeded the desires of the political authorities to use their influence in easing the disturbed minds of the inhabitants of the Oriente.

On the very day that the archbishop was expelled, the government ordered the expulsion of Auxiliary Bishop Mariano Ortiz Urruela. Like the archbishop, he was accused of fomenting unrest in the republic. The expulsion decree called for his exile to

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20 Ac, tomo 1871, doc. 484.

21 Ibid. The already cited difficulties between Padre Fourcado and General Barrios took place in the Occidente.

22 Ibid., doc. 561.  

23 Ibid., doc. 565.

Panama. The auxiliary bishop, however, fled to El Salvador. Eventually, Liberals in Guatemala and El Salvador demanded his expulsion from the latter, accusing him of aiding the enemies of the Liberal regime in Guatemala. 25 He left El Salvador for Nicaragua on June 24, 1872.

During the early months of Liberal rule, the archbishop made no mention of the Concordat of 1852, in which the civil government recognized the legality of the Jesuit residency in the republic. Although silent in the matter, the archbishop certainly realized that the expulsion of the Jesuits was a violation of the concordat. Had he consented to issue a pastoral calling for pacification, he could have been accused of indirectly approving the expulsion of the Jesuits and thereby approving the violation of the concordat. Such an act would have had immediate repercussions in the Vatican. Thus the binding force of the concordat may well have been the true reason why the prelate refused to submit to the wishes of the civil government. Pope Pius IX fully approved the conduct of the archbishop in his letter of January 4, 1872. 26 Although ecclesiastical officials probably wanted to restrict the controversy to Guatemala and avoid repercussions in Vatican circles, the expulsion of the archbishop and the issue of Church tithes, which arose in December, 1871, made it impossible.

26 Pérez, pp. 228-229.
With the exile of the archbishop, Padre Francisco Espinoso took over the duties as apostolic administrator. His initial act of requesting prayers and Masses for the exiled archbishop throughout the diocese must have raised unfriendly suspicions in governmental circles.\(^{27}\) The apostolic administrator, however, also showed signs of supporting the government's attempts at pacifying disturbed areas. On December 27, 1871, he fully approved the government's request that a Capuchin friar be sent to the town of Xenacoj to calm the people disturbed by recent rebellions.\(^{28}\)

Meanwhile, the civil authorities continued their work of reform. On November 6, 1871, changes were inaugurated concerning the election of the rector, vice-rector and board of counselors of the university. Although previously, only those holding the doctorate could participate in the election, the electorate was expanded to include all licentiates in the republic.\(^{29}\) The reform apparently involved men of a more Liberal persuasion to participate in the election of high university officials. The university reform was quickly followed by a decree prohibiting burials within cities for reasons of public health.\(^{30}\) As a concession to the Church, the government permitted the burial of metropolitan prelates and members of religious orders of both sexes within

\(^{27}\) AC, tomo 1871, doc. 562.  
^{28}\) Ibid., doc. 587.  
^{29}\) Recopilación de las Leyes, I (1874), 37.  
^{30}\) Ibid., pp. 39-40.
cities. There is no indication that the ecclesiastical superiors disapproved of the measure.

Even in Quezaltenango, where Barrios after his victory at Cerro Gordo, resumed his duties as military commander, tensions between civil and religious leaders seemed to be lessening. However, the question of the Bethlemitas, whom Barrios had attempted to remove from their convent before his departure for the Oriente, was unresolved. During his absence, several leading ladies of the city decided that Barrios might be deterred from his plans if he were aware of the work done by the nuns in education. With the approval of Mother Encarnación, an examination of the students was arranged with Barrios in attendance. The general, on accepting the invitation, reportedly observed that he would not expel the nuns if the students answered well. According to the mother superior, the students gave an excellent account of themselves; she was certain that their performance favorably impressed Barrios. She added that Barrios "... spoke very honorably about the school of the Bethlemitas, offered us his devoted protection, and placed himself and the entire republic at our service. In those moments he did not appear as a cruel persecutor of the Church of God, but a man inspired by God." Further evidence of his changed opinion appeared in a letter of October 5, written by Padre Trinidad

31 Ibid.
32 Ortiz López, p. 285.
33 Cited in ibid., p. 286.
Gutiérrez to Archbishop Piñol. According to Padre Gutiérrez, Barrios had no intention of removing the nuns from their convent at this time, and he promised that should he deem such action necessary in the future, the nuns would be advised sufficiently ahead of time so that they could make the necessary preparations.  

Probably, Barrios' conciliatory behavior resulted more from his memory of the protests arising from his initial attempt of ejection than his conviction that the educational work of the congregation was indispensable.  

In spite of Barrios' changed attitude, Mother Encarnación had doubts about her stay in Quezaltenango. The doubts apparently were caused by the expulsion of the two prelates in October and the continued publication of anticlerical literature. It may have been at this time, or shortly thereafter, that Mother Encarnación considered it advisable to draw up a formal note of protest, which she intended to present to Barrios should he seek their eviction from the convent. The lengthy protest made it clear that the members of the congregation had no intention of forgetting their religious duties. All twenty-four members of the congregation signed the protest. Actually, the nuns had two

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34 AC, tomo 1871, doc. 544.  
35 For examples, see "Ciudadano Jeneral J. Rufino Barrios," October 22, 1871, CHS.  
36 Ortiz López, pp. 287-289.  
37 Ibid., pp. 289-290.
full years of grace before any further action was taken against them in Quezaltenango.

After the expulsion of the Jesuits from Quezaltenango, the focal point of the religious controversy shifted to the capital. Following the exile of the archbishop, there was relative tranquility in the capital for a period of a little over two months. The ephemeral peace was abruptly terminated with the abolition of the ecclesiastical tithe. On December 11, 1871, Francisco Alburez, in charge of ecclesiastical affairs, gave the apostolic administrator the first inkling about the intentions of the civil government over tithes. He informed Padre Espinosa that the government has encountered great difficulty in collecting the tithe, which amounted to a ten per cent tax of an individual's income. The civil authorities were thus contemplating a change in the tithe system which would be more equitable, simultaneously protect the rights of the Church, and do justice to the people who are complaining about the heavy burden of tithes. According to the minister, the average annual income from tithes was approximately 20,000 pesos. Under the new arrangement, the government promised to pay the same amount plus another 4,000 pesos, as

38AC, tomo 1871, doc. 704. Indians were, according to custom, exempt from paying tithes. For detailed instructions on the collection of tithes, see Manuel Arevalo, ed., Nueva Instrucción, y Método de Cobrar, y Recaudar los Diezmos de la Iglesia en este Arzobispado de Guatemala (Guatemala, 1815), pp. 1-7.
stipulated in article five of the Concordat of 1852. The annual amount of 24,000 pesos would be paid at the rate of 2,000 pesos per month. In addition, the minister assured the apostolic administrator that the 24,000 pesos would be completely separated from all other funds of the public treasury and that it could be used for no other purpose. The minister indicated that a special law would be emitted placing a duty of one-half per cent on imports and exports. If the duty did not net 24,000 pesos, the government promised to make up the difference. The Church, assured of a definite annual amount, would not be subject to the periodic economic fluctuations. It was hoped that the apostolic administrator and his Cabildo would quickly approve the arrangement so as to unburden the people. The approval also would remove all debts resulting from tithes except those guaranteed by formal contract. Finally, the ecclesiastical authorities were assured that the civil government would present the arrangement to the Holy See for approval. 39

The apostolic administrator immediately informed the minister that the ecclesiastical cabildo was considering the government proposal and would need eight days to answer it. Alburez, in his letter of December 13, thought that three days was sufficient for consideration, since the government desired to inaugurate the proposed reform by the first of the year. 40

39 Ibid.
40 Ibid.
Padre Espinosa yielded to the wishes of the minister and by December 15, the study of the ecclesiastical cabildo was completed. In its lengthy report, the cabildo regretted the shortness of time for making the study. Its first, and most serious objection, was that the government's proposal could not be accepted without prior approval from the Holy See. The report also expressed dissatisfaction with the proposed payment of 20,000 pesos, which was considered insufficient to meet the present or future expenses of the Church. The cabildo argued that the lack of funds had led and would necessitate clergymen to seek outside employment to make a livelihood. The fixed amount also would not permit the Church to partake of the economic prosperity of the country should this take place in the future. The cabildo reminded the minister that it was not the owner of the tithe but the administrator of the income, which was employed to sustain not only "... the episcopal dignity and public worship in the Cathedral but also the seminary, in part the Hospital and even the poor Parishes of the entire Archbishopric, which sometimes request and are given some help in such a fashion that only a small part is distributed among the beneficiaries in compensation for their services as is well known to the Government according to the financial statements in the archive." Even if 20,000 pesos were sufficient for present needs, the cabildo felt that this would not hold true

41 Ibid.

42 Ibid.
ten or twenty years hence when the Church might need double or three times as much. The cabildo noted that the tithe system provided for increased revenue during prosperous times, but this was not included in the government proposal. The cabildo calculated that a one-half per cent tax on imports and exports would never net 20,000 pesos, for according to present figures on imports and exports, the amount was approximately 17,500 pesos.

The government would have to make up both the deficit and the additional 4,000 pesos stipulated in the concordat. Such a condition, the cabildo contended, would not assure an independent revenue as the Church enjoyed under the tithe arrangement. The cabildo proposed raising the tax to three-fourths per cent to assure an independent source of income, and that the additional 4,000 pesos be considered as credit against the public treasury. Approving the cancellation of the debts arising from tithes, the cabildo sought government assurance that persons contracted to collect tithes would be satisfied according to terms of their contract ending with the year of 1871. The report of the cabildo concluded with the remark: "... that before all the proposals should be submitted to the Holy See for its approval: that the proposed amount of twenty thousand is acceptable without prejudice to the four thousand pesos already promised: [and] that the said

43 Ibid.
44 Ibid.
45 Ibid.
income may be truly independent, the tax must be sufficient and this can be done by increasing the tax from one-half per cent to three-fourths per cent. . . ."46

Thus two fundamental questions faced the civil administration. Would it be willing to consent to the authority of the Vatican in this matter? and would it be willing to guarantee the economic independence of the Church? The answers to these two questions are of utmost importance since they provide the framework in which all relations between Church and state were conducted during the Liberal era.

Marco Aurelio Soto, who again took charge of the ministry of ecclesiastical affairs, did not consider the approval of the Vatican an obstacle to the government’s proposal, since similar approvals had been obtained by various European states on any number of occasions.47 The minister did not cite any specific case where such papal approval had been given. In the same letter, dated December 18, Soto pointed out that the government considered the one-half per cent tax sufficient as a substitution for the tithe.48 For the minister, it was of greater importance to heed the will of the people who were clamoring against the unjust taxation than to be concerned about the formality of obtaining approval from Rome or questioning the insufficiency of the one-half

46 Ibid.
47 Ibid.
48 Ibid.
per cent tax. Insisting that the proposal must be carried out immediately for the sake of peace and order in the country, he assured Padre Espinosa that the government would seek the approval of the Holy See at its first opportunity. The minister was convinced that the Holy See's approval was a foregone conclusion in the face of the will of the people.

Supporting the decision of his cabildo in a letter of December 19, the apostolic administrator indicated his willingness to go to Rome immediately to obtain the Holy See's approval for the government proposal. A letter on the following day from the ministry of ecclesiastical affairs ruled out the possibility of a trip to Rome by Padre Espinosa. At the same time, he was informed that the government intended to suspend the tithe due to public pressure. The suspension would go into effect on January 1, 1872, and in the meanwhile, a special convention would be signed with the Holy See to bring about the abolition of tithes. The minister still felt that the approval of the Holy See was solely an anticipated formality. The correspondence of the minister makes it clear that the government was not interested in negotiating the matter with the Holy See, but rather sought the approval of the metropolitan Church for a preestablished policy.

The formal decree suspending the tithes was issued on December 22. According to the decree, the government claimed that

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49 Ibid. 50 Ibid. 51 Ibid. 52 Ibid. 53 Ibid.
tithes worked an injustice on certain classes of society and were difficult to collect. It also noted that although the ecclesiastical cabildo had approved the suspension, it could not give complete consent, since the suspension was in violation of article five of the Concordat of 1852. The government promised that a definite arrangement would be effected with the Holy See. In the meanwhile, the state would give the Church 24,000 pesos annually as a substitute for the suspended tithe. All debts accruing from tithes, not part of a formal contract, were to be canceled as of January 1.

In a note of December 28, the ecclesiastical cabildo reiterated its former position that it would not accept the suspension without approval from Rome. On January 5, 1872, the cabildo directed a note to the Holy See seeking advice in the matter. The reply from Rome, dated May 5, authorized the cabildo to accept the annual government subsidy while the Holy See was negotiating the matter with the Guatemalan government. In a note of July 26, the cabildo indicated that negotiations over the tithe still had not been satisfactorily concluded. A few weeks later, on August 19, the cabildo informed the minister of ecclesiastical

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54Recopilación de las Leyes, I (1874), 70-71.
55Ibid., p. 71.
56AC, tomo 1871, doc. 704.
57Ibid.
58Ibid. 59Ibid. See also tomo 1872, doc. 424.
affairs that the Holy See had authorized it to undertake negotiations with the government.\textsuperscript{60} In the meanwhile, the government paid the Church 2,000 pesos monthly.\textsuperscript{61} Since no new settlement was reached with the Church, this arrangement continued throughout the García Granados and Barrios administrations.

The government subsidy to the Church was not favorably received in radical Liberal quarters. \textit{El Malacate}, approving the abolition of tithes, regretted that the state agreed to give the Church 20,000 pesos annually (excluding the 4,000 pesos as stipulated in the Concordat of 1852). Regarding the clergy as already too rich, the paper contended that it would be better for the government to pay its debts to its employees, who according to reports, were not being paid punctually.\textsuperscript{62} Once again the demands of \textit{El Malacate} show dissatisfaction with García Granados' religious policy. The chief executive continued to demonstrate publicly his good intentions toward his religion when he attended

\begin{itemize}
\item \textsuperscript{60}\textit{Ibid.}, tomo 1871, doc. 704. The conduct of the cabildo in the question of the tithe was heartily endorsed by Archbishop Piñol. \textit{Ibid.}, tomo 1872, doc. 73. That Rome was not adverse to accepting a government subsidy in place of the tithe is well borne out by article five of the Concordat of 1862 between the Vatican and El Salvador. Santiago Ricardo Vilanova, \textit{Apuntamientos de Historia Patria Eclesiástica} (San Salvador, El Salvador, 1911), p. 164.
\item \textsuperscript{61}\textit{AC}, tomo 1871, doc. 704.
\item \textsuperscript{62}\textit{El Malacate}, January 15, 1872, p. 4.
\end{itemize}
Mass with his officials on January 1, 1872, to offer gratitude for the blessings received during the past year and invoke God's protection for the coming year. 63

The Liberals, like their Conservative predecessors, realized that any effective action demanded unanimity among the Central American republics. The initial attempt at unanimity was the Arbizu-Samayoa Treaty of January 4, 1872, between Guatemala and El Salvador. The treaty provided for agreement on the Jesuits, who were still permitted on Salvadorean soil. According to article twelve of the treaty, both governments agreed to prohibit entrance into their republics to the Society of Jesus, which was regarded as harmful to the best interests of their nations. 64 According to Padre Malaina, the Church historian of El Salvador, the treaty was published in the Boletín Oficial of El Salvador omitting article twelve. Padre Malaina asserts that President Santiago González of El Salvador omitted the article because he feared an unpopular reaction. 65 However, the article quickly became public knowledge in El Salvador when the entire treaty was published in the Gaceta de Guatemala a few days after being signed. 66 Thus in accordance with the article, the government,

63AC, tomo 1871, doc. 707.

64Malaina, La Compañía de Jesús en El Salvador, C. A., p. 76.

65Ibid.

66Ibid. With the publication of the treaty in Guatemala, the Auxiliary Bishop of El Salvador, Luis Cárcamo y Rodríguez, and a
the following June, ordered the expulsion of Padres José Telesforo Paul and Roberto María del Pozo and Brothers Eladio Rojas and Francisco Aragón, the only four Jesuits in El Salvador. As evidence of the unpopularity of the treaty, Padre Malaina notes that García Granados on his official visit to El Salvador on January 15, 1872, was coldly received by the people.

The desire for Liberal conformity throughout the Central American republics was reiterated in the Congress of Union called the following month in La Unión, El Salvador. Although called by José María Medina, the Conservative President of Honduras, it promptly surrendered to the Liberal delegates from Guatemala and El Salvador. Ostensibly called for reconstructing the Central

number of his faithful immediately protested against the treaty to President González. The president's letter, dated February 15, stated that the ratification or rejection of the treaty lay in the hands of the constituent assembly and that he would heed its wishes. Ibid., pp. 82-83; "Nos Tomás Miguel y Saldana. . . , Obispo de San Salvador," March 2, 1872, CHS. The treaty was passed by the assembly on March 7 and ratified by President González on the same day. Thus the Jesuits were expelled from El Salvador not by a decree of the government, but by the ratification of a treaty between Guatemala and El Salvador. The reasons for expulsion were not officially stated until the following June. The reasons bear a striking resemblance to those given in Guatemala the previous year. Malaina, La Compañía de Jesús en El Salvador, C. A., pp. 111-114.

67 Pérez, p. 626.

68 Malaina, La Compañía de Jesús en El Salvador, C. A., Padre Malaina thinks that the main purpose of García Granados' trip was to urge President González to pass other reform measures similar to the ones in Guatemala. Ibid.

69 Ibid., p. 77.
American federation, the conference concerned itself primarily with measures directed against the various Conservative and Jesuit exiles who still were afforded refuge in three of the five republics. For instance, article nine of the Pact of Union, signed on February 17, made it possible for any one of the united republics to demand the expulsion of an individual, after certain judicial procedures, from another republic in the union. 70 Article sixteen provided that if any association established in one of the republics was considered prejudicial to the interests of the union, any one of the republics could seek the collective action of three republics to prohibit its establishment. 71 Although the Pact of Union achieved no positive results, it demonstrates an attempt at Liberal conformity in the proposed union.

On December 11, 1871, García Granados issued a decree calling for the convocation of a constituent assembly on March 10, 1872, to draw up a constitution, as had been promised in the Acta de Patzicía. 72 In another decree of the same date, he prohibited the regular clergy from serving as deputies in the assembly, but allowed the secular clergy to serve, providing they did not represent

70 Ibid.

71 Ibid., pp. 77-78. See also El Crepúsculo, March 30, 1872, p. 1, April 6, 1872, p. 2 and April 13, 1872, pp. 1-2.

72 Recopilación de las Leyes, I (1874), 53-60.
the electoral districts in which their parishes were located. 73

The installation of the constituent assembly took place under Barrios, who served as interim president. He gave the inauguration ceremony a religious tone by requesting a "Te Deum," the ringing of the church bells in the capital and the presence of the apostolic administrator and his cabildo. The ecclesiastical authorities complied with the civil request. 74 The assembly convened on March 10, but little was accomplished. 75 Increasing rebellious activities in the Oriente, restrictions on the freedom of press and the declaration of a state of siege, served as obstacles to the assembly in its deliberations. 76

After eight months of sessions, El Malacate disgustedly reported, its main order of business had been the acceptance of resignations of deputies, and the issuance of decrees calling for elections to fill vacancies. 77 Salvador Martínez Flores, editor of the paper, reported that although a constitutional project was presented, it was voted down in its entirety. He attributed its

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73 Ibid., pp. 60-69. 74 AC, tomo 1872, doc. 142.

75 "Nosotros, Los Representantes de la República de Guatemala . . .," March 10, 1872, CHS. The AGG has no record of the proceedings of the constituent assembly. A very limited amount of information is obtainable through a few scattered comments in the contemporary press.

76 La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas, p. 14.

77 El Malacate, October 29, 1872, pp. 1-2.
failure to the deputies who, lacking parliamentary experience, refused to take an independent position. In the same issue of El Malacate, Julian de León and J. Dolores Andrade discussed the shortcomings of the constitutional project. The writers found it inadequate because, lacking the true principles of the Revolution of 1871, it relied too much on the retrogressive principles of the past. The writers claimed there was no provision for the absolute separation of Church and state; the senate would have been an aristocratic body; the chief executive, with his council of state, would have been a monarchial institution and there were too many limitations on the right to vote. As representatives of the Los Altos, the writers feared that the constitution would have centralized power in the capital at the expense of local interests.

Later on, the Liberal newspaper, El Crepúsculo, voiced its opposition to the fact that clergymen were serving as deputies in the assembly. The publication pointed out that:

If, according to Church discipline, a priest is not permitted to marry, therefore he cannot be the father of a family; and this means that he does not have the right of

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78 Ibid.
79 Ibid., pp. 2-3.
80 Ibid. The newspaper also carried a series of articles urging the constituent assembly to make the Indians equal in their rights to the other citizens of the republic. Ibid., June 12, 1872, pp. 2-3. In a later issue Salvador Martínez Flores reminded his readers that only the Revolution of 1871 could restore the Indians to their natural good state which they enjoyed prior to the exploitation of the conquistadores and later the Conservatives. Ibid., July 13, 1872, pp. 1-2.
having a fatherland because his attention as father or citizen would distract him from the exercise of his sacerdotal ministry. With so much greater reason he should not be permitted to discharge so important and weighty an office as legislator, whose principal duty should be to sustain the supremacy of the civil power, which is the representative of the people. Similarly, while the Catholic Church does not desist from its pretensions of supremacy, the people should be protected against everything that can threaten their liberties by not permitting any clerical interference in civil affairs. It is not enough that an ecclesiastic may take an oath which is required of other civil, military, and judicial employees, because it is well known in disagreements between the civil power and the Church, the ecclesiastic is obligated to support the latter and for this he takes advantage of the reservatio mentalis, which makes any oath taken null and void.

A little more light is thrown on the proceedings of the constituent assembly by the Boletín Oficial. In its September 19 issue, the periodical reported that a constitutional project had been presented to the assembly but was rejected in its entirety by a vote of 34 to 16. No report was given as to the nature of the constitutional project or the probable debates that took place before the rejection. The bulletin merely reported that an exposition of the apostolic administrator was read, which concerned the relations of the Church and state as outlined in the constitutional project. On December 19, 1872, the bulletin, in another report, stated that a new commission had been formed to draw up another constitution. Apparently, the second constitution was

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81 El Crepúsculo, November 27, 1872, p. 1.
83 Ibid.
completed in the early part of December, since in its session of December 4 one of the delegates, Ramón Murga, offered amendments to the proposed constitution. He moved that the article prohibiting entail should be eliminated. No reasons were given for his demand. He also requested that the oath for the executive office should read, "I swear to observe the Constitution and the laws of the Guatemalan people, to maintain national independence and the integrity of the territory." Since the Boletín Oficial does not give the original reading of the oath, it is impossible to determine the reasons for the change requested by Murga. Perhaps it was similar to the dispute that arose in the constituent assembly of 1879 when officials taking public office were required not to swear but to promise to uphold their duties. Murga also objected to the extensive powers granted the chief executive. He argued against granting the president power to dissolve the assembly, nominate magistrates and have his counselors participate in the deliberations of the assembly. Although the objections of Murga indicate a strong centralization of power in the executive branch, the constitution writers had made no serious departure from other Hispanic American constitutions, such as the Argentine Constitution of 1853, and the Mexican Constitution

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84 Ibid., December 19, 1872, p. 2.
85 Ibid.
86 Ibid.
87 Ibid.
of 1857. Murga further voiced opposition to the constitutional provision which gave the state the power "... to create, reform and abolish every class of corporations and juridic persons." This provision, and the centralization of power, presented serious threat to the Church as an independent corporation.

Besides the objections of Murga to the proposed constitution, the apostolic administrator also opposed those parts of it which involved Church and state relations. His exposition was read to the assembly, which apparently took no positive action on his recommendations, except promising to give them proper consideration. Fortunately, two copies of the apostolic administrator's exposition remain which aid in reconstructing the position of the Church regarding the constitutional projects of 1872. The position of the apostolic administrator compares favorably with that of Murga.

In his first exposition of September 7, 1872, Padre Espinosa discussed the independent roles of the Church and state. In directing his remarks at the first constitutional project, he

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88 Ibid. The fear of a powerful executive was not shared by a contemporary writer, Augustín Gómez Carrillo, who saw the need for a powerful executive to counteract the ever present danger of political instability. He looked to the senate as the custodian of tradition, which he feared might easily be threatened by radical innovations originating in the lower house. Augustín Gómez Carrillo, Observaciones sobre Algunos Puntos de Derecho Constitucional (Guatemala, 1872), pp. 3-16.

89 Boletín Oficial, December 19, 1872, p. 2.
pointed out that although religion is an absolute necessity for
the creation of a morally good society, the Church must retain its
independent role. He reminded the assembly members that the
Church must be free to nominate its ministers, to have free com­
munication between religious authorities and the faithful, and to
watch over religious instruction so as to safeguard purity of
doctrine. Padre Espinosa found certain of these rights violated
in the proposed constitution, for the chief executive had the
power to confirm or reject nominations made by the ecclesiastical
authority. Padre Espinosa considered this power too extensive,
since it went beyond the limits set by the Concordat of 1852 which
empowered the president only to nominate candidates from a list
presented by the local ordinary. He expressed serious doubt
whether the Church in Guatemala could ever consent to such con­
cessions, since the civil power had failed to uphold certain
articles of the concordat when it decreed the suppression of
tithes and the disbanding of male religious orders. Furthermore, Padre Espinosa expressed concern over the government's de­
mand of the pase of papal bulls. He admitted that at various

90 "Exposición de Señor Gobernador del Arzobispado y del
Venerable Cabildo Eclesiástico de esta Santa Iglesia Metropolitana
a la Asamblea Constituyente de la República," September 7, 1872,
CHS.

91 Ibid.

92 Ibid.

93 Ibid. The decrees for disbanding male religious orders
had taken place in the spring of 1872.
times in the past the Church had extended the privilege to certain
governments, but only in the sense of toleration. The unre-
stricted use of the civil *pase*, he felt, would place the diocesan
prelate in a "... worse position than the least of the citizens,
who according to article thirty-eight are assured the right of
publishing and printing their opinions without submitting to previ-
ous censorship." Padre Espinosa concluded the exposition with
a plea not for special privileges for the Church but for independ­
ent action in its sphere so that it may fulfill its divine mis­
ion, rights, duties and "... efficaciously influence the true
progress of the Nation through the preservation and improvement
of the moral order."95

On November 30, 1872, Padre Espinosa and his ecclesiastical
cabildo sent a second exposition to the constituent assembly re­
questing certain changes in the second constitutional project.
The ecclesiastical authorities opposed the constitutional provi­
sion which granted unrestricted rights of teaching, learning and
freedom of the press. They objected to the provision on the
grounds that such rights would encourage publication of anti-
Catholic writings harmful to the vast majority of the citizenry
who were Catholics. The Church leaders considered this a viola­
tion of one's conscience, which they argued was "superior to the

94 Ibid.
95 Ibid.
power of sovereigns." \(^{96}\) Furthermore, they objected to the constitutional provisions prohibiting entail, which they considered a threat to ecclesiastical property. They pointed out that this property ". . . had been acquired through the most legitimate titles known to jurisprudence; such as voluntary donations for divine worship, suffrage for souls and charity for the needy. There are orphans, helpless old people, [and] poor children who live in hospitals, charitable institutions and schools which would be non-existent if there were no pious foundations." \(^{97}\) These institutions, the clergymen argued, are not useless, but through the administration of the Church provide for the public welfare. \(^{98}\) The clergyman concluded that the prohibition of entail could not only destroy Church sponsored welfare work but the Catholic cult itself. Finally, attention was directed to the constitutional provision providing for the "creation, reformation or extinction of every type of corporation or juridic person, modification of their statutes or ordinances, regulation of the use of property, regardless of origin and disposing of it whenever public utility demands it." \(^{99}\) The Church leaders found the provision unacceptable, since it could mean non-recognition of canon law, a prospect

\(^{96}\) "Segunda Exposición del Senor Gobernador del Arzobispado y del Venerable Cabildo Eclesiástico de esta Santa Iglesia Metropolitana a la Asamblea Constituyente de la República," November 30, 1871, CHS.

\(^{97}\) Ibid.  \(^{98}\) Ibid.  \(^{99}\) Ibid.
that Padre Espinosa and his cabildo hoped was not the intent of the proposed constitution or the constituent assembly. 100 Although both constitutional projects were voted down, the views of the religious leaders were given a public hearing. It was only a matter of a few years before these issues were reopened.

Before disbanding, the constituent assembly on January 8, 1873, voted a reimbursement of 70,000 pesos and 50,000 pesos to Barrios and García Granados respectively "... for the expenses that they incurred and for the considerable damages and prejudices that both suffered as a result of the Revolution." 101

With the opening of the year 1872, periodicals renewed their anticlerical barbs against religious congregations. 102 On January 15, 1872, El Malacate attacked the Congregation of St. Philip Neri, accusing Padre Vicente Gatica, superior of the congregation, of exploiting the renters on the congregation's plantation called Incienso. The article carried no signature except "Some enemies of abuses." 103

100 Ibid.

101 El Crepúsculo, January 18, 1873, p. 1.

102 Even though the Society of Jesus had been suppressed, periodicals continued to carry articles justifying the government's conduct in the suppression. For examples, see El Crepúsculo, May 18, 1872, p. 1, Memorandum dirigido a la Santa Sede (Guatemala, 1873), pp. 1-5, and AGG, Al Publico, October 10, 1878, doc. 4710.

103 El Malacate, January 15, 1872, p. 3.
At the same time, there were renewed rebellions in the Oriente and in the area of the capital. On February 1, the administration of García Granados declared these areas in a state of siege. Both El Salvador and Honduras were accused of harboring reactionary Guatemalan refugees who were responsible for fomenting disturbances in Guatemala.\textsuperscript{104} Six days later, the decree for a state of siege was followed by a restriction of freedom of the press in the two areas.\textsuperscript{105} \textit{El Crepúsculo} quickly sanctioned the action of the government observing that restrictions on the press would help secure public order, which was threatened by the enemies of Liberalism.\textsuperscript{106} Similarly on April 4, the government decreed that "Every person who in speeches, sermons or any public act incites his listeners to rebellion against constituted authorities or carries on subversive acts, against public order, will be exiled from the territory of the Republic."\textsuperscript{107}

Restrictions on the press did not prevent certain Liberal publications from attacking clergymen and Conservatives. Beginning with February 17, 1872, \textit{El Malacate}, in a series of articles written by Andrés Télles, called for religious freedom. The publication argued that if the government were to accept an

\textsuperscript{104}Recopilación de las Leyes, I (1874), 80.
\textsuperscript{105}Ibid., p. 81.
\textsuperscript{106}El Crepúsculo, February 10, 1872, p. 1.
\textsuperscript{107}Recopilación de las Leyes, I (1874), 84.
official religion, it would mean the acceptance of a belief that lacks evident demonstration. The publication saw in religious liberty many advantages, such as promoting immigration, dispelling the religious fanaticism of the people inoculated by the clergy, advancing the progress of the country, purifying the Catholic beliefs of the people, and bringing about the ideal of separation of Church and state. Religious freedom, the writer concluded, would make clergymen simple citizens without special distinctions; and the government would do well to imitate the United States, Mexico, Peru and Chile.

In its issue of March 2, El Malacate shifted its campaign to an attack on religious property. It considered all such property unproductive since it did not further the commercial, industrial and agricultural developments of the state. Andrés Téllez, the author of the article, reminded his readers that although religious property should be disentailed, he did not advocate the abolition of the convents or monasteries, since these were deeply rooted in the "fanatical beliefs" of the people. Rather, disentailed religious property should be returned to the people, for religious groups had accumulated the property through the sweat and ignorance of the people. The writer was fully aware that

108 El Malacate, February 17, 1872, p. 2.
109 Ibid., pp. 2-3.
110 Ibid., March 2, 1872, p. 2.
111 Ibid.
the consequence of such a demand could indirectly end the religious communities. Suggesting a state subsidy for members of religious communities to provide for their livelihood, he considered such a solution practical. Mexico had adopted similar measures in her Constitution of 1857. Téllez asserted that this had accounted for Mexico's great advances in recent years in the areas of education, public administration, public welfare and general wealth of the nation. All this was done with the funds and property of the religious communities. 112

On March 8, El Malacate reverted to discussing religious liberty. It criticized the independence proclamation of 1821, since it made Catholicism an official religion. 113 The writer once more attacked religious orders, as is seen in the following paragraph:

In fact, during fifty years who have been the owners of the nation? the friars, nuns and Jesuits. The hypocritical friars are preoccupied with maintaining ignorance, even among themselves; their ambition does not rest nor does it permit knowledge of the source of their income, which is continuously being stored up in their treasures through the sweat of the people; through their religious rites, they mainly intend to maintain discord among the people, misunderstanding between married persons, disobedience in the families, demoralization in the militia, laziness and drunkenness in everybody. The friars live only to eat and damned be the time for them when perchance they think of some good work. 114

In a similar fashion the writer attacked the fanatical preaching

112 Ibid. 113 Ibid., March 8, 1872, p. 1.
114 Ibid.
of the religious orders, noting that the Jesuits were teaching Calvinism, Lutheranism and Mohammedanism in their universities in the United States. 115 According to the writer, Catholicism and despotism have been two powerful forces in keeping people in abject subjugation and "stupid savagery." He asserted that these errors will no longer be possible in the new era of science. 116 Concluding in a more moderate tone, he claimed his intention was to encourage Guatemalans to protest the abuses of religious communities and the secular clergy, and thus end the "brutal domination" of Catholicism. 117

The anticlerical attacks of El Malacate, La Guasa and Fray Gerundo immediately brought a condemnation from the apostolic administrator. In an edict dated March 25, 1872, Padre Espinosa declared all Catholics excommunicated who read the March 8 issue of El Malacate. In regard to the other two publications, he merely urged abstention. He found all publications guilty of theological errors and sacrileges which could cause great harm to the faithful meagerly educated in their religion. Singling out El Malacate, Padre Espinosa censured the publication on the grounds that

... under the title of religious liberty, it not only touches upon erroneous and inaccurate matters but also calumniates with impudence the Society of Jesus [and]  

115 Ibid., p. 2.  
116 Ibid.  
117 Ibid., p. 3.
paints a most odious picture of religious orders of both sexes, approved and justly praised by the Church, and even pretends impiously to give preference to Protestantism over the Catholic Church and this with appreciations so false and inaccurate that it could cause grief and scandal among moderately educated Protestants, who as all know manifest today a decided tendency to return to the Catholic fold.118

**El Malacate** immediately challenged the edict of the apostolic administrator in its April 11 issue by publishing a satirical parody on the edict. The earlier anticlerical charges were reiterated; Archbishop Piñol, the Jesuits, and the clergy in general were accused of mixing politics and keeping the republic in constant turmoil. Concluding that these men were the successors of the devils rather than the apostles, the parody warned the people not to be misled by clerical intrigue.119 A final note of praise was offered to the Protestant clergy, whom the paper found "a thousand times more virtuous" than the Catholic clergy, and who would not return to the Catholic fold unless the Church rides itself of its abuses.120 The anticlerical attack continued in the following issue. The Jesuits and Archbishop Piñol, now in Nicaragua, were accused of conspiring to overthrow the Liberal regimes of El Salvador and Guatemala. In addition, Padre Espinosa

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118 AC, tomo 1872, doc. 166. The penalty of excommunication was extended on April 18 to include Aparicion del Apostol Santiago, La Guasa, Fray Gerundio, and Pastoral popular a los fieles democdratas. The condemnation was made for the same reasons as stated in the edict of March 25. AC, tomo 1872, doc. 166.

119 El Malacate, April 11, 1872, p. 2.

120 Ibid.
was accused of using his edict to incite a civil war. The climax of the anticlerical campaign came in the issue of April 23, when El Malacate warned Guatemalan Catholics that their priests were like "... horrible serpents whose poison develops a gangrene fulminating in your lacerated heart!" Shortly after this anticlerical attack, Andrés Téllez urged the editor of El Malacate to leave the question of the clergy rest until further notice. Téllez gave no reasons for his advice, but it was followed, for after May 22, the date of the letter, there was a noticeable reduction in anticlerical articles.

Immediately after the publication of the edict of Padre Espinosa, the pastors informed the apostolic administrator that they had complied with his wish that the edict should be read from the pulpit during Holy Week or Easter Sunday. The single exception was Padre Manuel González, vicar provincial of Quetzaltenango, who in his letter of April 10, informed Padre Espinosa that he was unable to read the edict to his faithful because he

121 Ibid., April 15, 1872, p. 3.
122 Ibid., April 23, 1872, p. 2. For additional anticlerical writings in El Malacate see the issues of May 9, 1872, pp. 2-3 and May 16, 1872, p. 4. The May 16 issue carried an anticlerical article taken from the Mexican Liberal publication, El Siglo XIX.
123 This letter of Andrés Téllez was found by the present writer inserted in the issue of El Malacate dated May 20, 1872, in the Biblioteca Nacional in Guatemala City. The letter was addressed to Pedro (no last name given). The editor of the publication at this date was Salvador Martínez Flores. It may well be that the letter of Téllez was left by mistake in this collection.
did not receive it until the afternoon of Easter Sunday. He fur­ther reported that on Easter Sunday he was ordered to appear before General Barrios, who already had a copy of the edict. The late reception of the edict and the alarming situation in Quezaltenango prevented Padre González from publishing the edict until the Sunday after Easter. He added that he would willingly accept punishment if his action should merit it. 124 In his reply, Padre Espinosa showed displeasure at the hesitation of González, pointing out that his disobedience could cause grave scandal. As a consequence, he ordered Padre González to resign his position and appear in the capital at once. 125

Padre González was not the only one who found the circum­stances alarming. The pastor of Totonicapán was ordered by his jefe político, Bruno Zapata, not to publish the edicts of March 25 and April 18 "under the pain of being considered a disturber of public order." At the same time Zapata ordered all copies of the edicts brought to his office. 126 The curate of Mazatenango expressed similar fears over political opposition to the edicts in his May 3rd letter. 127 Answering the curate of Mazatenango, Padre Andrés Orantes, secretary of the curia, stated that both edicts must be published; the apostolic administrator was acting according to the norms laid down by the Council of Trent.

124 AC, tomo 1872, doc. 166.
125 Ibid.
126 Ibid.
127 Ibid.
Furthermore, Padre Orantes pointed out that since the second edict was published with the full approval of the civil authorities, if the jefe político interfered with the publication of the edicts, the curate must report the matter immediately to the apostolic administrator. 128 Similar complaints came from the vicar provincial of Suchitepequez and Padre Adolfo Pérez, pastor of Retalhuleu. 129 According to the priests, J. María Barillas, jefe político of the department of Suchitepequez, informed them that the order prohibiting the circulation of the edicts came from General Barrios, and disobedience to the order would result in the accusation of "disturbers of public order" as defined in the decrees of January 27 and April 4. 130

Padre Espinosa immediately informed the minister of government that circulation of his edicts was being prohibited by the jefes políticos, who, he claimed, threatened the local pastors if they carried out the order of their religious superior. Adding that defending the rights of the Church against impious and anti-religious publications was his duty, he accused the minister of consciously authorizing the publication of antireligious tracts. He hoped that the minister would take the proper measures to eliminate such difficulties in the future. 131 The Minister, Francisco Alburez, in his reply of May 21, denied that his office had given any orders to local authorities to prevent the

128 Ibid. 129 Ibid. 130 Ibid. 131 Ibid.
publication of the edicts which, the minister stated, had received his approval for publication. As a demonstration of good will, the minister noted that he had removed the jefes políticos who had interfered with the circulation of the edicts, and that he would take the proper action should similar cases arise in the future. Alburez did not name the jefes políticos whom he had removed. The action of the minister did not meet the approval of Padre Adolfo Pérez, who held General Barrios responsible for issuing the order against the edicts. In his letter of May 23 to Padre Orantes, he spoke highly of the jefe político of Suchitepequez, stating that he was innocent in the whole affair and willing to defend the rights of the Church. As proof, he cited the letter of April 29 that Barrios had directed to the jefe político, in which he ordered them not to allow the circulation or publication of the pastoral edict of April 18 condemning certain antireligious publications. The order further stated that all clergymen of the department who publish or circulate the edict would be considered “disturbers of public order.” Padre Pérez, in a letter of May 30, informed Padre Orantes that the edict had been read in his vicariate. He further stated that the jefe

132 Ibid.  
133 Ibid.  
134 Ibid. and tomo 9, docs. 672 and 678. As early as April 4 Barrios publicly proclaimed his opposition to the pastoral edict condemning El Malacate and La Guasa and admitted that he helped to subsidize El Malacate. "Comandante General de Occidente a Los Pueblos de la Republica," April 4, 1872, CHS.
político was informed of the approval of the edict by Alburez before its reading. Again defending the jefe político, the pastor observed that he had complied with the instructions of Alburez, and even undertook measures to prevent any public scandal that might occur while or after the edict was read. Whether all the jefes políticos complied with the instructions of the central government cannot be ascertained from the available documents. They reveal, however, that the greatest opposition to the circulation of the pastoral edicts came from the Occidente, where Barrios exercised military and political control. The independent action of Barrios in the matter was probably aided by the administrative anarchy during the early days of the Liberal administration and the gathering war clouds between Guatemala and Honduras in 1872.

At the same time the incident provides further evidence for the growing tensions between the politics of Barrios and García Granados.

Several political authorities felt that publication of the edicts provided clergymen an opportunity to meddle in politics. Citing the conduct of Padre Fourcado as a case in point, the minister of government warned that clerical meddling threatened public order. He urged the apostolic administrator to impose ecclesiastical penalties on Padre Fourcado so that the civil government could carry out the civil prosecution. He warned that if this

135 AC, tomo 1872, doc. 166.
were not done, the provisional government might have to impose drastic and extreme measures on the priest. He added that the chief executive had found it necessary to issue a circular warning clergymen to remain aloof from political discussions. 136 Padre Espinosa replied that he viewed clerical interference in politics with grave concern, and admitted that some of his priests may have become involved in politics in their excessive zeal to defend the rights of the Church. The case of Padre Fourcado, he noted, was already in the hands of the ecclesiastical tribunal. Espinosa suggested that perhaps a more effective means of repressing public disorders would be for the civil government to aid in combating the errors and attacks against religion. 137

Espinosa fully realized that his edicts and the cooperation of the civil authorities, if such would be forthcoming, were not sufficient in combating the antireligious publications. He urged his priests not only to continue instructing the faithful against the religious errors of the day, but also to inaugurate a series of catechism classes, as had already been done in the cathedral church of Sagrario. In his instructions to the clergy, he stressed the need for charity and the avoidance "... of everything which might be of purely political nature and which in no way affects religion and the eternal salvation of souls. ..." 138

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136 Ibid., doc. 174.  
137 Ibid.  
138 Ibid., doc. 224.
Unfortunately, he did not elaborate on what he considered purely religious matters. There is no reason to believe that clarification of the matter would have been mutually acceptable.

Along with the issue of antireligious publications, two other religious questions emerged during the early months of 1872. One was the periodic agitation by local political authorities to have certain pastors removed from their parishes; the other was elimination of the parish tax known as derecho. Archbishop Piñol had already experienced the agitation for the removal of pastors before his expulsion. In his letter of December 21, 1871, from León, Nicaragua, he expressed concern over this matter and counseled the apostolic administrator to concede to the wishes of the political authorities in order to avoid greater evils.\textsuperscript{139} Archbishop Piñol added that demands for removal of pastors coming from civil officials were not as vexing as those coming from clergymen, "who desire to take advantage of the unfortunate circumstances in which the ecclesiastical authority finds itself in order to satisfy their unjust aspirations."\textsuperscript{140}

The last observation of the archbishop pointed to the possibility of a clerical schism. In fact, he feared a repetition of the clerical schism that developed in Guatemala in 1829 and the following years under similar circumstances.\textsuperscript{141} The threat of a

\textsuperscript{139} Ibid., doc. 73.  
\textsuperscript{140} Ibid.  
\textsuperscript{141} Ibid.
schism became more serious after his expulsion, when the civil authorities requested Rome to declare the archdiocese vacant.\textsuperscript{142} Pope Pius IX, however, emphatically rejected the request.\textsuperscript{143} Padre Sabino González, vicar provincial of Escuintla, also noted the possibility of schism in a letter of April 16, 1873.\textsuperscript{144} But the schism, highly feared in the initial stages of the Liberal administration, never materialized, offering evidence of the clergymen's loyalty to their ecclesiastical authorities.

In their letters, civil officials were frequently vague in stating their reasons for requesting the removal of pastors. Pastors, however, frequently the victims in the removals, were more outspoken in stating the reasons, which generally were thought to be political in nature. A case in point is Padre Manuel Leal, pastor of La Merced, in Antigua. He reported that his parishioners petitioned his removal on the grounds of irregularity of conduct. The pastor observed that the petition contained no specific accusation and too few signatures to be representative of the five thousand souls under his care. The pastor was ready to defend his good conduct, adding that the accusation probably stemmed from sermons he gave, which certain persons called political. He further stated that if this were the real reason for

\textsuperscript{142} Ibid. \hspace{1cm} 143 Ibid. \hspace{1cm} 144 Ibid., tomo 8, doc. 890. See also tomo 8, doc. 392.
seeking his removal, then the signers of the petition did not know the meaning of the word "political." Padre Leal reported that other accusations included his arbitrary action in not permitting other priests to preach in his parish, dismissing the church music director, charging excessive burial fees and refusing to say Mass in the oratory of San Sebastián. In defending himself, Padre Leal noted that fifteen priests had been invited to preach in his parish. This accusation, he claimed, came from the jefe político, whom he considered badly informed. He justified the dismissal of the music director for the sake of good order in the church. In regard to excessive burial fees, he saw no reason for complaints, since ecclesiastical authorities set the fees, not the pastors. Furthermore, his cemetery accounts, he argued, show that persons unable to pay were given free burials. He admitted that there were times when he did not say Mass in the Oratory of San Sebastián, but this was because he had four parishes under his care. The letter of the pastor made it clear that he considered the jefe político responsible for the accusation. 145 Another example of requested pastoral changes is the letter Barrios directed to the apostolic administrator on March 8, in which he not only requested the removal of four pastors but also designated the new pastors for the parishes. His list of appointees included Padres

145 Ibid., tomo 9, doc. 627.
I. Diego Arévalo for Nahualá, José María González for Totonicapán, José María Figueroa for Santa Catarina and Félix Chacón for Mazatenango. According to Barrios, the removals were required to maintain public order and the welfare of the people. The reply of the ecclesiastical government on March 9 noted that the parishioners of Santa Catarina and Nahualá had requested the present incumbents whose appointments had been made with the approval of the civil authorities. In regard to the parish of Mazatenango, the pastorate was provisionally served by two pastors, since the difference between the civil and ecclesiastical government over the case of Padre Fourcado still remained unsettled. Nevertheless, Padre Espinosa assured Barrios that the necessary change would be made here. The requested appointment of Padre José María González for Totonicapán, however, caused the ecclesiastical government difficulty because Padre Espinosa knew of no priest by that name. Padre Espinosa showed evidence of his good intentions in the appointment of Padre Ángel María Arroyo, a very close friend of General Barrios, as pastor and vicar provincial of Quezaltenango. According to Padre Espinosa, the appointment was made to further the welfare of the people and conserve good relations with the civil government.

146 Ibid., tomo 1872, doc. 141.
147 Ibid.
148 Ibid., doc. 299. Padre Arroyo had served as a chaplain in Barrios' revolutionary army of 1871. J. Lizardo Díaz O., p. 13. For other cases of pastoral removals in the Occidente, see AC,
The question of the parochial taxes for church support, known as derechos, was another source of conflict between pastors and civil authorities. Padre Manuel Zelaya reported on March 20 that the Indians in his parish of Patzún were agitating for a reduction in church taxes. He added that General Barrios, in ordering the Indians not to pay the customary taxes, acted without ecclesiastical approval. Padre Zelaya felt that the general's order could lead to a reduction of the pastoral income in other areas, which were indispensable for the support of the pastorate. 149 A similar

tomo IX, doc. 710 and tomo 1872, docs. 563, 581, and 682. The frequent requests for pastoral removals in the Occidente caused much concern to the apostolic administrator, who claimed that the demands were made without the necessary ecclesiastical investigations and that the unprecedented number of removals could cause unrest among the Indians. Ibid., tomo 1872, doc. 563. Barrios insisted that the removals were indispensable to the welfare of the Church and state, since certain clergymen were guilty of unbecoming conduct, an accusation on which he did not elaborate. Ibid., tomo 1872, doc. 581. The apostolic administrator assured the general that the conduct of the clergy would be closely observed and for the present it would be well for Barrios to see that the clergymen would be properly respected and not deprived of their means for livelihood. Ibid., tomo 1872, doc. 581. Some of the documents show pastors seeking different parish assignments for reasons of physical violence suffered at the hands of local political authorities. Ibid., tomo 1872, docs. 431, 450, and 458.

149 AC, tomo 1872, doc. 162. El Malacate gave its wholehearted support to the reduction of revenue in the parish of Patzún. It commended the jefe político on his adherence to the orders of Barrios and advised that the best way to eliminate the abuses associated with the collection of church taxes would be to subsidize the parish priests. El Malacate, April 15, 1872, p. 4.
complaint, dated April 10, came from the pastor of San Francisco el Alto who held General Barrios responsible for ordering the Indians not to pay the customary taxes. The priest considered his plight desperate. In both cases the pastors wrote that the Indians began the agitation; this was followed by an order of General Barrios not to pay the taxes. The letters suggested that the Indians were instigated to start agitating for the reduction, but the pastors did not single out any individual as being responsible for the agitation. Again the demands appear more concentrated in the area under the jurisdiction of Barrios than elsewhere. Padre Paniqua, pastor of Sololá, did not consider this coincidental when, in his letter of March 10, he held Barrios directly responsible for ordering the reduction of parish revenue. At the same time, the apostolic administrator sought information from the central government to determine whether it had ordered Barrios to issue such orders. Francisco Alburez, speaking for the civil administration, replied on March 21 that the central government had directed no such orders to Barrios, since the government did not wish to offend the ecclesiastical government in such a manner. The reply of Alburez again points to Barrios' independent action in Church affairs.

While Barrios favored a reduction in parish taxes, he was

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150 AC, tomo 1872, doc. 200.

151 Ibid., doc. 142.

152 Ibid.
also ready to solicit contributions from pastors to prosecute rebellious factions in his area. The ecclesiastical authorities did not permit the pastors to make the contributions, conveniently observing that the suppression of rebellions could result in bloodshed. Barrios, like many of his Liberal contemporaries in Mexico, undoubtedly saw in Church resources a partial solution to the financial ills of his government.

Reduction of parish revenue and solicited contributions from pastors caused concern in ecclesiastical circles about the status of other Church property. As early as February 1, the ecclesiastical cabildo drew up a confidential memorandum designed to protect the property of the Church should it be threatened by laws disseminating corporate holdings. The cabildo proposed that title to all property of the cathedral, such as the parish fund, alms, chaplaincies, endowments, and schools, should be transferred to the names of two or three highly trustworthy men. It further advised selling immediately the houses that were in dire need of repairs. The income from the sale of the property should be converted into private accounts. The same action should be followed in regard to good houses that would not be sold. Finally, all extra income, not needed for current urgent necessities, should be

153 Ibid., doc. 250. The reductions in parish revenues and solicited contributions caused a number of pastor to submit their resignations. Ibid., doc. 486, and tomo 1873, doc. 256. One jefe político argued that parish revenue does not belong to the pastor but to the people of the parish. Ibid., tomo 1872, doc. 437.
Padre Espinosa endorsed the proposals on February 5. While the cabildo and Padre Espinosa insisted on absolute secrecy in these transactions, knowledge of these plans quickly reached the civil authorities.

Although disentailment of Church property was not enacted until August 27, 1875, the transactions of the cabildo indicate the concern of the religious leaders over Church property during the early weeks of 1872. Their concern was probably enhanced when padre Carlos Antonio Gandara reported to them on February 29, that he had given the central commission of consolidation certain documents relative to his parish church in the capital and the one in Antigua. With the dissolution of all male religious orders during the summer of 1872 and the subsequent confiscation of their community properties, fears of confiscation increased. For instance on June 15, 1872, a few days after the disbanding of the male religious communities, Gabriel Santa Cruz, administrator of income in the convent of Santa Catarina in the capital, advised the apostolic administrator that the female religious communities were also in serious danger of being deprived of their property. He suggested that the property title be transferred to a private individual; thus the convent would be following the policy that

154 Ibid., tomo 1872, doc. 78.  
155 Ibid.  
156 Ibid., doc. 126.
the ecclesiastical cabildo had secretly inaugurated at an earlier date.157 In a note of June 17, the ecclesiastical authorities approved the arrangement, which made the mother superioress of the convent the legal owner of the property.158 Similar threats to Church property came from the department of Jutiapa, where the jefe político demanded the accounts of parish funds in his jurisdiction.159 There is no evidence to show that he intended to confiscate the funds. Confiscation of Church property was carried out in the parish of San Augustín in Tecoy, where Padre Andrés Orantes reported on July 16 that a group of soldiers had driven him from his rectory and converted it into a barracks. In fact, according to the pastor, the rectory had become something worse than a barracks, for the invading force included women. Under the circumstances, the pastor found it impossible to remain in his parish.160 The curia advised the pastor not to return to his parish as long as the soldiers insisted on occupying his residence.161

There were relatively few cases involving reduction of parish revenue and confiscation of Church property during the first years of the Liberal administration. Their increase with the passing months raised questions in ecclesiastical circles about the status

157 Ibid., doc. 340.  
158 Ibid.  
159 Ibid., doc. 371.  
160 Ibid., doc. 400.  
161 Ibid.
of Church property in general. If an attack on Church property became widespread, it could seriously impair her economic independence. Although the Guatemalan Church never enjoyed complete economic independence in the past, her independence from state aid was more essential to her when the civil regime showed itself hostile to her interests. Without economic independence, the Church felt handicapped in the face of the growing tide of anticlericalism and antireligious reforms.162

Besides the growing politico-religious tensions in the Occidente, Gracia Granados faced a Conservative administration in Honduras. According to the chief executive, President Jose Maria Medina of Honduras (1863-1872) permitted his country to become an asylum for Guatemalan Conservatives.163 Voicing similar complaints, the Liberal regime in El Salvador took the initial step in opening hostilities with Honduras. This in turn served as the occasion for Guatemala to issue on May 8, 1872, a declaration of war in accordance with the Treaty of Alliance and Friendship that had been signed by the two republics in January of 1872.164

162 One Liberal editor viewed the wealth of the Church as one of the greatest obstacles in establishing republican institutions. *El Crepusculo*, June 8, 1872, pp. 1-2.

163 *El Centro Americano*, December 22, 1871, pp. 1-2. See also Bancroft, p. 427. Marco A. Soto, editor of *El Centro Americano* was undoubtedly a partisan observer of the events in Honduras. Not only was he a native of the country but with the aid of Barrios he became president of Honduras in 1876.

164 *Recopilación de las Leyes*, I (1881), 466-470.
declaration of war by García Granados stressed the danger of the conservative regime of President Medina to the Liberal institutions in Guatemala and El Salvador. He accused the Honduran president of aiding Conservative insurgents in Guatemala and El Salvador. The war declaration also pronounced General Barrios president pro tem while García Granados led the Guatemalan forces into Honduras. Since it was an executive decree, the constituent assembly, which was still in session at the time, did not have the power to approve or disapprove the declaration of war or the selection of Barrios as provisional executive. On taking charge of the army, García Granados assured his citizens once more that the war was a true defense of Liberal institutions. Accompanied by Víctor Zavala, the Minister of War, García Granados, with the aid of El Salvador, achieved a quick victory over the Honduran forces. Medina was replaced by a Liberal regime under the presidency of Celio Arias.

During the brief absence of García Granados in Honduras,

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165 Recopilación de las Leyes, I (1874), 87-88.
166 La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas, pp. 20-21.
167 El Crepúsculo, May 11, 1872, p. 3.
168 Medina had originally secured the Honduran presidency in 1863 with the aid of the Conservative Rafael Carrera of Guatemala. Through an ironic turn of events Barrios, in 1876, supported Medina to regain the presidency temporarily.
Barrios, as provisional president, quickly decreed new Liberal reforms. His speedy action against the male religious communities must have surprised many Guatemalans. García Granados had assured his subjects repeatedly that his administration had no intention of attacking the Church or its members; that it was disposed "... to protect in a special manner the Clergy and religious communities, convinced that there is no liberty, no justice, no possible progress, if the divine Spirit does not direct the undertaking and preside over the people through Holy Religion." 169 Barrios also occasionally showed himself favorably disposed towards religion as is evidenced by his attendance of religious services on Holy Thursday and Good Friday in the year 1872. 170 Similarly, he attended religious services when he was inaugurated as president in 1873. However, his biographer, Paul Burgess, states: "These are occasions when the most unconventional conform to convention, and on this occasion Barrios seems to have been perfectly proper and well behaved." 171 Furthermore, Barrios showed himself conciliatory toward the Dominicans shortly after assuming the duties of provisional president in May of 1872. According to the presidential order of May 22, Padre José Casamitjana, prior of the Dominican monastery, told Barrios that

169 F. Hernández de León, El Libro de las Efemérides, Guatemala, 1925, III, 297.
170 Ibid., I, 427.  
171 Burgess, p. 120.
it was no longer possible for his order to continue administering its hacienda in Palencia, which had been given to the order in 1848 by President Carrera, because of the hostility of the inhabitants of Palencia and the inability of the order to manage the estate. He considered it best to place the hacienda in charge either of a private person or of the government. Accepting the suggestion of the prior, Barrios ordered the government to indemnify the Dominicans for the property.

The conciliatory acts of Barrios in religious matters probably aroused little confidence in religious circles. His role in the expulsion of the Jesuits and the abortive attempt to disband the Bethlemitas in Quezaltenango was not easily forgotten. Further suspicions were probably aroused when Barrios ordered Juan P. Salas to make a statistical report on secular and religious clergymen. The report completed in March of 1872 gave the number

172 "Acuerdo sobre Recuperación de la Hacienda de Palencia," May 22, 1872, CHS.

173 Ibid. The letter of Padre José Casamitjana, written on May 27, shows that the prior was not in complete agreement with the presidential order. The prior noted that the hacienda had been received from President Carrera on the condition that anniversary Masses would be celebrated as stipulated in the original will of the donors. The presidential order contended that it was held only as usufruct. The prior argued that the property cannot be sold because of the spiritual charges related to the property, which must be fulfilled by the Dominicans as legitimate owners. The prior did admit that some of the less productive parts of the property had been sold and other areas had been rented but this was done with the authorization of the past regime, which had the obligation of fulfilling the will of the donors of the hacienda. AC, tomo 1872, doc. 287.
The figure seems entirely too low when compared with a similar report the ecclesiastical curia had prepared following the disbanding of religious orders. Although undated, the ecclesiastical report probably was drawn up in the latter part of 1872 or at the beginning of 1873. It enumerated 139 secular clergymen and 41 regular clergy. The lower figure could have worked to Barrios' disadvantage in the sense that any further disbanding or expulsion of the regular clergy would result in an inadequate number of priests. The report also disclosed that Barrios gave the order in March of 1872, before he entered the executive office. The timing of the report appears to be part of Barrios' plan to disband or expel male religious orders. Through the report he would be able to determine whether the remaining clergymen would be sufficient for the republic's spiritual needs.

On May 24, Barrios issued a decree officially recognizing the expulsion of the Jesuits, prohibiting their return and nationalizing their property. Three days later, he decreed the dissolution of the Congregation of St. Philip Neri. Their property was declared nationalized, with the exception of religious

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174 Díaz, Barrios ante la Posteridad, pp. 138-140.

175 AC, tomo 1873, doc. 93. The forty-one regulars were members of religious orders who did not leave the republic when their congregations were disbanded but remained as secular clergy.

176 Recopilación de las Leyes, I (1874), 89-90.
objects, which were to be delivered to the apostolic administrator. 177 According to the decree, the congregation had only one or two members and this, the chief executive felt, did not comply with the congregation's constitution. Nor did the congregation use its property for the public welfare, an "indispensable condition for the continuation of corporation and communities, which owe their existence to the law and which the same law ought to dissolve when they no longer are useful." 178

The protest of Padre Espinosa to the two decrees was immediate. In a brief note, dated May 31, he stated his formal opposition. A longer protest on June 3 complained that the original note had received no official response. 179 He also expressed dissatisfaction that the civil government had sought no previous consultation with the ecclesiastical authorities in regard to issuing the two decrees, a conduct that he found not in keeping with the attitude of the minister of government, who in his note of May 28, promised to maintain the most cordial relations between civil and ecclesiastical authorities. In view of such expressions, Padre Espinosa hoped that the two decrees would be suspended, and then discussed with the ecclesiastical authorities. 180 In stating his opposition more specifically, Padre Espinosa observed that the

177 Ibid., p. 91.  178 Ibid.  179 AC, tomo 1872, doc. 287.  180 Ibid.
constitution of the congregation made no stipulation as to the required number of members for its existence. He added that the congregation had three members, not one or two as the decree stated. Even if there were only one member, Padre Espinosa observed, the congregation would not be abolished because of the papal directive of September 11, 1868. It provided that Padre Vicente Gatica, superior of the congregation, was to continue as the head of the congregation and to consult the local ordinary in all matters of interest. According to Padre Espinosa, the papal directive made it clear that the local ordinary must be consulted before any changes in the status of the congregation are undertaken. Padre Espinosa was convinced that the congregation fulfilled the purpose of its founder and the needs of the faithful, especially in the administration of the Escuela de Cristo. Neither had the civil authority, Padre Espinosa continued, the right to nationalize the goods of the congregation, which he evaluated at $25,000. Destined for certain spiritual ends, the goods could be reclaimed automatically for the respective families if these ends were not attained. The lands of the hacienda of Incienso were a donation of a private person in the sense of usufruct. According to the will of the donor, if the congregation were dissolved, its lands must pass to the Beaterio de Santa Rosa. Furthermore, he reminded the civil authorities

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181 Ibid. 182 Ibid. 183 Ibid.
that both decrees were in direct violation of article 21 of the concordat of 1852. 184 Regarding the Jesuit hacienda of Las Nubes, the apostolic administrator pointed out that the property belonged to the church of La Merced, to be used for the support of the cult in that church. To nationalize the property, Padre Espinosa stated, is equivalent to closing the church of La Merced. 185 Although he stressed legal aspects of ecclesiastical property, he left no doubt as to what was the real issue in the decrees. For him, the basic issue was the government's right of disbanding religious orders. He reminded the civil authorities that religious communities do not owe their existence to the temporal authority alone, which being incapable of creating them, cannot disband them. He admitted that religious communities were established under the protective arm of the state, but their existence is due only to the supreme authority of the Church. 186

In the meanwhile, Barrios continued his reform program by declaring, on May 29, that matriculation in the Colegio de Abogados, the lawyers' guild, was no longer a prerequisite for the

184 Ibid.

185 Ibid. In addition to the hacienda, Las Nubes, the Jesuits had two other haciendas, Pamplona and San Ignacio. The latter was sold for the sum of 12,000 pesos by the government on September 25, 1872, to La Sociedad Económica for the purpose of erecting an agricultural school. La Sociedad Económica (Guatemala), October 10, 1872, p. 2.

186 Ibid.
practice of law. He considered the Colegio de Abogados a monopoly incompatible with the spirit of democracy and progress.\textsuperscript{187} Similarly, at a later date, other professional organizations, considered not in keeping with the growing tendency of centralized authority under the Liberal administration, lost their independent status. Among these were the Consulado de Comercio, La Sociedad Económica de Amigos del País, Protomedicato and the Claustro de Doctores de la Universidad.\textsuperscript{188} Their fate was similar to that which befell the religious male communities in 1872. Fully aware that his decree would arouse opposition, Barrios in a decree of May 29, guaranteeing freedom of the press, warned that the press must not become a medium for inciting opposition to the laws, disobedience to civil authorities "or to disturb in any manner public order."\textsuperscript{189} The decree provided trial by jury for those accused of violating the freedom of the press.\textsuperscript{190}

\textsuperscript{187} Recopilación de las Leyes, I (1874), 93. The Colegio de Abogados was further weakened by the decree of García Granados on December 13, 1872, which granted all lawyers the right to vote for officers in the guild even if the lawyer had not matriculated in the guild. \textit{Ibid.}, p. 134.

\textsuperscript{188} M. A. García, V. 312-313. Ramón Salazar viewed the Colegio de Abogados as a medieval institution whose chief objective was to monopolize the legal profession. For similar reasons he criticized the gremios and the Sociedad Económica, which supported the gremios. Ramón A. Salazar, \textit{Historia del Desarrollo Intelectual de Guatemala}, II, 119 and 265.

\textsuperscript{189} Recopilación de las Leyes, I (1874), 95.

\textsuperscript{190} \textit{Ibid.}, pp. 95-100.
The climax of Barrios' reform measures came in the decree of June 7, 1872, which disbanded all male religious communities in Guatemala. The ministers of García Granados who served with Barrios during the interim presidency refused to sanction the decree. Only Marco A. Soto, who was provisionally in charge of the ministry of foreign relations, public instruction and ecclesiastical affairs, signed the decree with Barrios. Barrios knew that his time was limited since the actual fighting with Honduras had terminated as early as May 18. García Granados delayed his return to the capital, perhaps because of the unsettled political conditions in Honduras. He did not assume the provisional presidency until June 10, three days after Barrios had issued his decree.

In addition to disbanding the male religious communities, the decree declared the property of the communities nationalized, to be used for the furtherance of free public instruction. It permitted the religious members either to leave the country or remain in the republic to enjoy all the rights of citizenship, suffering

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192 Ibid.

193 AC, tomo 1872, doc. 281.

194 Recopilación de las Leyes, I (1874), 102.
no other limitations than those that are proper to the secular clergy. The religious desiring to leave the country were promised compensation for their journey. Those who desired to remain were considered secularized and were not to wear their distinctive religious garb. The decree required that the churches of the religious communities be converted into parishes supported by the government, their libraries to be handed over to the university. Similarly, a monthly pension of twenty-five pesos for the duration of one year was promised to the religious who were not ordained priests or, because of old age or sickness, were unable to exercise their ministry.  

Barrios justified his action by observing that religious communities no longer were "the depositories of wisdom nor an efficacious element in improving customs." He argued that religious communities opposed the reforms of modern civilization "which denounce theocracy in the name of liberty of progress and of popular sovereignty." According to Barrios, religious communities were an economic liability, opposed to the democratic principles proclaimed by the Revolution of 1871. Immediately after issuing the decree, Barrios in a public address to his subjects, observed that his action against the religious was not radical, since a similar course of action had

195 Ibid., pp. 101-102.  
196 Ibid., p. 101.  
197 Ibid.  
198 Ibid.
been followed in other advanced nations. He argued that republican principles cannot tolerate the "civil death of an individual" in a monastery. Rather these principles must reform the institutions in order to effect the felicity of our fatherland. As a final warning, he threatened to use force if any of the religious or their friends attempted to incite the people against the decree. His action received the immediate approval of El Crepúsculo, which argued that the government had done nothing more than what Pope Clement XIV had done.

Padre Espinosa wrote his third protest note to Barrios on June 8. He remarked that his earlier protests over Barrios' action against the Jesuits and the Congregation of St. Philip Neri had received no reply, other than disbanding all male religious communities. This he found surprising in view of the repeated expressions of civil authorities to respect the Church and her institutions. Above all, the apostolic administrator rejected the statement of Barrios that Guatemala was merely following the example of advanced nations, "when it is undeniable that the Church

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199 J. Rufino Barrios, Teniente General del Ejército y Encargado de la Presidencia del Gobierno Provisorio de la República, June 7, 1872, CBS.

200 Ibid.

201 El Crepúsculo, June 15, 1872, p. 2. The junta patriótica of the capital also voiced approval of Barrios' action, stating that the secular clergy, not enclosed in monastery walls, was more beneficial to society. "Al Pública," June 22, 1872, CBS.
enjoys greater liberty and consideration in those nations where true civilization has made greater progress." 202 He insisted that it was his duty in conscience to protest the decrees and make it known publicly that the Church does not accept principles which mean the ruin of its cherished institutions and the disregard of all of its rights. 203 On the very day that Padre Espinosa wrote his third protest, Soto sent him official communication explaining that "reasons of social, political and economic convenience have impelled the provisional Government to declare the disbanding of Religious Communities and the nationalization of their property. . . ." 204 Finding these reasons unacceptable, Padre Espinosa con­tinued to protest the action of the civil authorities. 205  

The suppression of religious communities was wholeheartedly supported by the Liberal newspaper, El Malacate. Its editor, Salvador Martínez Flores, argued that since the civil government originally consented to permit the existence of religious communities within the republic, it is only logical that the state has the right to withdraw the permission. According to the editor, to attribute such faculties to the ecclesiastical authorities, as the

202 AC, tomo 1872, doc. 287.

203 Ibid. Padre Espinosa also sent a copy of his protest to the suffragan bishops in Central America, all of whom supported the apostolic administrator in his conduct.

204 Ibid. 205 Ibid.
apostolic administrator and his cabildo are claiming, is sophistry that can at best be considered ludicrous.\footnote{\textit{El Malacate}, June 27, 1872, pp. 1-3.} The continued existence of religious communities was direct violation of the objectives of the state which were equality and justice. In fact, he concluded, the Church with its "acquired rights" had become an "empire within an empire," threatening the entire independence of the state.\footnote{\textit{El Crepúsculo}, June 19, 1872, p. 1.} In short, the editor saw a very limited role for the Church in a nation governed by the principle of sovereignty. Herein lies one of the basic reasons why the clash between Church and state was inevitable after the Revolution of 1871.

Having issued the decrees, Barrios and Soto still faced the task of enforcing them. The initial step was to take an inventory of all the property in the hands of the religious to determine what possessions they should retain for the maintenance of the cult, and what was subject to nationalization. The inventory, made by civil officials, was witnessed by the ecclesiastical authorities who kept a strict account of the expropriated goods. For instance, the inventory of the Escuela de Cristo, conducted by the Congregation of St. Philip Neri, was made on June 11. All property directly related to religious services in the church was to remain in its possession, but the hacienda of Incienso was to
The civil inventory served as the occasion for Padre Gatica, superior of the Congregation of St. Philip Neri, to issue his formal protest. Dated June 9, it not only denied the state the right to suppress religious communities but rejected the claim that the congregation no longer was fulfilling its objective due to inadequate membership. The superior rested his argument on the papal directive of September 4, 1868, which ordered the congregation to continue its work, even though the membership was below the required number. Hence, no approval could be given to the nationalization of Incienso since the will of the donor stated that should the Congregation of St. Philip Neri be suppressed, the property automatically must pass to the Beaterio de Santa Rosa. Although forced to leave the monastery, Padre Gatica made it clear that members of his congregation would not accept secularization, but would continue to keep vows even while living outside the monastic walls.

The civil inventory of Franciscan property was carried out on June 11, the same day as that of the Congregation of St. Philip Neri. The total membership of the order was given as twenty-

208 AC, tomo 1872, doc. 287.

209 Ibid. Padre Gatica stated that the congregation had three members and not one or two as Barrios had indicated in his decree of suppression. The superior reported that he anticipated increasing the membership to seven.

210 Ibid.
A formal protest, drawn up by the Franciscan superior, Padre Mariano Guadalupe Valenzuela, was dated June 13. Padre Mariano denied the government's accusation that his order was guilty of scandalous conduct. He added that should any member be guilty of such conduct, the order would take immediate steps to expel him. He noted that the civil government offered no concrete case for the existence of such a scandal. The superior gave firm assurances that no attempt would be made to stir up the people against the religious policy of the government, and that the order would cooperate fully with the decree of suppression. As proof for this, Padre Mariano, writing the protest after the disbanding of the order had taken place, observed that the decree of suppression was brought to the monastery on June 8 at 4 P. M., allowing three days for departure. Another directive on June 10, ordered that the departure from the monastery must be completed by the following day. The friars were to leave peacefully so as to avoid the need for a fully armed guard which might attract public attention. Complying, the superior had the Franciscans leave two at a time, allowing a sufficient interval of time before the next two departed, so as to avoid any public attention. As further proof of obedience to the civil order, Padre Mariano noted

211 Ibid. The number twenty-nine can be broken down as follows: priests, 20; coristas, 7; and lay brothers, 2.

212 Ibid.
that he did not insist on a formal protest when the expulsion was carried out. In his conclusion, he rejected the right of the state to suppress religious communities; insisted that the Franciscans would continue their religious life in monasteries outside of Guatemala, except those who lacked financial means to do so. His letter of protest and the inventory made no reference to property that the order held besides the Church of San Francisco in the capital and the adjoining monastery.

The Dominicans experienced similar difficulties. Their departure was so hasty that the religious superior was unable to make his formal protest before leaving. In fact, the official protest was not drawn up until August 2, 1872, in California, where the Dominicans sought refuge. The membership of the Dominican Order consisted of seven priests, one corista, and one lay brother. According to the protest, the civil authorities used force to carry out the expulsion. The Dominican prior insisted that the order could not accept the thinking of the political authorities that modern civilization and economic progress cannot tolerate the existence of religious communities. He argued that not only was the decree of suppression a violation of the Concordat of 1852, but a violation of natural and sacred law,

213 Ibid. 214 Ibid. 215 Ibid. 216 Ibid. The official protest was not sent to Guatemala until August 7, 1873, at which time Padre José Casamitjana was in Rome to explain the expulsion of the order to the pope.
which was recognized by practically all the citizens of the republic. Apart from the hacienda in Palencia, the church, and adjoining monastery, the protest and inventory referred to no other property owned by the order.

In spite of religious opposition to Barrios' decrees, the disbanding of the Congregation of St. Philip Neri, Franciscans and Dominicans was carried out in a peaceful manner. This was not the case of the Capuchins residing in Antigua. The first report of their expulsion was made in a letter dated June 11, and written by Padre Francisco Martínez, a secular priest who was an eyewitness. According to Martínez, an armed force of 200 men entered Antigua at 5 P.M. on June 7, the very day the order of suppression was issued. At 8 P.M., the Capuchins were given the order to leave within one hour. They were then conducted by soldiers armed with bayonets to the Palacio de Corregidor, where they spent the night. The original plan of the authorities was to send the Capuchins to Chiapas, but due to the intercession of Padre Martínez, it was decided to permit them to go to the port of Champerico to board a ship, avoiding the arduous journey to Chiapas. Before leaving Antigua, the Capuchins received a donation of about 570 pesos.

217 Ibid.

218 Ibid. According to the report of El Noticioso the request for change of destination was made by the Spanish vice-consul in order that the Capuchins could take a ship for California. El Noticioso (Guatemala), June 11, 1872, p. 2.
According to Padre Sigismundo de Mataso, the congregation consisted of twelve priests and various coristas and lay brothers. Their property included two churches in Antigua, Belén and Beatas, and the monastery. Padre Ignacio de Cambrils, a member of the Capuchins at the time of their expulsion, reported that because of the popularity of the Capuchins in Antigua, many inhabitants accompanied them to Champerico to aid them in their hardships.

The Liberal newspaper, El Crepusculo, in its report of June 12, observed that the expulsion of the Capuchins, which was necessitated by their preaching against civil authorities, was orderly. The newspaper questioned the loyalty of the friars when it reported that the majority of the Capuchins was of Spanish origin. In citing M. Ancisar, a Colombian, who was instrumental in disbanding religious orders in Colombia, El Crepusculo stated that religious institutions were prejudicial to the interests of a republic:

... since they were founded on the principle of passive obedience to civil authorities; had antisocial vows, which the civil government has a duty to oppose; surrounded themselves with privileges incompatible with democracy and

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219 AC, tomo 1872, doc. 287. The exact number Capuchins was given by El Noticioso as thirty-nine, which generally appears to be the accepted figure. El Noticioso, June 11, 1872, p. 2.

220 El Imparcial (Guatemala), January 28, 1944, p. 3. The work of Padre Ignacio de Cambrils, entitled Cronicon de la Misión de P.P. Capuchinos en Centro América o Fundación y Propagación de la Seráfica Religión Capuchina en la América Central, was not available to the present writer. Fortunately, Cesar Branas in El Imparcial wrote a summary of the work, which originally had been published in Barcelona, Spain, in 1888. According to the summary, the
established themselves in the republic as an antagonistic power, exercising religious coercion or knowingly fostering fanaticism among the barbarian populace with idolatrous practices in order to use it in elections and thus hinder all moral progress of the country.221

Although the newspaper regarded religious institutions as dangerous to state sovereignty, the question of Capuchin property remained a mute point. This omission and the silence of other reporters on this matter indicates that the Capuchin holdings were inconsequential. The order apparently did not accumulate much property during its brief residency of twenty years in Guatemala.

El Crepúsculo made no reference to the violence that accompanied the expulsion of the Capuchins. That it occurred is evident from the report of U. Irungaray, the military official in charge of executing the decree. In his report of July 24, he noted that he and his 150 men did everything possible to avoid violence in fulfilling their duties, even obtaining the promise of the Capuchins that they would submit peacefully to the decree. Since the required inventory had to be taken before the expulsion order could be executed, the stay of the Capuchins was prolonged a few hours. Irungaray attributed the opposition of the inhabitants to their ignorance and fanaticism. On June 8th, when he

221 El Crepúsculo, June 12, 1872, p. 1.
escorted the Capuchins from Antigua, he observed that he never had seen as large group of people, as that accompanying the Capuchins to minister to them. In order to transport the Capuchins to Champerico, the military officer requested the inhabitants to provide the necessary number of carriages, but they refused. The officer finally did get six carriages and three oxcarts for his needs. On leaving the city, the people shouted and attacked his soldiers, resulting in the injury of some of the people and soldiers. He finally arrived at Champerico on June 16, after a number of changed marching orders, apparently to avoid further outbursts of opposition along the way. On the 18th, the Capuchins were placed aboard the ship, Sacramento, enroute to California. The report of Irungaray is further substantiated by an article in El Noticioso, which also spoke of a large gathering of people, the majority of which was women. According to this newspaper, the violence resulted in two deaths and three wounded. Similar references to violences were made by the Advertizer of San

222 Ibid., July 24, 1872, p. 2.
223 Ibid. One of the reasons why the Capuchins chose California as their place of refuge may have been that a number of the Central American regimes showed themselves inimical to their presence. Such definitely was the case in Costa Rica, where the Guatemalan Lorenzo Montúfar was still exerting his influence in political circles. Montúfar argued that Costa Rica could not admit the expelled religious orders from Guatemala, since these orders had a long history of fomenting religious persecution, political upheavals and attacking the principles of sovereignty. Rafael Montúfar, pp. 60-61.
224 El Noticioso, June 11, 1872, p. 2. Padre Pacífico Montroig
Francisco, where the Capuchins and Dominicans sought refuge. The Advertizer accused Barrios of giving his soldiers the order to shoot any member of the religious orders who should attempt to escape. The number of casualties in the uprising in Antigua was given as four people killed and five mortally wounded. Sarcastically, the Advertizer concluded that "all this was done under the ardent sun of the tropics and under the sacred call of the glorious nineteenth century." 225

After the departure of the Capuchins, there still was fear that an insurrection might break out in Antigua. Thus "Unos Guatemaltecos Cristianos" issued a broadside on July 12 admonishing the people of Antigua to remain calm. No longer would the people be plagued with the "fanatical" preaching of the Capuchins, but now they could enjoy the opportunity of hearing the preaching of "true Christianity" by the national clergy. According to the broadside, those responsible for the expulsion decree were not heretics, as some people maintained, but men devoted to the welfare of the people. 226

It was during the execution of the decrees that García Granados returned from Honduras to reassume the presidential

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a member of the expelled Capuchins, reported that three to four persons were killed during the departure of the Capuchins. M. A. García, V. 451.


226 "Al Pueblo Antigüeña," June 12, 1872, CHS.
office on June 10. Regarding the Barrios decrees as an accomplished fact, he apparently did not find it prudent to interfere with the work of the general of Los Altos. The chief executive never expressed displeasure with the decrees. Shortly afterwards, however, García Granados, in his memoirs, was highly critical of the earlier anticlerical decrees of Francisco Morazán. Although he apparently agreed with the general tone of religious reforms under Morazán, he criticized him for employing force and for expelling certain religious communities. The criticism could well have been leveled against Barrios.

Barrios had issued nine decrees in one month; practically all of them were intended to further the Liberal religious reforms. The nature and speed of the reforms brought the inevitable reaction, but to this Barrios answered, "I expect nothing from the present; I do not have the vanity of expecting to work for the present day; time is my best friend, in it I trust and to it I

227 García Granados, II, 279.

228 In all of these religious reforms there is no documentary evidence to show that Barrios was officially excommunicated by the Church. The only reference to an official excommunication is the one made by John W. Boddam-Whetham, an English traveler in Guatemala from October 1875 to October 1876. Boddam-Whetham gave no date for the excommunication but noted that it was issued by Bishop Mariano Urruela. This raises the question of why would Urruela, an auxiliary bishop, issue a formal excommunication when Archbishop Piñol was still recognized by the Holy See as the legitimate religious authority of Guatemala. John W. Boddam-Whetham, Across Central America (London, 1877), p. 38.
submit myself . . . time is our judge." Barrios was right in the sense that he has fared well in the hands of the majority of the Guatemalan historians. Calling Barrios a moderate in his study of 1935, Arturo Valdes Oliva observed that his program was intended "to stimulate the arts, industry, commerce, banking, agriculture and any activity that would raise the level of the people and mark them with a stamp of distinction." Valdes Oliva added that Barrios' religious reforms antedated the Mexican religious reforms of the 1920's by seventy years. Similar judgments, although usually more restrained, were made by the biographers of Barrios; namely, Jesús Carranza, Víctor Miguel Díaz and Casimiro Rubio. Mariano Zeceña, the Positivist historian, criticized Barrios for his arbitrary actions but praised him for his religious policy. Zeceña favored the disbanding of religious communities, since through their vows, religious members "abdicate their human rights and convert themselves into a machine at the service of a religious idea. . . ." This, he concluded, was nothing more than moral suicide. The writer also found other reasons why Barrios had to disband religious associations. First,


230 Valdes Oliva, pp. 67 and 88.

231 Ibid., p. 70.

232 Zeceña, p. 85.
he noted that religious associations were reactionary centers intent upon the destruction of the Liberal reform program. Secondly, since much of their capital or property was not properly invested or utilized, it contributed nothing to the material welfare of the people. Zeceña, however, apparently was unaware that property was not a prime consideration in the dissolution of the Franciscans, Dominicans and Capuchins. Like many other historians of this period, he failed to grasp the conflict between spiritual and temporal power over the question of sovereignty. The question of sovereignty was not overlooked by the editors of *El Crepúsculo*. In the words of the publication: "One cannot obey two masters. No one can consent to an authority outside the nation. This has been a difficulty for Catholic people; namely, that the Pope has interfered with their governments." The position of *El Crepúsculo* recognized no other sovereignty than that of the state. Neither did the publication consider it necessary to limit sovereignty. The failure to limit sovereignty resulted not only in the inevitable clash between the Church and the state but in conflicts between the state and nonreligious associations.

As a final consideration, the disbanding of religious orders immediately resulted in a shortage of clergy. According to the

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reports of the religious orders, the total number of religious at the time of suppression was ninety-nine. In addition, there were 139 secular priests in the republic. Of ninety-nine religious, forty-one remained as seculars, leaving 180 priests after the suppression. Their numbers were insufficient to serve a population of approximately a million and a half, ninety per cent of which was Catholic. Furthermore, the scarcity of clergy greatly weakened the Church in its subsequent struggle with the Liberal regime of Barrios.

Although the initial Liberal measures were mainly concerned with suppression and abolition, they did lay the groundwork for a more positive program later on. In the meanwhile Barrios returned to Quezaltenango while García Granados faced the task of implementing his decrees. Again the chief executive was in the ironic situation of approving and executing decrees which were not of his making, and probably alien to his aspirations.

235 This number does not include the lay brothers. For instance, the total membership of the Capuchin order at the time of the expulsion was thirty-nine, of which twelve were priests. The religious who desired to remain in the country usually did so for reasons of health or to continue their work among the people. Secularization was granted to them by the apostolic administrator provided they followed their religious rule as much as was possible under existing circumstances. AC, tomo 1872, doc. 287.
García Granados gave no cause for alarm to the followers of Barrios when on June 12, 1872, two days after resuming power, he decreed that the monasteries of the Franciscans, Recollects, Dominicans and Bethlemitas of Antigua should be converted into primary schools. He further declared that education in these schools should be free and devoted to the teaching of reading, writing, arithmetic, grammar, religion, "moral urbanity," geography and history. Although the decree provided for religious instruction, Padre Felipe Marroquín, pastor of Los Remedios, complained six months later that religious instruction was neglected in the school of San Francisco. He contended that this neglect was especially dangerous in an epoch "in which Masonic rationalism makes so many efforts to do away with the Religion of the Crucified." Since the pastor concerned himself with the school of San

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1Recopilación de las Leyes, I (1874), 106-107. The course entitled "moral urbanity" was not defined and probably meant nothing more than the study of ethics and common courtesy.

2"Observaciones acerca de la Escuela de San Francisco," January 17, 1873, CHS.

3Ibid.
Francisco, there is no way of knowing how widespread the lack of religious instruction was at this early date. Probably, religious instruction on the elementary and secondary levels continued to hold its pre-1871 position at least until the Liberal educational program became more widely enforced.

With the proposed introduction of Catecismo Político Constitucional de la República Mexicana by Nicolás Pizarro as a textbook, additional opposition arose from clergymen. The degree to which the catechism was actually used is debatable, since Padre Antonio María Lanuza of Joyabaj is the only pastor on record making mention of such a textbook. 4 The fact that the catechism was reprinted in Guatemala in 1872 from an earlier Mexican edition of 1861, however, indicated that its introduction on the primary level was intended to be widespread. Padre Lanuza did not hold the central government responsible, but rather the local jefe político, who wanted to secularize the local schools completely. 5 Lanuza’s position was approved by Padre Espinosa, who on August 8, 1872, requested the chief executive to forbid local political authorities from issuing orders that had not been approved by the central government. 6 The real opposition to the catechism centered

4 AC, tomo 1872, docs. 437 and 490. According to Padre Lanuza, the catechism was to replace the standard religious texts of Padres Rosales and Ripalda.

5 Ibid., doc. 437.

6 Ibid., doc. 455.
on its content. In the introduction of the 1872 reprint, José Abal held up the Mexican Constitution of 1857 and the laws of La Reforma as Constitutional and legal models for Guatemala. 7 Pizarro, the author of the catechism, opens the work by discussing the rights and duties of man as outlined in the Mexican Constitution of 1857. 8 He noted the right to choose one's profession in life "... and for this reason the law does not recognize perpetual religious vows, nor those agreements in which such an irrevocable sacrifice is promised." 9 He did not rule out the taking of religious vows, but denied the state the right to enforce these vows. 10 Raising the question of religious tolerance, Pizarro noted the necessity of practicing religion without fear, adding that "... in respecting the beliefs of others, we are sure that our beliefs will be equally respected." 11 In discussing the fueros of the Church and the army, he stressed the right of the people to grant such privileges for meritorious services rendered and their right to withdraw them. 12 If these were any exception, it was in an area over which the constitution has no jurisdiction, such as spiritual affairs, which were in the strict domain of the Church. Where the clergy's conduct threatens the general welfare

7 Nicolaś Pizarro, Catecismo Político Constitucional de la República Mejicana (Guatemala, 1872), p. 5.
8 Ibid., p. 8.
9 Ibid., p. 13.
10 Ibid., p. 16.
11 Ibid.
12 Ibid., p. 18.
of society or of any citizen, however, the political authority must intervene to abolish the abuses. \(^{13}\) Fees enjoyed by the Church were also to be curtailed, since the constitution made it "an invariable rule that for any person to enjoy emoluments these must be fixed according to the law." \(^{14}\) Pizarro also questioned the right of entail and mortmain. He noted the case of Church property in Mexico which, through the use of entail, was constantly "withdrawing wealth from the commercial life of the nation." \(^{15}\) This, he argued, could eventually lead to the people's complete subjugation to the Church. \(^{16}\) To avoid this situation he justified not only the abolition of entail but the nationalization of all ecclesiastical property. \(^{17}\) Pizarro concluded his work with a discussion on sovereignty. For him, it was clear that the Church's sovereignty was not of this world, since Christ instructed his followers "to render to God what is God's and to render Caesar what is Caesar's." Instead of undermining public order, the writer continued, the Church should insist that its clergymen be good citizens, devoted to the furtherance of affairs of public interest. \(^{18}\) Herein, according to Pizarro, was the true accomplishment of the La Reforma of Mexico, namely the restoration of sovereignty.

\(^{13}\) Ibid.
\(^{14}\) Ibid.
\(^{15}\) Ibid., p. 32.
\(^{16}\) Ibid., pp. 32-33.
\(^{17}\) Ibid., p. 33.
\(^{18}\) Ibid., p. 52.
to the nation.19

Although the catechism of Pizarro provided little religious instruction, it served as a survey of Liberal political philosophy. Although it was not widely sued as a textbook, the fact that it was reprinted in Guatemala demonstrates Mexican Liberal influence in Guatemala during the early years of the 1870's.

García Granados continued educational reforms when on August 14, 1872, he decreed the establishment of a ministry of public education, and the abolition of the Ley de Pavón of 1852.20 The abolition of the latter secularized education, for pastors were prohibited a voice in the direction of public elementary education.21 Nor were there provisions for clerical representation in the ministry of public instruction.

On September 23, García Granados ordered that soldiers be given a two hour instruction period daily in reading, writing, arithmetic and geography of Central America.22 The decree of October 9 provided that public funds be set aside so that the Sociedad Económica could establish a school for the deaf and dumb in the capital.23 Nine days later, García Granados decreed the

19 Ibid., pp. 52-53.
20 Recopilación de las Leyes, I (1874), 115-116.
21 For a complete statement of the Ley de Pavón see Pineda de Mont, ed., pp. 47-52. This law abolished the Liberal education laws of Mariano Gálvez formulated in the 1830's.
22 Recopilación de las Leyes, I (1874), 125-126.
23 Ibid., p. 127.
establishment of five schools for girls in the abandoned monasteries. 24 An official military school, known as the Escuela Politécnica, was established in the monastery of the Recollets on January 2, 1873. 25 In the provisions for the physical arrangement of the monastery, instructions were given for the construction of a chapel, indicating that García Granados did not intend removing religion completely from publicly supported institutions. 26 Nevertheless, El Museo de las Familias, a moderate Liberal publication, voiced serious concern over the religious unbelief of the time. 27

Lack of data on educational reforms makes it impossible to judge the educational progress in the latter half of 1872 and at the beginning of 1873. The ministry of development created by García Granados did not compile its educational reports until a few years later. Nevertheless, García Granados established the foundation for public instruction. Although schools had always received financial aid from the state in the past, the innovations of García Granados gave the state greater control over them. More financial support and greater state control became more significant.

24 Ibid., pp. 127-128.
25 Ibid., p. 135. The first director of the school was Commandant Bernardo Garrido y Agustino, a native of Spain.
26 Ibid., p. 152.
27 El Museo de las Familias (Guatemala), January 12, 1873, p. 2.
under the administration of Barrios after 1873.

Despite opposition from Liberal ranks, García Granados and Barrios were willing to grant special privileges to the Church. For instance, the universal military conscription law issued by Barrios as interim president on June 8, 1872, exempted the clergy from military service. The only others exempted were those who paid fifteen pesos for each year exempted. 28 Since Barrios did not exempt seminarians unless they paid fifteen pesos, the ecclesiastical government on June 28, requested that the clerical exemption be also applied to them and servants who work for the Church. 29 García Granados, on resuming the presidency, heeded the request of the ecclesiastical authorities by declaring exempt the seminarians of San Vicente de Paul and the scholarship seminarians of the Colegio de Infantes. However, he refused to exempt the students in the Colegio de Tridentino and servants of the Church. 30 According to the chief executive, since the students in the Colegio de Tridentino were not engaged in the exclusive study of ecclesiastical sciences, they could seek exemption only after

28 Recopilación de las Leyes, I (1874), 103-105. According to the decree, the changes in military conscription were necessary so as to remove the burden of military service from the less fortunate classes. It is quite obvious that the decree failed in this matter since it exempted those who could pay the fee of fifteen pesos per year.

29 AC, tomo 1872, doc. 363.

30 Recopilación de las Leyes, I (1874), 118.
completion of their twentieth birthday and their entry into major orders. No clerical exemption could be granted to servants because these were not really members of the clergy; to exempt them would be an arbitrary application of the law. 31

In a letter of July 18, Padre Espinosa reminded the civil authorities that scholarship students in the Colegio de Tridentino were engaged in the same studies as all other seminarians. To suggest that they could seek exemption at the age of twenty by receiving major orders was not realistic, since canon law did not permit the reception of major orders until the candidate had reached the age of twenty-one. Padre Espinosa reiterated his request that men not in religious orders but connected with direct services to the Church should also be exempted. 32 The reply of Marco A. Soto, minister of government and justice, granted Espinosa’s request by exempting the scholarship students in the Colegio de Tridentino, but no mention was made about servants of the Church. 33 Although García Granados amended the military conscription decree on January 11, 1872, the additions did not affect clerical exemptions, since they were concerned only with the reduction of the maximum age for military service and exemption

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31 Ibid., pp. 117-118. See also AC, tomo 1872, doc. 396.
32 AC, tomo 1872, doc. 405.
33 Ibid., doc. 440. An example of a servant of the Church is a sacristan.
fees. 34 Similarly, Barrios in his military conscription regulation in 1873 did not withdraw this clerical privilege, but merely increased the maximum age for military service and the exemption fee. 35 Neither García Granados nor Barrios wished to antagonize the church by demanding military services from the clergy. Another example of conciliation was the request of García Granados, on June 28, 1872, that the apostolic administrator offer a "Te Deum" in commemoration of the Liberal victory of 1871. The request was promptly honored. 36 Again on September 10, García Granados informed Padre Espinosa that he, in company with his ministers, would attend the religious functions in the cathedral in honor of national independence. 37 Such gestures might have been the beginning of an era of good feeling between the Church and state. Such was not the case because the spirit of conciliation was present neither in the struggle between the Church and the state on the local level nor in the press. The failure to curb these feelings partially explains the inability of García Granados to maintain amicable relations with the ecclesiastical officials. For example, a broadside, authored by "Unos Amigos del Orden," claimed that Padre Espinosa was no improvement over his

34 Recopilación de las Leyes, I (1874), 135-136 and "Observación a la Ley de Contribución de Sangre," June 22, 1872, CHS. "Contribución de Sangre" is the term used to designate the exemption fee.

35 Recopilación de las Leyes, I (1874), 183-184.

36 AC, tomo 1872, doc. 362.

37 Ibid., doc. 517.
predecessor. He was accused of continuing the conspiratorial ac-
tivities of Archbishop Piñol. The authors demanded his resigna-
tion so that public peace could be restored. Similar accusa-
tions of conspiracy were made in a broadside of June 26, 1872, 
signed by "Unos Sacerdotes." The identity of the authors cannot 
be determined. As proof of clerical conspiracy, the writers cited 
the case of Padre Chanona. Without identifying his nationality, 
"Unos Sacerdotes" reported that the priest, along with other 
Guatemalans, was executed for his part in the civil uprisings in 
Honduras in 1872.

El Crepusculo also continued its anticlerical and anti-
Catholic articles. On September 25, 1872, in discussing man and 
the social order, it ignored dogma, insisting that man's happiness 
lay in hard work and morality protected by good institutions. 
Happiness, brotherhood and political stability could be had out-
side the Church because morality is the same for all regardless of 
one's belief. Another article in the same issue, authored by

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38 "La Conducta del Señor Espinosa Provisor de la Diócesis de 
Guatemala," n.d., CHS.
39 Ibid.
40 "La Prensa y el Prelado de la Iglesia," June 26, 1872, CHS.
41 "Compañía de Honduras, Boletín de Noticias," August 8, 1872, 
CHS.
Lorenzo Montúfar, attacked the Society of Jesus. Montúfar noted that Jesuits, like other religious communities, were not of divine origin since there is no mention of them in the New Testament. Furthermore, he found the Jesuits dangerous because of their blind obedience and wealth. They were all the more a menace because they advocated Molina's doctrine of tyrannicide and that "civil authority over all nations resides essentially in the Pope." Such thinking Montúfar could not accept since Christ had stated most definitely that the Pope has only spiritual powers and not temporal powers. He continued his attack on the Jesuits in the October 5 issue in which he discussed tyrannicide. He held them responsible for the death of Pope Clement XIV, who had suppressed the Society. Concluding his series of anti-Jesuit articles on October 9, Montúfar reminded his readers that although "the Jesuits are the staunchest supporters of theocratic tyranny," in the end the oppressed people will rebel against this theocratic institution and "annihilate Jesuitism and theocracy." The reaction of the religious authority was to prohibit the reading of El Crepúsculo under the pain of excommunication.

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43 Ibid., p. 2. 44 Ibid. 45 Ibid. 46 Ibid. 47 Ibid., October 5, 1872, p. 1. 48 Ibid., October 9, 1872, p. 2. 49 AC, tomo 1872, doc. 564. Actually this edict was a mere reiteration of earlier edicts (April 23 and July 30, 1872) censoring publications of a similar nature.
Espinosa on September 26 accused the publication of propagating "profoundly impious doctrines, based on errors against dogma and morality." 50

Throughout 1872, reprints of foreign publications devoted to the study of Church questions increased. The political catechism of Pizarro was one example. Of equal significance was the French pamphlet, Secularización de la Iglesia, by F. Laurent. The theme of this short pamphlet was the justification of the French assembly's expropriation of Church property. The writer accused the Church of not using her endowments for charitable purposes. As a result, the Church has grown wealthy and endangered public welfare. Expropriation of ecclesiastical property was therefore justified, Laurent asserted. 51 He further contended: "Endowments exist only in virtue of the law, and the law does not authorize them except under the tacit or express condition that they be in conformity with the common interest. It is for the safeguard of this interest, that the state may intervene; if it permits their establishment, it is because the state judges them useful and in no way endangering the interests of society." 52 Thus for Laurent the state's right to expropriate endowments for the sake of public interest was obvious. "To doubt this right of the state is to

50 Ibid.
51 F. Laurent, Secularización de la Iglesia (Guatemala, 1872), P. 8.
52 Ibid.
deny the state the faculty of self-preservation, which is the first of its duties." 53

Laurent employed the same line of reasoning when he analyzed the rights of corporations as opposed to the rights of individuals. According to the writer, an individual had a life independent of society and his own rights, which could not be taken away. 54 Corporations, however, "are fictitious entities which do not exist by themselves, but in virtue of the law and neither do they exist for themselves but for some social end, which necessarily makes them subject to the will of the legislator: the law can undo that which it has made and it is the duty of the legislator to suppress corporations or modify their existence according to the needs and conveniences of the nation." 55

Laurent admitted that although the endowments of the medieval Church were indispensable to her mission of charity, they were unnecessary in modern times when the state provides for these needs. Today, he argued, the Church has become rich and the clergy has become an independent body of the state. Furthermore, the Church had withheld her wealth from the commercial life of the nation, and thus she is responsible for the economic retardation of the nation. 56

Laurent regretted that the French Assembly, when discussing Church property, hardly touched upon these abuses, but noted that Diderot

53 Ibid., p. 9. 54 Ibid., p. 10.
55 Ibid., p. 11. 56 Ibid., p. 15.
made this the capital point in his *Enciclopedia*. In fact, Laurent contended that no state intervention in Church property would have been necessary had the Church used her endowments for charitable ends. He also was critical of the Church's policy of charity, which he claimed created a population of beggars and vagabonds.\(^5^7\)

Since the Church admitted that it was the administrator rather than the owner of these goods, Laurent considered it the legitimate function of the state to modify the conditions of administration in the best interests of society.\(^5^8\) He reminded the clergy that the invocation of canon law to protect Church property had no value in modern society which, due to the religious revolution of the 16th century and the revolution of 1789, no longer recognized ecclesiastical laws.\(^5^9\) While the thesis of Laurent left little room for an economically independent Church, it did not raise the question of what effect this would have on the spiritual independence of the Church. Neither Guatemalan Liberal writers nor the reformers give much attention to this dilemma. The republication of Laurent's pamphlet in Guatemala does not imply that the Guatemalan Liberals were wholly or partially indebted to these ideas for their reforms, but it does mean that French Liberal ideologies were imported to educate the people in the evolving reform program of the 1870's.

The Church had no doubts about her spiritual independence should Laurent's ideas become the guide for legislation on endowments. In answer to Laurent's pamphlet, "Unos Católicos" published a rebuttal entitled Breves Observaciones sobre el Folleto Titulado "Secularización de la Iglesia." The writers expressed no surprise at Laurent's arguments, since his thesis was essentially the same as that delivered to the French assembly on October 10, 1789, by Bishop Talleyrand. The rebuttal attacked the thesis that the Church was not the owner of its property but merely the administrator, and secondly that since the Church as a corporation is no different than any other civil corporation, it is subject to the civil laws—a fact that would make it possible to expropriate ecclesiastical property if the interests of the nation demanded it. Starting with the concept of sovereignty, which was the foundation for Laurent's position, the writers argued that citizens have "the right to form a religious society as well as a civil society because governments are formed by people, not people by the government. The people therefore have the right to endow their religion and give it inviolable dominion over its endowments. On forming a civil government, the people

60 Breves Observaciones sobre el Folleto Titulado "Secularización de la Iglesia" (Guatemala, 1972), pp. 1-2. The pamphlet was published by the order of the ecclesiastical government. The pamphlet accused Laurent of being a Freemason and an anticlerical and antireligious writer.

61 Ibid., p. 4.
have imposed on it the duty of protecting religion, not of domi­
nating it, of respecting its liberties and rights, not of con­
fiscating or oppressing it." The authors admitted that the state had the power to suppress lay corporations, "founded for a profane or temporal end and employ their property for the proper end; but to deprive an individual or a moral body of its goods has never been a state's prerogative, and much less if it in­volves the Church, an independent society, which is not founded by the state nor is it subject to civil laws in all that which concerns its end as a divine institution." If the clergy is guilty of abuses in the administration of endowments, the solu­tion was reform by the Church, not expropriation, the authors argued. They further asserted that an attack on Church property would eventually threaten the security of individual holdings. Their thesis was that the Church is a spiritual society and as such, "the law must recognize it and thereby it is within the state's power to destroy the Church's right of acquisition because it is absured to admit the existence of the Church and deny it the means for its existence." Denying the Church the right of ac­quisition is not only unjust, but also contrary to the natural law, "which does not allow the prescribing of useful institutions and

62 Ibid., p. 7. 63 Ibid., pp. 7-8.
64 Ibid., p. 8. 65 Ibid., pp. 9-10.
66 Ibid., p. 12.
much less those necessary for the common good." In the sense that the Church does not depend for its existence on human laws but on the divine law, the Church can be considered to exist "outside the law or above the law; that is, outside the state or above the state." The Catholic apologist insisted that in "rigorous justice" human law must be subordinated to divine law. The position of "Unos Católicos" makes it obvious that the central issue was the independence of the Church within a civil society. For them, undermining the economic subsistence of the Church constituted the ultimate destruction of its independence. Substantiation of these fears became clear in another short work written by José María Luis Mora, the Mexican renegade priest. The work, entitled Disertación sobre Bienes Eclesiásticos, was published originally in Mexico with the full blessings of Valentín Gómez Farías, a close associate of Mora during the Liberal reform period of 1833 in Mexico. Reprinted in Guatemala in 1872, it serves as additional evidence of the growing influence of Mexican Liberalism in Guatemala after 1871. C. Matías Romero, later Mexican minister to Washington, remarked that, in an October, 1872 meeting with Barrios, "General Barrios . . . manifested to me that his aspiration was to introduce in Guatemala the reforms which the Liberal party had accomplished in Mexico. . . ."
In light of the subsequent ecclesiastical expropriations, the ideas of Mora merit special consideration. He had few peers in analyzing the question of the Church’s right to property. Well trained in the sciences of theology and canon law, he employed them extensively in investigating the problem of ecclesiastical holdings. His work is well written and seriously challenged contemporary theologians and canonists. Although his presentation frequently was too involved for the ordinary layman’s comprehension, his conclusions demonstrated great clarity.

In his introduction, Mora claimed objectivity, for he intended to attack both religious fanaticism and irreligiosity, which desires to deprive the clergy of everything and destroy religion. According to Mora, although a civilized society cannot exist without religion or morality, a religion cannot be loved if it is confused with superstition, ambition and greed of religious ministers.

The author set a threefold purpose for his writing:

1. First, to determine the origin and nature of ecclesiastical goods;
2. Second, to expose the falsehoods that religion is evil and that the clergy are anti-social and immoral beings;
3. Third, to discuss the amount of property held by the Church and the desirability of expropriating it.

The Guatemalan admiration for Mexican Liberalism is further attested by an official declaration (dated August 17, 1872) of nine days of mourning for the death of Benito Juárez on July 18, 1872. AC, Acuerdos y Decretos del Gobierno Civil de los Años de 1870 a 1885, vol. XXIV. Similar admiration was expressed by Guatemala when President Sebastián Lerdo de Tejada ordered the expulsion of the Jesuits from Mexico. In an official communiqué the government hoped that Nicaragua would follow a similar course of action. El Guatemalteco, July 17, 1873, p. 3.

71 José María Luis Mora, Disertación sobre Bienes Eclesiásticos (Guatemala, 1872), p. 5.
secondly, to investigate when authority has the right to regulate the acquisition, administration, and investments of the goods; and finally, to analyze what authority has the right to determine religious expenditures and the means of covering them. 72 He first considered the purpose of ecclesiastical ownership of goods used to support religious ministers and religion in general. Mora claimed that goods, regardless of their purpose, remain material in essence because of Christ's admonition to render Caesar his due and because of teachings of the early Church Fathers he considered the clerical contention that Church goods, because of their purpose are "spiritualized," as an absurdity since this would mean that Church property "... has changed its nature, leaving the temporal order and acquiring a new spiritual order..." 73 Against the Church's claim that her goods were "spiritual," Mora drew the conclusion that the Church is no different in this matter than any other civil corporation. 74

Mora drew an important distinction between the Church as a "mystical body" and as a "political association." Under the heading of "mystical body" the Church was the work of Christ and eternally independent of temporal power. Under the second heading, however, the Church was subordinate to temporal authorities. As a

72 Ibid., p. 6.
73 Ibid., pp. 7-9.
74 Ibid., p. 10.
"political association," the Church was no different than any other political entity; and all privileges that she had gained in her long history as a "political association" could be modified or abolished. The "mystical body" designated the Church as an administrator of a purely religious mission, which she carried out perfectly in her early history until the time of Constantine. Thereafter, the Church entered the stage of a "political association," where she took on a jurisdiction and privileges alien to her spiritual mission. Thus, for Mora, the true rights of the Church flow from her position as a "mystical body," but her so-called rights flowing from her role as a "political association" are not inalienable. The latter, privileges acquired with Constantine and thereafter, have nothing to do with Christ's kingdom, which is not of this world. 75

Having determined the independent position of the Church as a "mystical body," Mora next took up the question whether the Church under this designation had the right to possess temporal goods, and if she does, what would be the nature of these goods; and from whom may she demand them. Mora found no difficulty if goods were considered as voluntary contributions from the faithful, since, for him, the Church "as a mystical body has the right to possess them." 76 Such goods were absolutely necessary for the sustenance of the clergy and the furtherance of the cult, a

75 Ibid., pp. 10-11. 76 Ibid., p. 12.
practice approved both by Christ and the early Church authorities. While the early Christians contributed voluntarily to the Church for the welfare of the poor, the contribution, according to Mora, was never made in the sense that the Church would administer the goods, since to administer implies some sort of business venture. 77 The weakness of the clerical position was not the right to voluntary contribution, but the demand that the state impose a contribution for the Church on its subjects. This placed the burden of Church support not only on the shoulders of the faithful, but also on those who did not subscribe to the Catholic faith. Such coercion Mora found contrary to Christ's mission of persuasion and the writings of the early Church Fathers such as St. Cyprian, St. John Chrysostom and St. Hilary, who stressed the obligation of priests to preach the gospel; and not look for rewards from the state. According to Mora:

no temporal authority, by the very fact that it professes Catholicism, is under the obligation of forcing its subjects to pay for religious expenditures. . . . The ultimate goal of a civil government is the maintenance of social order and not the protection of this or that religion, since it would be absurd to pretend that the Church could not exist except in a nation that had such a determined government or that there could be no government without such a determined religion. 78

Although Mora conceded the right of the clergy to be supported by the faithful, he refused to admit that such support could consist of "landed property or livestock . . . since all of

these carry civil obligations and cannot exist except under this name." 79 While a minister of the cult may receive the necessities for his daily needs in the exercise of religious duties, he has no natural right to demand more. This, Mora claimed, was in complete harmony with the life of the clergy during the apostolic era. 80

In the sense that the Church enjoyed ownership of property, she no longer could be considered as a "mystical body." As an owner of temporal goods, she belonged to the category of "political bodies," and thus was subject to temporal authority. Under the latter designation the Church enjoyed rights as any citizen or political body. "How else," asked Mora, "could a body or a community, whose existence is not recognized by laws or authorized by them, acquire, sell or exchange temporal goods?" 81 For Mora, the only answer was that the Church as a property owner must be viewed as a "political body." This entailed more than the enjoyment of property rights, since it implied that the state recognized the creation and rights of such a "political body." The conclusion that the Church as a property owner was as much under the jurisdiction of the state as any other civil corporation was clear. 82 Mora did not consider himself in opposition to canon law, for it was essentially civil law, since civil governments have allowed

79 Ibid., p. 23. 80 Ibid.
81 Ibid., p. 25. 82 Ibid., pp. 25-26.
the Church to exercise it. In this sense, popes and councils have regulated the entire discipline of the Church as a "political community." In non-Catholic countries such as the United States, England, Prussia, Holland, Russia and many parts of Germany this has not been done because these countries saw the Church only as a "mystical body." Thus Mora found no contradiction in admitting that ecclesiastical ownership can be regulated by the norms of canon law, since the state grants the Church the right to exercise canon law and can revoke this right when it deems it "convenient." As proof of his argument that canon law was a part of civil law, he noted the papal recognition of the "pase" in the concordats throughout the centuries.

Mora next turned his attention to an analysis of the origin of Church property. First, he defined property as a "collection of values which constitute the permanent means for satisfying and attending to human needs: lands which produce fruits, capital returns from lands, and rents paid by the user of the land." In this context, Mora claimed, the Church never was a legal owner of property until the time of Constantine. As proof, he pointed to Constantine's permitting the Church to inherit property by means of a last will and testament. Since this was a legal title

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83 Ibid., p. 30.  
84 Ibid., p. 31.  
85 Ibid, pp. 31-32.  
86 Ibid., p. 33.
decree of an emperor, it could also be removed when clerics employed "intrigue to seduce widows and other weak and timid people to make them [selves] heirs." This, he noted, happened in the Theodosian Code which denied the right of inheritance to the Church. At the same time, Mora reminded his readers of the writings of St. John Chrysostom, St. Jerome and St. Ambrose, who criticized the wealth of the Church as being inimical to her spiritual mission.

Since Mora favored voluntary contributions for Church support, he vigorously opposed the use of tithes. According to the writer, the Jews introduced tithes to support the priestly tribe of Levi. The practice ceased with the establishment of the Christian Church, which was supported by voluntary contributions. However, the Council of Macon revived tithing in the sixth century. Subsequently confirming the practice, Charlemagne made tithing part of his civil code. Mora noted that in Spain, the Christian kings first used voluntary offerings of the faithful to finance the wars against the Moors, but later demanded that these offerings be obligatory. A similar situation, Mora continued, developed in the Spanish colonies. In addition, according to

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87 Ibid., p. 34.
88 Ibid., pp. 34-35.
89 Ibid., pp. 35-37.
90 The Council of Macon was called in 585 by the bishops of Lyons, France, to resolve matters of Church discipline.
Mora, parish offerings originally were voluntary but later the law converted them into "forced contributions." From studying the origins of tithes Mora became convinced that these compulsory offerings were not a divine institution, but owed their beginning to civil law. 91

Mora's criticism waxed stronger when he attacked religious chaplaincies and pious funds. These enabled the Church to amass immense wealth which served no useful purpose, and should be returned to the nation to be employed in industrial projects. 92 Instead of benefiting the Mexican Church as a whole, clerical wealth merely benefits the least useful clerical element, the bishops. Thus state intervention in ecclesiastical holdings become inevitable. 93

More odious than the wealth of the upper clergy was that of monastic institutions. For Mora, this was "... an abysm without bottom, where for three hundred years there has been collected an immense amount of capital for which no one has been able to give a reasonable explanation." 94 In this respect, he added, religious orders of women were worse than those of men. 95 The problem in Mexico was mal-distribution of wealth and clergy rather than insufficient wealth or clergy, he asserted. Thus he suggested an

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91 Ibid., pp. 38-42. 92 Ibid., p. 44.
93 Ibid., p. 46. 94 Ibid., p. 53.
95 Ibid., pp. 53-54.
increase in the number of bishops but a reduction of their income, erection of new parishes with the corresponding increase of pastors, reduction of parish territories, and the complete suppression of the "chaplaincies or beneficiaries." The wealth of pious funds and monastic institutions should be more profitably employed in the endowment of bishoprics and parishes. No candidate for sacred orders should be ordained unless he were destined to serve in some parish work. This would assure pastors for the poorer parishes and would diminish the superfluous number of clergy in the more populous areas. The author felt that this arrangement would lead to more equitable distribution of Church income while eliminating tithing.96

In his discussion of religious organizations, Mora carefully distinguished between "moral bodies" and "associations of individuals." The goods of the former never are the property of the individuals, for the "moral body" possesses property as a trustee to fulfill the objectives of public utility. In short a "moral body" administers public property but never owns it. Industrial and commercial societies, however, own property. When these societies are dissolved, the property returns to the investor. This type of society has nothing in common with hospitals, orphanages, schools, confraternities, monastic institutions, ecclesiastical cabildos and municipalities.97 Although the Church enjoys a

96 Ibid., pp. 55-56.  
97 Ibid., pp. 59-60.
civil right over its property, she never owns it as a private citizen. As proof, Mora pointed out that although the Church's civil right in this matter were restricted, he found no such restrictions on the right of acquisition by a private citizen, whom, he claimed, had the unlimited right of increasing his holdings: "through new acquisitions, even though this may mean an accumulation of too vast a fortune. With moral bodies, the exact opposite holds true because their limits to acquisition have been constantly determined: sometimes the amount to which their holdings can be extended had been designated, other times they have been declared ineligible to acquire certain goods, and not a few times they have been granted only the right of usufruct." 98 For Mora, the reason was obvious. "The right of acquisition, which an individual has, is natural and anterior to society; it corresponds to him as a man and society can do no more than assure it; on the other hand, the right of acquisition of a community is purely civil, posterior to society, created by society, and consequently subject to the limitations that society desires to impose on it." 99 Mora offered additional reasons why community property required limitations whereas individual property remains free of restrictions. When an individual dies, his property is divided among his heirs. Thus the state has no need to limit individual holdings. However, because the title to community property is

98 Ibid., pp. 60-61. 99 Ibid., p. 61.
essentially interminable, it continues to accumulate wealth, threatening the subsistence of other people. In order to protect its citizens, the state has the duty of limiting religious holdings without the consent of the clergy.\footnote{100} Mora saw a great advantage in limiting them, especially in the case of land. He noted that the division of land would create more owners, who through their incentive would make the land more productive. Mora concluded that the Church of necessity must be limited in its right of acquisition, and even better she must be prohibited from acquiring land.\footnote{101} This, he argued, was substantiated by the action of Spain and Mexico throughout the colonial and national periods. Without seeking ecclesiastical approval, both nations did it because they considered the Church a purely "political body."\footnote{102}

The state must also have a voice in the administration of religious property. Mora conceived administration as including contracts, mutual obligations, and acts over persons and things. All of these, he argued, were purely civil.\footnote{103} This, for the writer, was a recognized principle already under the Spanish regimes of Charles III and Charles IV.\footnote{104} Furthermore, history has proved conclusively that the administration of Church property

\footnotesize{\begin{itemize}
\item \footnote{100}{\textit{Ibid.}, pp. 61-63.}
\item \footnote{101}{\textit{Ibid.}, pp. 63-64.}
\item \footnote{102}{\textit{Ibid.}, pp. 65-67.}
\item \footnote{103}{\textit{Ibid.}, p. 68.}
\item \footnote{104}{\textit{Ibid.}, p. 69.}
\end{itemize}}
has never been productive, a case not true for property in private hands. 105

Having established the principle of state supremacy over the Church in the temporal realm, Mora posed his final problem. For him, the difficulty lay not with the principle, which he considered obvious, but with the application of the principle. 106 Since the state has the duty to exert her authority over the Church in this matter, she is bound to arouse the opposition of the clerical interests, who will greet the action of the state with cries of impiety, heresy and persecution. Recognizing clerical power in Catholic countries, Mora recommended that an intense program of propaganda be initiated to instruct the people concerning the evils of the immense Church wealth. Thus the writer advocated that the reforms should be initiated in those areas where the Church has amassed most of her wealth. In this way clerical protests would have less chance of preventing the state from taking over the property. 107

In treating the question of a last will and testament, Mora called for certain restrictions by the state. Although he conceded the widest freedom possible in the drawing up of a final testament, Mora thought that this freedom ceased with the person’s death. 108 Like Thomas Jefferson, he saw no reason why the living

should be governed by the dead. Furthermore, Mora pointed out that since a last testament is a civil affair, it is subject to civil authority. For instance, he noted that civil authorities in the past have found it necessary to alter final legacies when they proved detrimental to public welfare. Mora made the state the final judge in altering legacies for the sake of public welfare and social demands. 109

In spite of his conclusions, Mora still insisted on the separation of Church and state. For instance, he denied the state's right to recognize officially any religion since this meant special consideration for a religious group. While the Church exercises its authority over its members as "believers," the tolerant state gives no special consideration to any religious group, since it exercises its authority over its subject as "citizens." A state extending its authority beyond this would be intolerance, since she would be persecuting her citizens for subscribing to religious doctrines not officially recognized by the political authorities. 110 When Mora took up the issue of the state as a protector of the Church, the separation barrier began to crack. Although he considered it inadmissible for the state to protect a religion if this involved the regulation of a person's interior beliefs, he saw nothing wrong in protection if it

109 Ibid., pp. 75-76. 110 Ibid., p. 77.
meant that the state had the power to "grant certain civil rights to a body of faithful called the Church, certain distinctions or pre-eminence to its ministers and pay the necessary expenses for maintenance and conservation of religion." He pointed to the patronato real to support his position. Mora's approval of a state subsidy for religion was necessary, since his limitations on religious property could seriously hamper the work of the Church. In short, it was not Mora's intention to destroy the Church, but to limit its powerful position in a Catholic country. Simultaneously, he apparently was unaware of the possibility that a Church economically dependent on the state could eventually lose its spiritual independence.

Mora failed to discuss the patronato real, except to use it once as an example. Obviously, the patronato real was not essential to his thesis, in spite of the fact that his friend, Gómez Farías, at the time Mora was writing, was negotiating with Rome to obtain the patronage. For Mora, the patronage at best served as historical evidence of the state's supremacy over the Church in temporal matters. In his concluding remarks, Mora admitted that the line between spiritual and temporal matters is not always clear. His intentions, he insisted, were to outline the general principles of Church and state relations. However, the practical application of these principles would usually depend on specific

111 Ibid., p. 76. 112 Ibid., pp. 79-81.
The republication of Mora's thesis in Guatemala does not mean that the Guatemalan government was moved to action by this work. In fact, several reforms, such as the abolition of tithes, had already been initiated before its appearance in Guatemala. On the other hand, a number of other reforms advocated by Mora were not yet realized in Guatemala; and here the ideas of Mora could have served as a blueprint for the subsequent Liberal reforms. In the words of Mora, it was his intention to instruct not only "the wise but also the people in matters over which, if not by intent, at least in fact, there has been much confusion." Although this writer has encountered no specific citation from Mora in the writings and reforms of the Guatemalan Liberal, this does not detract from the significant reprint date of Mora's pamphlet in 1872.

Although the Laurent pamphlet brought an immediate rebuttal from the clerical interests, the Mora work apparently was unchallenged, except for the periodic letters Padre Espinosa issued in which he attacked Liberal doctrines. For example, on January 1, 1873, a circular entitled "The Church Its Duties and Our Rights" was issued by the ecclesiastical authorities. Padre Andrés Orantes, the editor of the circular, observed that it was a defense of the Church's independence and "a revelation of the fatal tendencies of the enemies of religion who employed every

113 Ibid., p. 83. 114 Ibid.
means to place the people under the harsh yoke of Caesar in order to destroy Christian civilization and liberty and to restore the despotism of the state." 115

More serious than the battle of the press were the growing tensions between the pastors and local political authorities. On July 2, 1872, the pastor of Jutiapa reported that the jefe político of the department had instructed the municipal authorities to take complete charge of selecting teachers and determining their salaries in the municipal schools. The pastor regarded this as the first step towards secularization of education. 116 A marginal note, apparently written by one of the members of the curia, confirmed the pastor's fears by stating that discussion over the matter had already taken place with the civil government, which indicated that the parishes no longer were required to make the customary contribution in support of education. 117 While secularization proved advantageous to the Church because it threw the financial burden of support on the state, it had its disadvantage in that local pastors lost all control of what was being taught in the schools. Padre J. Mejía, pastor of Mataquesquintla, complained bitterly about the teachings of the local military commandant, whom he accused of making a war on religion by

115 AC, tomo 1873, doc. 1. The circular, translated by Padre Orantes, was a reprint of a fifteen page pamphlet published in Belgium and authored by a Mr. Labis.

116 AC, tomo 1872, doc. 371. 117 Ibid.
instructing his soldiers and the local people that liberty is more desirable than religion. The pastor failed to elaborate on the latter accusation. Nor did he indicate whether the local schools were propagating these ideas. Even Padre Ángel M. Arroyo, vicar provincial of Quezaltenango and intimate friend of Barrios, complained about the conduct of the local political authorities. In his letter of October 17, he offered his resignation as vicar provincial, a position he accepted with the recommendation of Barrios and held for five months. Although he praised Barrios for his support in the trying circumstances, Padre Arroyo complained that the other local authorities had spread rumors damaging to his character. The rumors, he claimed, became more violent when he refused permission to the municipality of Quezaltenango to use one of the convents as a storage place for flour and as a prison. With the aid of Barrios, he was able to force the municipality to stop this abuse of Church property. More verbal attacks came when the priest ordered the publication of the ecclesiastical decree condemning the reading of El Crepúsculo. Padre Arroyo again praised Barrios and also the townsmen who defended him. In fact, the general threatened to put the Indians in prison if they refused to pay the customary parish fees. Padre Arroyo thought that a local teacher, who was seeking revenge on a pastor, was responsible for many of the attacks. Because of these difficulties, Padre Arroyo's resignation was accepted on October 25, 1872.

118 Ibid., doc. 404. 119 Ibid., doc. 609. 120 Ibid.
The conflict was not always so intense. For instance, Padre Felix Mariscal, director of the Colegio de San Vicente de Paul, in his letter of October 22, informed the ecclesiastical authorities that the ministry of education requested information on the seminary curriculum, the number of student scholarships and the number of students that the seminary could accommodate. The minister of education said these data were essential in drawing up new laws of instruction.\textsuperscript{121} In light of subsequent events, this was merely the first step in the state's action in taking over the Church's educational facilities. Apparently, at the time, this was not a cause for concern to Padre Mariscal or Padre Espinosa who ordered that the information be given.\textsuperscript{122} Padre J. Antonio M. Lanuza, pastor of Joyabaj, however, suspected treachery when the jefe político ordered an investigation of church funds so that the political authorities would have better knowledge of their status.\textsuperscript{123}

The demand of closer inspection of church funds may have been due to the fact that some of the pastors were not complying fully with the decree of December 1871, which abolished tithing. Marco A. Soto, minister of government and justice, insisted that the abolition of tithing also included the offerings of the first fruits, which the pastors of the department of Zacapa still were

\textsuperscript{121}Ibid., doc. 623. \hspace{1cm} 122Ibid.  
\textsuperscript{123}Ibid., doc. 743.
collecting. He insisted that the apostolic administrator should instruct his pastors in this matter. Furthermore, Marco A. Soto reported that one of the pastors in the department was inciting the people to revolt through his sermons and conversations by telling them that soon their parishes would no longer have pastors. While the pastors reluctantly consented to the inspection of church funds by the political authorities, they voiced strong opposition when these authorities attempted to dictate the uses of the funds. For instance, the vicar of Sololá protested the use of church funds for the payment of salaries of elementary teachers. Undoubtedly, the vicar had serious doubts about the Church's financial support of secularized education. He was fully supported by the ecclesiastical curia, which, in a note dated January 20, 1873, stated that church funds were for the support of religion and could not be diverted to an alien end. A similar complaint came from the pastor of Chichicastenango, Padre José Mariano Herrarte, who opposed the attempt of the jefe político of Sololá (the same one who caused the trouble with the vicar of Sololá) to tax the church funds for teachers' salaries and school utilities. Padre Herrarte, in his letter of February 14, 1873,

124 Ibid., doc. 716.  
125 Ibid., tomo 8, doc. 834.  
126 Ibid. Not infrequently local political authorities desired to use parish funds as loans in order to aid the pacification work in the East. For example, see AC, vol. 8, doc. 914.  
127 Ibid., tomo 1873, docs. 96 and 128.
stressed, among other things, that he could not justify the taxation of church funds because he had heard rumors that catechetical instructions would be withdrawn from the school curriculum. He admitted that up until the writing of the letter religious instruction was given, but the teachers seemed to be fearful. 128 Again Padre Espinosa, in his note of February 17, reiterated his position that church funds were for the preservation of religion, not for educational purposes. Perhaps to forestall the local political authorities, he consented to Padre Herrarte's request of using some of the funds to purchase needed bells and other church articles. 129

The most pessimistic report of the growing tensions between jefe políticos and the pastors came from Padre M. Jacinto Barberena. In an undated letter, he described the deplorable state of religion in his vicariate. 130 He claimed that immorality was on the increase, and that he had sought the aid of the local political authorities to stem the tide. No assistance has been forthcoming from them, and they considered him intolerant and interested only in money. Reporting that education had become completely secularized, he stated that the municipalities had

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128 Ibid., doc. 128.
129 Ibid.
130 Ibid., doc. 223. Padre Barberena's letter must have been written shortly before April 5, 1873, since the reply to the letter from the ecclesiastical government carries the date of April 5. The priest does not give the name of his parish or vicariate, but it probably was in Escuintla since the parishes mentioned are near this city.
taken charge of administering parish funds, which were now used as loans to further non-religious objectives without a promise of repayment. According to Padre Barberena, the municipalities justified their conduct by noting that parish funds belong to the people. He also pointed to an increasing disrespect for the Church. First, due to financial limitations, much parish property was in such a bad state that church buildings were held up to public ridicule. Secondly, there was disrespect for priests and religious devotions. He cited examples of school children being ordered to eat wafers resembling hosts so as to lessen respect for the Blessed Sacrament. Clowns in clerical garbs with rosaries and holy water sprinklers paraded through the streets. All of this, he claimed, was done with the tacit approval of the civil authorities. The ecclesiastical authorities in their reply of April 5, 1873, assured Padre Barberena that the matter had been taken up with the central government in hopes that an order would be issued to the local jefe político demanding an end to the abuses.

131 Ibid. Another example of misappropriations of church funds was reported by Padre José R. Alvarado, pastor of Santa Catarina de Mita. According to this report, dated June 16, 1873, the jefe político expropriated parish funds so as to prevent their falling into rebel hands. The jefe político claimed that this was done in compliance with the orders from the central government. Ibid., doc. 194.

132 Ibid.
The foregoing incidents are not considered representative of the local religious conflicts in the year 1872 and the first half of 1873. The conflict must be viewed in its local setting as it existed in Zacapa, Quezaltenango or Escuintla. It is highly doubtful if the central government was fully aware of either the local religious conflicts or if it ever approved or directly instigated them. Available documentary evidence supports the conclusion that many of the conflicts were of a purely local nature.

More harmonious relations between the Church and the state are evidenced by the apostolic administrator's fullest cooperation with the central government in March, 1872, in founding a primary school for both sexes in the parish of San Sebastián in Antigua. 133 Good relations were also effected in the parish of Izabal, where after the departure of the Jesuits, the parish remained unattended. As a remedy, the central government promised to offer the necessary financial remuneration if the apostolic administrator would appoint a pastor. Padre Espinosa accepted and carried out this proposal. 134 Padre Sebastián Mejicano also

133 Ibid., doc. 142.

134 Ibid., docs. 218 and 258. A similar state subsidy was granted to the pastor of Mataquescuintla since his parishioners were no longer required to pay the regular parish duties because of their aid in pacifying rebellious regions. The government promised to renew the subsidy as long as the pastor would not require the customary parish contributions. El Guatemalteco, June 20, 1873, pp. 1-2. See also Recopilación de las Leyes, I (1874), 183 and AC, tomo 1873, doc. 307.
also reported, on May 26, 1873, a lessening of the religious persecution in his parish. He did report that he had paid a ten peso fine in order to appease the municipality of Palín. On the other hand he noted that the Indians continued to pay their parish duties, even though they had been advised and threatened not to do so. He did not indicate who was responsible for the threat.135

To avoid conflicts, Padre Espinosa admonished his clergy to adhere strictly to preaching divine doctrines, and to combat the errors of the day. He added that if in defending religion: "there are committed excesses and abuses to the point of perpetuating murder and robbery in the name of God, as has been asserted, I warn and order the pastors that, under their strictest responsibility, they should combat and wipe out such horrible beginnings, which the Church condemns and anathematizes, and at the same time work that the greatest concord and true Christian charity reign among their respective flocks."136 A similar warning was reiterated to all the clergy on March 15, 1873, after Padre Espinosa had received reports that some priests had touched on political points in their Lenten sermons. Furthermore, he insisted that the pastors must sign the circular to verify their approval of the order stated therein.137

135 AC, tomo 8, doc. 909.
136 Ibid., tomo 1873, doc. 76.
137 Ibid., doc. 192.
The apparent harmony between the Church and the government in certain areas was of an uneasy nature, since it entailed a great deal of mutual suspicion. Clergymen constantly feared that more drastic reforms were in the making. For instance, Padre Alberto Rubio Piloña, the priest in charge of the church of Nuestra Señora del Carmen, a chaplaincy belonging to the Third Order of St. Francis, recommended the selling of two houses belonging to the church because not only were there insufficient funds to make the needed repairs but present political circumstances presented a threat to Church property. He urged the apostolic administrator "to dispense with the customary formalities, permitting that the sale be made privately with all the necessary guarantees." \(^{138}\) Undoubtedly, Padre Rubio Piloña suspected that something similar to what happened in Mexico might occur in Guatemala if the Liberal program was further advanced. His recommendations were similar to the decision of the ecclesiastical cabildo regarding cathedral property. On the other hand, the civil authorities suspected that the Church might use her powerful influence and property to obstruct the Liberal reform through fomenting revolutions, as will be noted subsequently. In such an uneasy atmosphere, little progress could be made in formulating a policy of peaceful coexistence between the two entities.

\(^{138}\) Ibid., doc. 89.
While the Church and state relationships were deteriorating, there also was a threat of schism within the Liberal ranks. As early as February 10, 1872, El Malacate reported that enemies of the government were endeavoring to plant distrust between Barrios and García Granados by spreading the report that the general had ambitions to become president. El Malacate assured its readers that it fully supported García Granados as president. By the end of 1872, the rumors of a possible takeover by Barrios must have been more threatening, since El Crepúsculo reported that his visit to the capital on December 24 gave great support to the rumors. The open break between Fernando Cruz, a close friend of Barrios, and García Granados caused additional speculation. El Crepúsculo, like El Malacate, expressed its fullest confidence in García Granados as chief executive. The reader may recall Barrios' importation of Remingtons into the West. Since the real threat to the Liberal regime came from the East, the presence of the Remingtons in Quezaltenango under the military command of Barrios must have aroused more suspicions concerning his intentions. Apparent opposition from within the Liberal ranks and the

140 El Crepúsculo, December 28, 1872, pp. 1 and 3-4. The following January García Granados faced another unsuccessful conspiracy against his administration headed by Vicente Méndez Cruz, jefe político of Amatitlán and signer of the Acta de Patzicia, and Manuel Martínez, a member of the Constituent Assembly. La Revolución de 1871, Sus Promeses y el Modo de Cumplirlas, pp. 29-31.
renewed vigor of Conservative opposition may have been the principle motives of García Granados' submitting his resignation as provisional president on December 28, 1872. The resignation, which was submitted to the constituent assembly, merely stated that the provisional president did not want to be an obstacle in working for the welfare of his country.\textsuperscript{141} A special commission of five, appointed by the constituent assembly to study the matter, rejected the resignation.\textsuperscript{142}

The renewed insurrections in the Oriente again demanded the attention of the central authorities. On February 11, 1873, García Granados placed Barrios in charge of the provisional presidency a second time, and left for the East to calm the situation.\textsuperscript{143} During his absence of a little more than one month, Barrios decreed additional reforms. On March 12, he abolished the ecclesiastical

\textsuperscript{141}La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas p. 28. The Constituent Assembly had been in session since March 10, 1872. While its main objective was to draw up a constitution, it never succeeded in this. Due to the unrest, it had great difficulty in maintaining the necessary quorum. In fact, from May 25 to August 20 the assembly discontinued meeting due to an insufficient quorum. \textit{Ibid.}, p. 27. This remained the problem until the election of Barrios as president in May of 1873. The fine of fifty pesos levied by the assembly for non-attendance failed to improve the attendance record. AGG, \textit{Actas de la Acamblea Constituyente del Ano 1873-1875} (unpublished), pp. 8-45.

\textsuperscript{142}La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas, p. 28. Since there are no available minutes for the constituent assembly in 1872, the reasons for the rejection remain unknown.

\textsuperscript{143}Recopilación de las Leyes, I (1874), 155.
fuero in civil and criminal matters. While the decree reversed the one of March 31, 1854, which granted the ecclesiastical fuero, it stated specifically that the present decree was in accordance with articles 15 and 16 of the Concordat of 1852, which Barrios claimed recognized the suppression of the fuero. 144 Although the concordat agreed to restrictions of the ecclesiastical fuero, it did not concede outright suppression as the general stated in his decree. Article 15 provided that due to the circumstances of the times "the Holy See consents that personal cases of clergymen in civil matters be deferred to lay tribunals as well as cases concerning property and temporal rights of the clergy, the Church, charities and other ecclesiastical foundations." 145 The article further stipulated that "if the lawsuits are between clergymen, the bishops can intervene as arbitrators for the purpose of reconciling the differences or conciliating them; without the previous requirement of episcopal arbitration, no civil tribunal may hear or process the lawsuits." 146 In Article 16 the Vatican conceded

144 Ibid., pp. 159-160. In his decree of March 31, 1854, President Rafael Carrera granted civil jurisdiction to the Church if ecclesiastical personnel were involved. Cases involving lay and ecclesiastical personnel or religious foundations not canonically instituted come under civil jurisdiction. If ecclesiastical personnel are tried before a civil court and are given the death penalty, the penalty may not be carried out without the approval of the president and the bishop. The government reserved the right to use Articles 15 and 16 of the concordat if the public interest required it. Recopilación de las Leyes de Guatemala, III (1872), 273.

145 Rodríguez Cerna, p. 253. 146 Ibid.
jurisdiction to the civil power in "criminal cases of clergymen, which are transgressions of the laws of the Republic and foreign to religion" but in judgments of second and final instances, at least two clergymen, appointed by the bishop as judges, will form part of the tribunal. These trials will not be public and the sentences, which result in capital punishment, causing pain or infamy, will not be executed without the approval of the President of the Republic and the respective Bishop, whose previous approval is required in such cases by canon law. In cases of arrest and detention of clergymen, proper consideration for their character must be employed, informing the respective Bishop of the said arrest.\textsuperscript{147}

Although the motives of Barrios for not listing the above restrictions are quite obvious, his reasons for claiming adherence to the concordat are somewhat obscure. Guatemalan ecclesiastical authorities refused to acknowledge the concordat in regulating church-state relations because the suppression of religious orders and the abolition of tithes had violated it. Nevertheless, Barrios must have seen a definite advantage in retaining the concordat, since it gave the civil power an important voice in the nomination of high ecclesiastical officials.\textsuperscript{148} It was this privilege that the government later invoked in nominating members to the ecclesiastical government. Barrios, however, considered it necessary to abolish the \textit{fuero} because "clergymen, like all citizens, must be subject to the common, civil and penal laws of the Republic in temporal matters. . . ." He further affirmed that

\textsuperscript{147}Ibid. \textsuperscript{148}Ibid., p. 252.
this principle of equality before the law was recognized in "well established countries" and in the Concordat of 1852.\textsuperscript{149}

Approximately a month after the abolition of the fuero, Barrios on March 15, declared the inviolability of liberty of conscience, which provided for the free exercise of all religions and the right to erect churches for the public profession of religious beliefs. Simultaneously, the government declared that the Catholic religion retained its official status. "The Government does not concede to non-Catholic cults more protection than the guarantee of religious liberty; while the Catholic, Apostolic, Roman religion retains the same position which it now enjoys under the existing laws and the concordat celebrated with the Holy See."\textsuperscript{150} This meant, according to Article 1 of the concordat, that "the Catholic, Apostolic, Roman religion will continue to be the Religion of the Republic of Guatemala and will be preserved always with all the rights and prerogatives which it should enjoy, according to the law of God and the disposition of canon law."\textsuperscript{151}

Barrios' official policy of toleration for non-Catholic sects was

\textsuperscript{149}Recopilación de las Leyes, I (1874), 159.

\textsuperscript{150}Ibid., p. 161. One Guatemalan author found it difficult to reconcile the government's retention of Catholicism as an official religion with its disbanding of religious communities, expropriation of religious property and expulsion of prelates. \textit{La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas}, p. 33.

\textsuperscript{151}Rodríguez Cerna, p. 250.
not a significant departure from the previous Conservative policy which, in particular incidents, granted such toleration. He merely restated a toleration policy which was now to have a more general application.

Barrios offered two reasons for the need of religious freedom. First, it would encourage immigration and secondly, it would make Catholicism a better religion since "experience has demonstrated that the Catholic, Apostolic, Roman religion is practiced with great purity in those countries where on account of religious liberty there is competition among the various cults." Religious freedom had long been a popular demand among Liberals who, like Barrios, regarded religious freedom as an aid to immigration and purification of Catholicism. In spite of this, Barrios' decrees of religious freedom and the abolition of the ecclesiastical fuero elicited no response in the Liberal press. Perhaps Liberal publications, such as El Malacate or El Crepúsculo, considering the decrees too moderate, were awaiting more radical measures at a future date. Nor was there any reaction in the clerical ranks. Undoubtedly, Barrios' insistence on adhering to Article 1 of the concordat caused the apostolic

152 AC, Acuerdos y Decretos del Gobierno Civil de los Años de 1850 a 1869, tomo III. The Treaty of Friendship and Commerce of April 8, 1848, between Guatemala and France stated that non-Catholic Frenchmen residing in Guatemala will not be molested for reasons of religion as long as they respect the religion and laws of the country.

153 Recopilación de las Leyes, I (1874), 160-161.
administrator to adopt a cautious attitude. At any rate, silence from both sectors indicates that the decrees effected no radical innovations.

In March of 1873, the Church again became involved in the insurrections in the East. On March 2, the commandant of the Center informed the authorities in the capital that he had received a proclamation from the rebel forces in the East which definitely showed that the clergy was actively participating in the rebel movements. According to the proclamation, dated March 2, and issued by the "reactionary army, directed by the Holy Fathers," the rebels were instructed by the clergy to defend their religion and demand the return of ex-President Vicente Cerna so that all the Church's rights may be restored. The proclamation was signed by the rebel leader, Tomás Melgar. Written in simple language, it contained many serious grammatical and spelling errors, which frequently were inconsistent. Even ex-President Cerna's name was misspelled. 154 Since the inhabitants of the capital considered the eastern rebel uncouth and illiterate, the proclamation was

154 AC, tomo 1873, doc. 164. A similar proclamation written in worse Spanish and signed by Tomás Melgar appeared in El Guatemalteco a month later. El Guatemalteco, April 9, 1873, p. 4. Three years later Melgar deserted the rebel cause and joined the supporters of Barrios. In a public statement, Melgar praised Barrios' generosity towards the defeated rebels and added that he now desired to work for the progress of Guatemala. The statement was written in flawless Spanish. "Tomás Melgar, Primer Comandante del Ejército a Sus Compañeros de Armas," March 15, 1876, CHS, Vol. XI.
probably viewed as a representative work of the rebel faction. 
This was not the opinion of Padre Espinosa, however, when he 
issued his letter of protest to the clergy on March 3, 1873. 
Denying all intervention in the insurrection on the part of the 
ecclesiastical government or of any clergymen, he reminded the 
clergy that he repeatedly had warned them against intervening in 
any political matter. He added that the alleged clerical inter­ 
vention in the rebellion was entirely false, and that the accusa­ 
tion could seriously endanger the rights of the Church. 155 Padre 
Espinosa informed the civil authorities about the publication of 
his protest. The government, however, made no effort to refute 
the accusation of clerical intervention in the Eastern insurrec­ 
tions. 156

Hardly had the apostolic administrator refuted the accusation 
of clerical intervention when, on March 6, he was urged by Román 
Rosa, acting minister of government, justice and ecclesiastical 
affairs, to issue a pastoral to quiet the people in rebellion. 157 
On the same day, Román Rosa also suggested to him that Padre José 
Alvarado of the parish of Patzún be made pastor of Jutiapa, where 
the exercise of his ministry would contribute greatly to re-

155 AC, tomo 1873, doc. 164.
156 Ibid. Padre Espinosa also sent the protest to the bishops 
in the other Central American republics.
157 Ibid., doc. 173.
establishing order and tranquility among the people who were disturbed by rebellious factions. Padre Espinosa assured Román rosa that he would issue the desired letter of pacification, but he remained silent on the request for a pastoral change. On March 15, Marco A. Soto, on behalf of Barrios, requested that padre Francisco Alarcón ought not be named pastor of Jalapa. The position should go to Padre Grajeda or any other priest "who has the confidence of the government, which is needed in this town, the principal center of rebellious factions." Three days later, Soto expressed grave concern over the apostolic administrator's failure to erect parishes in each one of the abandoned monasteries, particularly in the Church of Santo Domingo. The civil authorities insisted that pastors were needed here for the preservation of religion, and that the government would provide for the support of the pastors, as stipulated in the exclaustation decree of June 7, 1872. Padre Andrés Orantes assured Soto and Barrios that everything possible was being done to carry out the decree. However, in regard to Santo Domingo, he insisted that a priest had always been in charge so as to safeguard the property and attend to the needs of the divine cult. The requests of the political authorities for pastoral changes in the East

158 Ibid. 159 Ibid. 160 Ibid. 161 Ibid. 162 Ibid.
continued. Without offering evidence, the government claimed that the parishioners demanded the changes. 163 Padre Espinosa indicated that although he was willing to remove unpopular pastors, he did not intend to remove those already approved by the civil government. 164 Undoubtedly, the demands of civil authorities and the parishioners were exhausting his patience.

In spite of the apostolic administrator's denials of clerical intervention in the Eastern insurrections, the war of the broadsides continued. A broadside of April 4, 1873, issued by Melgar and other rebel leaders, accused the Liberal government of making a war on religion, and being guilty of immorality and the vilest crimes. This time, the rebels did not call for the restoration of ex-President Cerna, but demanded that Enrique Palacios, a relative of the apostolic administrator, be made the first magistrate of the nation. 165 Accusations of clerical intervention in the East became more serious in a broadside of April 25. Its authors, who signed themselves "Unos Sacerdotes," attacked the Jesuits and Archbishop Piñol on the grounds that they stirred up anti-government hostilities in the East. At the same time, the authors criticized the government's failure to suppress the uprisings.

163 Ibid. 164 Ibid. 165 "Los Jefes del Ejército Restaurador del Oriente, a los Pueblos de la República," April 4, 1873, CHS. The rebel selection of Palacios aroused further suspicions among Liberals about the apostolic administrator's relations with the rebel cause. The rebel document was written in flawless Spanish.
They observed that the situation has deteriorated because Padre Espinosa refused to appoint pastors to vacant parishes and because of the active participation of the clergy in the rebellions, such as the Franciscan Padre Chanona. Broadening their attacks, the writers approved the abolition of tithing, for it was essential to the furthering of national industry. They asserted that eventually the Holy See would approve the abolition. They also attacked convent immorality and the Church’s intolerance, which prevented immigration and retarded economic progress. Finally, Barrios was congratulated for his expulsion decree which brought about the exile of Padres Pedro García and Juan C. Cabrejo, members of the ecclesiastical government. For “Unos Sacerdotes,” the exile was justified because of the revolutionary entanglements of the two clerics. Defending the government’s right to use the patronato real in nominating two new members for the ecclesiastical government, “Unos Sacerdotes” argued that exile means “civil death”; and thus the clergymen could no longer fulfill their duties of office. Since the writers took the position that the Concordat of 1852 was still in effect, they saw no reason why Padre Espinosa should oppose the new appointments. In fact, the apostolic administrator was warned that his uncooperative conduct could mean only exile. Asserting that the civil government had the best of intentions to improve relations with the Church, the writers admonished Padre Espinosa to use his power and wisdom to remedy the evils
that plagued the nation. 166 As noted, "Unos Sacerdotes" had issued similar charges the preceding June. Although rumors included Padre Tomás Ortego, whom Barrios wanted to appoint to the ecclesiastical government, among "Unos Sacerdotes," their identity remained a mystery. Nevertheless, Padre Ortega, in his letter of April 29 to the apostolic administrator, denied the reports. 167 In fact, his denial was imitated by many other clergy, who directed a letter, dated May 4, 1873, to Padre Espinosa as a protest of their loyalty. 168

Accusations of clerical intervention in the Eastern rebellions became more serious when the civil authorities presented evidence concerning the activities of Padre José Iturbide. On May 27, Marco A. Soto informed the apostolic administrator that Padre Iturbide was actively engaged in the Eastern rebellions in the name of religion. The minister requested that his faculties be suspended, and that the suspension be made public so as to terminate the conflict in the East. 169 Padre Espinosa replied that clerical faculties could not be suspended until it has been

166 AGG, doc. 4714, Memorandum dirijido a la Santa Sede, pp. 5–11. The expulsion of Padres Pedro García and Juan C. Cabrejo will be discussed later.

167 AC, tomo 1873, doc. 248.

168 Ibid.

169 AC, doc. 258. The minister's letter was dated May 17, but the apostolic administrator stated in his reply that the date was May 27.
proved that the priest was involved in the rebellions.\textsuperscript{170} In an-
swer, the minister assured Padre Espinosa that the prosecution
would be carried on in accordance with civil and canon law.\textsuperscript{171}
condemning the political activities of the clergy in his letter
of May 30, Padre Espinosa reminded the minister that it was impor-
tant to prove that Padre Iturbide was in Guatemala, since he re-
quested permission from his ecclesiastical superiors to establish
his residence in El Salvador in March, 1873. If such were the
case, the priest would no longer be under the ecclesiastical
jurisdiction in Guatemala.\textsuperscript{172} On May 31, the minister sent
copies of the witness reports indicating that Padre Iturbide ac-
tively engaged in revolutionary activities. The names of the
witnesses were not given, since the minister insisted that they
must be kept secret.\textsuperscript{173} Padre Espinosa refused to continue the
prosecution unless the names were given. On June 5, the minister
sent new declarations and testimonies proving the guilt of Padre
Iturbide.\textsuperscript{174} The new evidence warranted action by Padre Espinosa
who, on June 6, informed the minister that the faculties of the
priest were suspended, and that they would remain so until the
priest appeared before an ecclesiastical court, where he would
have the opportunity of defending himself.\textsuperscript{175} The suspension of

\textsuperscript{170} Ibid.
\textsuperscript{171} Ibid.
\textsuperscript{172} Ibid.
\textsuperscript{173} Ibid.
\textsuperscript{174} Ibid.
\textsuperscript{175} Ibid.
faculties and the charges of insurrectionary activities were made public the same day. The official communiqué, however, made it clear that the suspension was not inflicted as an "ecclesiastical penalty" but as a precautionary measure. It would be lifted as soon as Padre Iturbide vindicated himself before the proper authority. 176 No further documents are available to indicate whether Padre Iturbide ever appeared before an ecclesiastical court to defend himself. Although his guilt cannot be substantiated fully, the documents leave the impression that the evidence was heavily against the priest.

Padre Francisco C. Alarcón was another priest who was in danger of suffering similar disabilities. In his May 8th letter to his ecclesiastical superiors, he expressed fears that the civil authorities would accuse him of being an accomplice in the insurrections. Although protesting his innocence, he considered it prudent to leave the country for El Salvador. 177 Apparently, he, like many pastors in the strife ridden East, was a victim of circumstances.

Of all the charges leveled against the clergy as instigators

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176 Para Conocimiento del Público, Se Imprime la Siguiente Comunicación, Que el Señor Gobernador del Arzobispado ha Dirijido el Ministerio de Gobernación, Justicia y Negocios Eclesiásticos (Guatemala, 1873). This communiqué can be found in the private archives of Arturo Taracena Flores in Guatemala City. See also El Guatemalteco, June 14, 1873, p. 3.

177 AC, tomo 1873, doc. 265.
of insurrections, only the case of Padre Iturbide merits serious consideration. Although the public statements of pastors sometimes touched on political matters, these do not prove a clerical conspiracy against the Liberal regime. Nevertheless, the charges of clerical political plottings continued until 1876 when, for all practical purposes, the threat of the East to political stability had been removed. These accusations, however, have received much credence from later writers on the Revolution of 1871. 178

The problem of clerical intervention in the East probably caused a sharp division in public opinion. The more telling were the government charges against the clergy, the more the government could depend on popular support in demanding the exile of certain clergymen and pushing for religious reforms. As far as the civil authorities were concerned, the responsibility for the unrest in the East rested squarely on the shoulders of the clergy.

Closely related to the problem of clerical intervention in the East were the nominations of priests to the ecclesiastical government, called the cabildo. Shortly after taking over as

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178 Among the Guatemalan writers who place varying degrees of credence in the government charges of clerical political intervention must be noted Victor Miguel Díaz, Barrios Ante La Posteridad (1935); Jesús E. Carranza, El General Justo Rufino Barrios (3rd ed., 1956); Mariano Zecena, La Revolución de 1871 y sus Caudillos (3rd ed., 1957) and Casimiro Rubio, Biografía del General Justo Rufino Barrios (1935). Even Paul Burgess in his Justo Rufino Barrios (1926), who presents a more balanced account, supported the view of clerical intervention in the East.
provisional president in 1873, Barrios informed Padre Espinosa on March 6 that he desired Padre Juan C. Cabrejo, a member of the cabildo, to serve as chaplain in the army engaged in pacifying the rebellious East. He insisted that the army had need of "a qualified and an influential chaplain to carry out successfully such an important office." The reply of Auxiliary Bishop Manuel Francisco, a member of the cabildo, indicated that the request of the general could not be honored, since the services of Padre Cabrejo were urgently needed in the cabildo and the capital. Barrios' reaction to this refusal was somewhat unprecedented. According to the letter of March 24 written by Marco A. Soto, Barrios ordered that Padre Cabrejo could no longer serve in the cabildo, and declared him perpetually exiled. At the same time, Barrios indicated that in virtue of the Concordat, which granted the civil power the right of nomination, he would submit a new nomination to fill the vacancy. According to the letter, Padre Cabrejo was guilty of opposing the Liberal regime because of his remarks in sermons and private conversations.

179 AC, tomo 1873, doc. 173.

180 Ibid. Auxiliary Bishop Manuel Francisco was of a very advanced age and of ill health, probably the main reason why he did not take over the duties of apostolic administrator when the two prelates were expelled in the fall of 1871.

181 Ibid.
was further accused of maintaining relations with the enemies of the government, since he refused to serve as a chaplain in the army; and to preach a mission of peace among the inhabitants of the East. According to Barrios, the priest offered no justification for his refusal, and his presence in the republic only could prove harmful to Church and state relations. As a final reason for exile, Barrios claimed that the priest intended to absent himself perpetually from Guatemala without informing the civil government, which was entitled to such information because of the patronato. Barrios failed to clarify why he considered the priest well qualified to serve as a chaplain in the army but unqualified to continue his duties as a member of the cabildo. Perhaps Barrios saw an opportunity to appoint a new man to the cabildo who would be more favorable to the civil government. This possibility is supported by the expulsion of Padre Pedro García on March 24, another member of the cabildo, whom Barrios accused of aiding the rebel Méndez Cruz in January of 1873, and of absenting himself from the country indefinitely. In both expulsion decrees Barrios insisted that the concordat empowered him to make new nominations.

182 Ibid. Padre Cabrejo took refuge in Chiapas, Mexico, where in the fall of 1873 he was again accused by the Guatemalan government of fomenting rebellions against the Guatemalan Liberal administration. AGG, Legación de Guatemala en México, Ministerio de Relaciones Exteriores de Guatemala, tomo V, doc. B99-6-7, 4500, 93459.

183 Ibid.
Barrios certainly must have suspected opposition from Padre Espinosa in regard to the expulsions and nominations of new members to the cabildo. In fact, he might have welcomed the opposition, since he could argue more strongly for the expulsion of the apostolic administrator, which became a reality in July of 1873. Barrios considered Padre Espinosa and the ecclesiastical cabildo in complete opposition to his policies. In his letter of April 28, Barrios objected strongly to Padre Espinosa's refusal to permit Padre Pérez to serve as a chaplain in the army and called both men "the first reactionaries" in the capital. Holding Padre Espinosa completely responsible for all the bloodshed and misfortunes in the republic, he pointed to the suspicious relations that the apostolic administrator had with his rebel relative Enrique Palacios.\(^{184}\) As a matter of fact, Padre Espinosa had fully explained to Barrios on April 28 why he could not consent to Padre Pérez's nomination as a chaplain. The services of Padre Pérez were needed in the cabildo because the expulsion decrees had reduced its membership. Complaining that he was unable to replace the expelled members because of government interference, he suggested to Barrios that another man could be appointed as chaplain, provided his services in the capital were not indispensable.\(^{185}\) The case of Padre Pérez had a striking similarity to

\(^{184}\) Ibid., doc. 218.  
\(^{185}\) Ibid.
that of Padre Cabrejo. In neither case did Barrios succeed in winning the good will of the apostolic administrator, which may have convinced him that the removal of Padre Espinosa was necessary.

On the very day that General Barrios decreed the expulsion of padres Cabrejo and García, he submitted a list of three nominees for the cabildo. The additional nomination was for a vacancy caused by the death of one of the members. The nominations, made according to the provisions of Article 8 of the Concordat, included Padre Vicente Batres, Padre Ángel M. Arroyo and Padre Tomás Ortega. 186

The correspondence between the government and the ecclesiastical authorities concerning the validity of the removals and appointments is highly significant. In his letter of March 26, the apostolic administrator stressed the need for maintaining good relations between the spiritual and temporal powers. However, the recent government expulsion of two members of the cabildo and its seeking to name new members made this extremely difficult. The first problem under consideration was the declaration of vacancies in the cabildo, which the two expelled clerics held. Padre Espinosa insisted that the civil power has no other right than to present suitable candidates for the cabildo. Once

186 Ibid., doc. 173.
the appointment has been confirmed, the candidate acquired the office as a right, but the charge and retention of the office depended solely on the ecclesiastical authorities. The claim of the civil government to the latter attribute constituted a usurpation of power not granted by the concordat. Thus the right of removal was an ecclesiastical power.\textsuperscript{187} The second major problem concerned the rights and obligations of the \textit{patronato}. Padre Espinosa reminded the government that under the \textit{patronato} it not only enjoyed rights but also had obligations; if the obligations were not fulfilled, it was logical to expect that the rights could be withdrawn. One important obligation was to obtain prior approval from the ecclesiastical authority before changes in the cabildo could be effected. This, he insisted, had not been done in the present cases. Before any action could be taken in the matter, the cabildo's consultation with the Holy See was considered indispensable.\textsuperscript{188}

The lengthy reply of Marco A. Soto on April 1 probably offers the best explanation of what were the guiding principles of the Liberal regime in its relations with the spiritual power. The letter left little doubt as to the wide gulf between the two powers. Soto reminded Padre Espinosa of his continuous hostility towards the Liberal regime which, according to the minister, was

\textsuperscript{187} Ibid. \textsuperscript{188} Ibid.
most evident when Barrios used his powers of the **patronato**. Soto observed that while the government does not dwell on incontroversible points, it believed they should be discussed so as to analyze the opposition of the spiritual power to the executive decrees. The minister stated that it is a "constant principle in public law that Governments for reasons of high policy . . . can at any time exile from their territories, even perpetually, those who transgress against public tranquility, regardless what their rank may be, and deprive them of all civil and political rights, which the laws grant to citizens and dismiss them from office or revoke nominations with which they have been honored. . . ."^189^ He regarded this as a most practical and indispensable principle, particularly in the present abnormal situation, and in consideration of "the all-embracing and dictatorial powers which the will of the people has invested in the present Chief of the Republic."^190^

Next Soto discussed the matter of the nominations. He insisted that in making nominations the state acted in accordance with Article 8 of the concordat and not the provisions of Article 7, to which Padre Espinosa made constant references.\(^191\)

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\(^{189}\) Ibid.  
\(^{190}\) Ibid.  
\(^{191}\) Article 7, which the minister considered as irrelevant in the dispute, gave the **patronato** to the president provided that the position to which the candidate is appointed has been canonically erected and that the candidate possesses suitable qualifications. It was also stated that the nominees may not assume their duties
Article 8, as cited by the minister, gave the president the power to nominate six candidates for the cabildo; to interpret it differently meant that the apostolic administrator and his cabildo had not given the matter sufficient consideration. In addition, he asserted that the provisional president "does not recognize limitations to his powers as patron and for that very reason cannot be surprised in the least at the little strength which the objection has that you [Padre Espinosa] make in regard to the Concordat, claiming that endowed offices are acquired by right on taking possession." If the president were to recognize these limitations, the minister concluded, the state would be helpless in dealing with the disturbers of the peace, for these men could not be removed from their offices. 192

Padre Espinosa was reminded that the perpetual expulsion of the priests meant the exclusion from holding any public office. Citing the canon law dictum, "an endowment is given on account of the office," Soto argued that persons holding endowed offices were incapable of exercising their official function or enjoying the corresponding endowment if they were in exile. Thus he saw no reason why the cabildo should see any need for consulting the Holy

"before the reception of the bulls of canonical institution, as is prescribed by canon law." Rodríguez Cerna, p. 252.

192 AC, tomo 1873, doc. 173.
see in the matter. Consultation in these obvious matters could create a bad impression in Vatican circles concerning the capabilities of the Church leaders in Guatemala. 193

Neither did the minister accept the position of the apostolic administrator that the concordat had been abrogated. He pointed out that one of the main objectives of drawing up the concordat was to build a bulwark against the "pretended supremacy of the bishops in their relations with the temporal power which in all nations day by day continues to recover its natural powers." Soto did not consider the concordat abrogated because the civil government passed laws which the spiritual power claimed violated the concordat. He cited the example of Pope Clement VIII who held that concordats cannot be abrogated unless there is a mutual agreement to do so. He claimed that Bishop Paris of Langres subscribed to the same position, even though the French government in 1830 passed laws in direct conflict with certain articles of the Concordat of 1801. 194 The minister was convinced that the pope was fully cognizant of all the Guatemalan reforms and the true nature of Hispanic American revolutions, which in their noble aspirations desire to undo the disorder created by theocratic and monarchial regimes dating to colonial times. The pope knows that

193 Ibid.

194 Ibid. Technically the minister was right, since up to this time, the papacy had issued no formal abrogation of the concordat.
these reforms are for progress and civilization and to oppose them can only prejudice the cause of Christianity. Since the pope has not suspended the concordat, the apostolic administrator and his cabildo, in claiming that it is suspended, are not only usurping a power that they do not have but depriving the president of the patronato. The minister expressed confidence that Rome would agree to the civil reforms, as it had accepted similar reforms in other Hispanic American republics. His confidence rested mainly on the fact that in spite of the solicitations of the Guatemalan Church leaders to suspend the concordat, Rome has remained silent.195

In concluding, Soto insisted that the president was in full possession of his patronage powers; in the exercise of these powers "no authority, not even the papacy, would be able to nullify the acts, which have been exercised in virtue of this power." Even if one were to suppose the undesirable alternative of abrogating the concordat, "this decision would not have a retroactive effect in respect to acts anterior to the declaration of the rupture." Thus he insisted that Padre Espinosa had no other alternative but to grant the canonical institution to the three nominees. Since refusal can only mean opposition to government decrees, the minister hoped that the apostolic administrator would reconsider his position.196

195 Ibid. 196 Ibid.
The lengthy exposition of the minister’s position called for an even more lengthy response on the part of Padre Espinosa on April 9. His reply was a point for point rebuttal of the minister’s arguments. After briefly summarizing Soto’s letter, Espinosa reiterated his loyalty as a citizen and his intention to cooperate with the state whenever possible. He felt that his consent to permit the change of pastors requested by the civil authorities without knowing the cause for the requests was ample proof of his cooperative attitude. He even complied with the decrees expropriating religious property. He admitted that he had protested on several occasions, but in doing so, he offered reasons for his conduct. Although it was not in his power to judge the legality or illegality of civil decrees, he found it necessary to uphold canon law and follow the dictates of his conscience. Nor did he deny the power to the state to expel undesirable citizens or remove them from their offices; but if the revocation of a nomination entails canonical matters, then the removal is bound to affect the spiritual order and discipline of the Church. Not to admit this can only mean the subordination of one power to the other, and thus the destruction of independence of both powers.197 Padre Espinosa took serious issue with the

197 Ibid. The complete letter of the apostolic administrator was published in the El Guatemalteco, July 9, 1873, pp. 3-4 and July 12, 1873, p. 1. This was the only piece of correspondence concerning the clerical expulsions and cabildo nominations published in the El Guatemalteco. Barrios’ original admiration for and appointment of Padre Cabrejo as chaplain was not published in the periodical.
minister concerning the use of Article 8 in the concordat. While he admitted the concessions granted in Article 8, he refused to accept the contention that Article 7 was irrelevant to the discussion. Rather it served as the indispensable condition on which the concessions in Article 8 were granted to the civil power. What this really meant was that although the civil power had the right to present the candidate, the Church still retained the right of approbation. 198

Although the president did not recognize any limitations in his patronage powers, the apostolic administrator was certain that he did not intend to attack the rights of the Church. Furthermore, Padre Espinosa realized that the submission of the Church to civil authority in the fulfillment of her spiritual mission could lead only to her loss of independence. This independence, Padre Espinosa felt, was threatened with the expulsion of ecclesiastical ministers, which involved more than purely civil and political effects. The vacancies resulting from the expulsion were not legitimate until declared so by a formal canonical process. If the Church were to deny herself the right of declaring ecclesiastical positions vacant, her entire hierarchial structure and authority would be endangered, which Padre Espinosa stated would not be in harmony with the thinking of the minister. 199

The apostolic administrator appeared surprised at the

198 AC, tomo 1873, doc. 173. 199 Ibid.
minister's support of exile, as civil death, since the concept is more in harmony with ancient codes than the modern ones. To use this argument, which deprived a person of his property and inflicted social degradation on him, became more deplorable if done for political reasons. According to Padre Espinosa, the president himself, in a speech on June 7 of the past year, condemned civil death. Although Barrios may have had in mind only political offenders, the cleric insisted it also applied to persons in the religious life. Even if the minister were to return to earlier codes, he would find an 18th century law outlawing civil death in the sense that perpetual expulsions did not call for confiscation of property nor jeopardize the spiritual rights of the Church. 200

A similar condemnation of civil death was noted in the declaration of Pope Pius VI on April 23, 1791, which refused to accept the pronouncement of civil death by the French assembly on the archbishop of Avignon. Pope Gregory XVI, in his brief of 1833, did not recognize civil death in his declaration concerning the expulsion of Casaús, the Guatemalan archbishop. Later, for the same reason, Pope Pius IX refused to declare the episcopal see vacant, although Archbishop Piñol was then in exile. 201

Even considering the cabildo position vacated through natural

200. Ibid. The apostolic administrator gave title of the law as "La ley 2 título 18, Part 4a."

201. Ibid.
death, Padre Espinosa had grave doubts concerning the continued force of the concordat. He doubted whether the concordat was still in force if the government refused to fulfill all the obligations stated in the convention. Pope Pius IX, in his bull of August 3, 1853, stated that no part of a concordat could be changed without the consent of both parties, and it would remain in force as long as all the conditions of the convention were accepted by both parties. This was the true reason why on March 26, 1873, he refused to grant canonical institution to the nominee for the vacancy, Padre Espinosa claimed. Nor should the minister consider it "puerility" on the part of the cabildo to insist that before any final decisions are made, the matter must necessarily be taken up with Rome. 202

Padre Espinosa claimed that another reason why the cabildo vacancies could not be filled was that the necessary funds to remunerate the holders of these endowed offices were no longer available. 203 In regard to pastoral changes demanded by the circumstances of the time, Padre Espinosa remarked that this was not in accordance with the rights that have been conferred on the nominees through formal institution. Although he consented to these changes and even saw himself obliged to suspend certain canonical provisions, he did so only out of consideration for the civil government's demands. These concessions also meant that

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Article 9 of the concordat was not fulfilled. Although similar concessions had been made in the abolition of tithes, he reiterated that Rome had authorized the Guatemalan Church to receive the government subsidy "by way of provision" and under protest, since the Church did not recognize the abolition of tithing. Similar conditions had been indicated by the Holy See in regard to other decrees involving ecclesiastical matters.

Although Rome had made no direct protest against the Guatemalan decrees, Padre Espinosa reminded the minister that this could not be interpreted as an endorsement of Liberal policies. Extreme Liberalism had been attacked by Rome on any number of occasions. The most recent example was the message of Pope Pius IX on July 31, 1871. While there was definite need for social and economic improvement in Hispanic America, the cleric was convinced that this should not be done without heeding the principles and laws of the Church. Padre Espinosa hoped that the foregoing exposition would adequately explain the reasons for ecclesiastical opposition. At the same time, he emphasized that he would endeavor to maintain good relations with the temporal power in spite of difficulties that might be encountered. Padre

204 Ibid., Article 9 of the concordat provided that the local ordinary would present three names to the president for the vacancy in a parish. Rodríguez Cerna, p. 252.

205 El Guatemalteco, July 9, 1873, p. 4.
Espinosa expressed a fervent desire that the minister would present no obstacle when he and his cabildo would take the question to Rome for final settlement. The final observation of the apostolic administrator concerned the qualifications of the three nominees. Without mentioning names, he wrote that "one of these has been suspended from the ministry and all three have conducted themselves in a more or less reprehensible manner, which is impossible to disregard even in the extreme of honoring them as has been requested." He maintained that the civil power might lack the necessary information to judge the qualifications of the nominees. He considered it his duty to bring the matter to the government's attention, especially since the concordat requires the nominees to possess suitable qualities.

The available documents contain no evidence to show that the three nominees became involved in the controversy. Padre Ángel Arroyo remained silent throughout the dispute. Even his close friendship with Barrios did not arouse any suspicions on the part of the Church leaders. Padre Tomás Ortega withdrew his name from the nomination list on April 29, pleading ill health and the necessity for devoting additional time to the family estate, since he

206 AC, tomo 1873, doc. 173.

207 Ibid. The editor of El Guatemalteco remarked that Padre Espinosa's questioning of the qualifications of the nominees was done in a spirit of animosity. El Guatemalteco, July 12, 1873, p. 1.
was the only one in the family capable of administering it. The case of the third nominee, Padre Pedro Vicente Batres, was more involved. According to a report submitted by four university students on April 26, 1873, he was accused of propagating false opinions in his class. The students declared that the professor taught that Luther and Calvin rebelled because the Church auctioned off indulgences. They further testified that he taught that saying the divine office was not obligatory for priests and attacked doctrines concerning certain sacraments, particularly noting that he advocated the use of saliva in place of water for the administration of Baptism if it was a case of emergency. In a later report, dated July 2, the prosecuting attorney cleared the priest of all accusations, observing "that in the four anterior declarations there are no sufficient data which can serve as a basis for a formal proceeding against Padre Batres. . . ." The investigation of Padre Batres' university teaching was probably already in process while his nomination was presented by General Barrios, and thus he may have been the one under suspension when Padre Espinosa questioned the qualifications of the nominees in his letter of April 9.

208 AC, tomo 1873, doc. 248.

209 Ibid. The document is not indexed but it can be located in the tomo for the months of July, August, September, and November, 1873.

210 Ibid.
At the time of the nomination controversy the cabildo was composed of six or seven members. During the dispute the membership had been reduced due to ill health, death, and expulsions. Presuming that the three new appointees would have adopted a less adamant position toward the Liberal regime, one can interpret the action of the civil authorities as seeking influential control over the cabildo. The position of the apostolic administrator prevented such a possibility, at least for the time, and this played a significant role in his expulsion the following July. Padre Espinosa apparently realized that he soon would be expelled. On May 16, 1873, he submitted his resignation to his cabildo, stating that Barrios requested the resignation because of his relations with the revolutionary factions, especially with his relative Enrique Palacios. At the same time, he claimed that he acted under the advice of Padre Antonio A. Pérez, and feared that his authority in the future would be curtailed; possibly abrogated by force. Such action he thought could prove highly prejudicial to the interests of the Church. His final request of the cabildo was permission to retire to the Mexican state of Chiapas. 211 The day following the attempted resignation, José

211 Ibid., doc. 280. The apostolic administrator did not indicate that Padre Pérez was a participant in the campaign to bring about his resignation. The fact that the ecclesiastical administrator refused to grant President Barrios' wish to take Padre Pérez from the cabildo and make him a military chaplain would indicate that there was no ill feeling between the two clerics.
María Samayoa, minister of ecclesiastical affairs, informed Padre Espinosa that Barrios insisted that the resignation must be accepted for the sake of re-establishing peace in the republic. Asserting that Padre Espinosa was the principal reactionary in the capital because of his relationship with the rebel Enrique Palacios, Barrios demanded that the priest renounce his position. If he did not, the government would undertake more energetic measures in the matter. Along with the demand for resignation were included four documents to prove that the rebellious faction had been led to believe that they were fighting for defense of religion. On May 18, Padre Espinosa directed another note to his cabildo refuting the accusations of the government. He further reiterated his desire to resign if the best interests of the Church required it, but to do so without just reason could mean another attack on the independence of the Church. He suggested that the cabildo consider taking a vote among the clergy in the capital to ascertain their views about the resignation. If his resignation should cause greater evils to the Church, Padre

212 Ibid.

213 Ibid. Sisto Pérez and Benigo de León in a broadside questioned the sincerity of the apostolic administration in submitting the resignation. The writers considered it highly illogical for a superior to submit his resignation to inferiors, namely the cabildo. Juicio sobre la Renuncia Jesuita del Señor Espinosa Gobernador de la Diócesis, y sobre el Estado Actual de sus Relaciones con el Gobierno de la República (Guatemala, n.d.).
espinosa made it clear that he was determined to stay at his
post. On May 21 the cabildo answered that it considered the
government accusations unfounded. It assured the religious
leader that it was well satisfied with his conduct. Informing
the minister of ecclesiastical affairs of the cabildo’s decision,
padre Espinosa again refuted the accusations of the government.
since he enjoyed the fullest confidence of the government when he
assumed his ecclesiastical post, he asked why he had lost it. No
further action was taken, but the minister promised to take up the
matter with the president. Thus it stood until the expulsion
of the apostolic administrator in July of 1873, approximately a
month after Barrios had been officially declared president.

The decree calling for a presidential election was issued by
García Granados on March 29. The new president was to serve for
the first constitutional period, but since there was no constitu-
tion, the decree stated that "the attributes and powers of the
president will be those that are designated to the provisional
president in the Act of Patzicía." Hopping that the election
would help restore confidence and tranquility in Guatemala, García

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214 AC, tomo 1873, doc. 280. 215 Ibid. 216 Ibid.
217 Recopilación de las Leyes, I (1874),162. This was the
first call for an election under the provisional presidency of
García Granados. Before this time there were a number of pro-
nouncements made by the various municipalities in support of the
Act of Patzicía. Boletín Oficial, July 20, 1871, pp. 3-7;
August 1, 1871, pp. 5-6 and August 4, 1871, pp. 4-6.
Granados considered it unwise to prolong the provisional presidency. Whether this was his true motive is open to debate. According to Paul Burgess, the intentions of the provisional president are unknown; another writer contended that García Granados hoped to use the election results as an indication of the popular support of his program. The decree also provided for the qualifications for the voters and the presidential candidate. The voter was required to be twenty-one years of age and to be able to read and write. The voting age was reduced to eighteen for those married. The literacy qualifications were waived for owners of landed property evaluated at one thousand pesos or more. Although the clergy were not disenfranchised, no one in the religious life was permitted to run as a presidential candidate.

The election was scheduled for April 20 to April 27. In order to avoid the accusation of holding an illegal election during a state of siege, which had been declared in pacifying the East, García Granados suspended the siege on April 3 but renewed

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218 Ibid.
219 Burgess, pp. 118-120 and La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas, p. 35.
220 Recopilación de las Leves, I (1874), 163. The voting qualifications did not provide for women suffrage.
221 Ibid., pp. 163-164.
it on April 30.222 At the same time, he ordered that voting must be both oral and written.223 On the same line where the voter indicated his selection, he was required to sign his name. If the voter could not write, the secretary of the voting junta must sign for him, with the junta serving as a witness.224

Three days after the issuance of the decree calling for a presidential election, Marco A. Soto sent a circular to all jefes políticos urging them to make certain that the election would be a free expression of the people and not "the result of intrigue or influence of persons invested with some political or religious character. . . ." The circular also called upon the apostolic administrator to issue similar instructions to his pastors.225 The apostolic administrator sent the desired circular to the pastors on April 12.226

The election took place on the appointed days without any reported incidents. According to the election figures of Padre Pérez, which he claimed to be official, the popular vote did not surpass 8,707. He asserted that the total vote should have surpassed 100,000 to be truly representative of the will of the

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222 La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas, pp. 34-35.
223 Recopilación de las Leyes, I (1874), 166.
224 Ibid.
225 AC, tomo 1873, doc. 218.
226 Ibid., and tomo VIII, doc. 895.
people. He particularly noted that the capital, with 60,000 inhabitants, had recorded a vote of only 487.\textsuperscript{227} According to him, the election was a bitter defeat for García Granados who was unable to obtain more than 1,400 votes.\textsuperscript{228} The election of Barrios was confirmed by the constituent assembly in its meeting of May 7.\textsuperscript{229} The confirmation of the election served as the occasion for Marco A. Soto to request the apostolic administrator to have the bells rung in the capital in celebration of the event. Padre Espinosa quickly honored the request on May 8.\textsuperscript{230} Similar demonstrations of good will were shown by both powers at the presidential installation on June 3, when a special "Te Deum" service was held in the cathedral as an act of gratitude.\textsuperscript{231} Although

\textsuperscript{227}Pérez, p. 234. Identical figures are given in La Revolución de 1871, Sus Promesas y el Modo de Cumplirlas, pp. 34-35. Since Padre Pérez consulted this work, he may well have obtained his figures from the pamphlet. Due to incomplete returns a smaller voting figure was reported by El Museo de las Familias, April 26, 1873, p. 5.

\textsuperscript{228}Pérez, p. 235. While Barrios obtained almost all of the remainder of the votes, there was a handful of votes for the candidates Solares and Cerezo. El Museo de las Familias, April 26, 1873, p. 5.

\textsuperscript{229}Actas de la Asamblea Constituyente del Año 1873-1875, pp. 62-68. At the time of the confirmation, President-elect Barrios was engaged in a campaign of pacification in the East.

\textsuperscript{230}AC, tomo 1873, doc. 258.

\textsuperscript{231}Ibid., doc. 307; Actas de la Asamblea Constituyente del Año 1873, pp. 83-86. On June 5, the constituent assembly had its last session. The minister made no mention of how long the adjournment was to last. Perhaps the members were awaiting further word from President Barrios before renewing the work of drawing up a constitution.
some may have interpreted these public acts as an inauguration of a new era of good feeling between the two powers, Padre Espinosa realized that the man who urged his resignation was now president. In addition, the issue of cabildo membership remained unresolved.

The inauguration celebrations caused many Liberals to forget that the men greatly responsible for their success was to be pushed unceremoniously aside to make room for the man of action. For the more ardent reformers, Gracia Granados was too weak for the task ahead. According to Hubert Bancroft: "Garcia Granados was an enlightened and able man, but easy, unassuming, indolent, and kind-hearted; too much so, indeed, for the place he had been called to fill at a period demanding of him great energy, and an unbending will. His was not a disposition to deal harshly with anyone, or inflict suffering."232 Many Liberals undoubtedly welcomed the arrival of a more dynamic personality to the presidential helm, while the Conservatives may have been relieved that the intellectual leader of the revolution had suffered defeat. If the Conservatives cherished such notions, they were short-lived, for Barrios soon demonstrated his iron power which "... tolerated no opposition to his will, nor overlooked sedition in any form."233 The few periods when Barrios had served as acting provisional president were ample proof to the more far-sighted

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232 Bancroft, p. 430.

233 Ibid.
Liberals and Conservatives of his capabilities.

The constituent assembly offered a motion of gratitude for the outgoing provisional president's meritorious services. On June 3, the assembly declared the ex-leader "Benemérito de la patria." He received no further recognition until his death on September 7, 1878. There is no evidence to indicate that García Granados wielded any influence after 1873. In fact, the silence of the documents argues against this. His departure from the political scene meant that the formative period of the revolution had terminated. Nevertheless, the foundation for the reform had been laid, and it remained for the younger partner to complete the Liberal program.

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234 Actas de la Asamblea Constituyente del Año 1873-1875, pp. 69-73.

235 Ibid., pp. 79-82.
CHAPTER VI
THE CONSOLIDATION OF THE REVOLUTION

An anecdote concerning the presidential inaugural address of Justo R. Barrios, in June of 1873, characterizes the new regime. According to Ramón Uriarte, the new president, found much to praise in his predecessor's administration, which he claimed never was respected, and even was insulted at times. Barrios assured his audience that with him it will be different. "I am resolved to make authority respected, come what may; and when order is re-established, nothing will please me more than to come back and deliver the presidency to the honored citizen who today delivers it to me."1 Uriarte sarcastically observed that Barrios fulfilled everything to the letter except the last part of his discourse.2 Although this may be just another legend that grew around the person of the Reformer through the passing years, the accounts of many contemporary and later writers afford evidence that the authority of Barrios was respected, if for no other reason than fear.

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1Miguel A. García, Diccionario Histórico Enciclopédico de la República de El Salvador. Anecdotas Centroamericanas (San Salvador, El Salvador, 1955), p. 34.
2Ibid.
Ramón Salazar, a contemporary of the president, found much to admire and criticize in the man. He noted that Barrios had few friends, and avoided familiarity with his subordinates so as not to prejudice his high office. According to Salazar, even on the rare occasions when he was intimate, Barrios did not always possess a pleasant disposition because his incisive and sarcastic jokes were frequently directed at his associates. Yet Salazar pointed out that Barrios, with all his shortcomings, made the Revolution of 1871.

The desire to gain respect for his authority caused Barrios often to govern in despotic fashion. The Englishman John Boddam-Whetham justified it on the grounds that "... in a country of such a revolting character as Central America it is better to have a good despot than a weak President at the head of affairs." Similar sentiments were expressed by a North American traveler in Guatemala shortly after the death of Barrios.

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3 Salazar, Tiempo Viejo, p. 170.
4 Ibid., pp. 170-174. For examples of Barrios' jokes, see Quiñones, pp. 33-35 and 37-38.
5 Ibid., p. 171.
6 Boddam-Whetham, p. 39. Boddam-Whetham was a traveler in Guatemala from 1875 to 1876.
7 J. Victor, "Guatemala From the Coast to the Volcanoes," Harper's New Monthly Magazine (November 1885), LXXI, 892 and 900. Victor attributed the prosperity in Guatemala to the beneficial dictatorship of Barrios.
More recent writers, including Guatemalan biographers, continue to paint a similar picture of Barrios differing only in their analysis of the degree of dictatorship and in justifying his despotic conduct. Chester Lloyd Jones characterized Barrios as dominating all branches of Guatemalan development, first under frank dictatorship, and later under a thin veil of constitutionalism. According to Jones, this domination was felt in the neighboring republics as well as Guatemala. Nevin O. Winter, another North American, found the president "resourceful and iron-willed, but progressive." Manuel Valladares, who had few words of praise for Barrios, considered his regime a military dictatorship, which couldn't afford to send the troops away from the capital for fear of revolt. He admitted, however, that although the president was not a learned man, he was astute enough to take quick advantage of a situation, especially industrial progress which was making rapid inroads into Guatemala in the latter half of the 19th century. Whether a dictatorship was essential in bringing about material progress is still open to debate. For Barrios and many of his admirers, dictatorship was necessary but transitional. The reason for this was the powerful role that the

8 Chester Lloyd Jones, Guatemala Past and Present (Minneapolis, 1940), p. 49.

9 Nevin O. Winter, Guatemala and Her People of Today (Boston, 1909), p. 190.

10 Valladares, p. 307.

11 Ibid., p. 309.
Church played in practically every phase of Guatemalan life. Had the Reformer not faced a powerful clerical group, the Liberals would doubtless have been very reluctant to support his dictatorship. The first month of President Barrios' administration indicated no conflict with the clergy either on the national or local levels. In fact on June 11, 1873, Marco A. Soto informed the apostolic administrator that the president and his aides would attend the celebration of the feast of Corpus Christi in the cathedral on June 12. Although political motives may have prompted the actions, many clergymen regarded it as the inauguration of a period of amiable relations between Church and state. However, there is no evidence to show that the president actually attended the religious functions. Paul Burgess claimed that the only time Barrios was in church was when he was inaugurated. As president, Barrios initiated religious reform on July 2, 1873, when he declared Padre Espinosa perpetually exiled from the republic. The reasons were essentially the same as the earlier

12AC, tomo 1873, doc. 307. Events of this nature have caused some Liberal writers to conclude that President Barrios and the Liberals were not opposed to religion. For instance Jesús Carranza made much of General Barrios' action in aiding the restoration of the church in Totonicapán, which had been destroyed by fire on January 2, 1873, but added that Barrios may have done this for political motives. Carranza, Un Pueblo de Los Altos, p. 153.

13Recopilación de las Leyes, I (1874), 185.
accusations of the civil government. Barrios was convinced that in order to remove all obstacles to the pacification of the republic and to the good relations between Church and state, the expulsion of the apostolic administrator was imperative.

The exact departure date of Padre Espinosa is not known. It must have been shortly after the decree was issued. In his letter of protest to the civil authorities, dated August 19, 1873, and written in San Francisco, California, he stated that it was most difficult to defend his innocence, for he lacked the necessary documents, which were in the curia. Presumably, therefore, he must have left Guatemala shortly after the expulsion decree, for otherwise he would have availed himself of the necessary documents in writing his protest. Nonetheless, he denied all the accusations, except the one that stated that he was a relative of Enrique Palacios. He reiterated that none of his official acts could be interpreted as aiding the rebel cause of his relative.

Padre Espinosa concluded his protest as follows:

I protest, then, Mr. Minister, against the false imputations which have been made in the said decree: I protest against

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14 Ibid., pp. 184-185.
15 Ibid., p. 185.
16 AC, tomo 1873, doc. 456.
17 Ibid. The reference here is the alleged attempt of Palacios to overthrow the Liberal regime in Honduras and later to effect a similar overthrow in El Salvador and Guatemala. The threat was removed with the defeat of Palacios and his followers in Chamelecon, Honduras, on August 9, 1873. Alvarado, p. 12.
the lack of reason and justice which the government has had for dictating it: I protest against the other calumnies which have been raised for defaming my honor; and lastly I protest in a most solemn and decisive manner against the insults and vexations of which I was a victim on the night of July 3 and the following days until the moment I was placed on board. 18

In a letter of July 18 Padre Juan Gavarrete, a member of the cabildo, notified all vicar provincials that the ecclesiastical government would temporarily reside in the hands of the cabildo. 19 In the same letter, he reported the resignation of Padre Andrés Orantes as secretary of the cabildo, but he gave no reasons for the resignation. 20 Thereafter, Padre Francisco W. Taracena was appointed the new apostolic administrator.

The conflict between the Church and state became more serious when the president, on August 27, decreed the nationalization of all religious property without exception. 21 In addition, the decree called for establishing governmental commissions to execute the decree; and the creation of a special treasury to administer the property, and invest it in accordance with the decree. 22 According to article 2, the commission had the duty of seeing that compensations were made for the expropriated goods. 23 In another

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18 AC, tom. 1873, doc. 456.
19 Ibid., doc. 369.
20 Ibid.
21 Recopilación de las Leyes, I (1874), 193.
22 Ibid., pp. 193-194.
23 Ibid. The decree does not specifically state when and how the commission should pay for the expropriated goods, but later decrees provided for public auctions. Recopilación de Las Leyes, I (1881), 458-459. The duties of the commission were further
decree of the same date, a Banco Agricola Hipotecario was established which would administer the funds of the expropriated property. These funds were to be employed for the development of agriculture.

The reasons for the expropriation, as stated in the decree, were similar to those stated earlier in the Liberal press and official communications. For instance, expropriation of ecclesiastical goods was considered essential to the promotion of prosperity and development in the republic. According to the decree, this goal would be impossible if the property remained in "dead hands," for "The existence of property in dead hands withdraws considerable capital from commerce, agriculture and industry and takes out of circulation territorial property, fettering it perpetually in certain bodies and families, who possess it in an exclusive manner." The decree advocated that the property must pass into hands "of active and industrious proprietors, who make it produce and increase the public wealth." Furthermore, ecclesiastical goods served only to foment unrest throughout the republic because some of them had fallen into the hands of rebellious factions. To avoid any misgivings about the status of


24 Ibid., pp. 194-196.  
25 Ibid., p. 192.  
26 Ibid.  
27 Ibid.
private property, the decree assured subjects that the state guarantees the right to hold and invest property. In the case of religious property, however, the state was employing the faculties "which it has over establishments and moral institutions, which owe their existence to the law, and on account of evident public utility it may alter the administration of goods in dead hands."28 Here Barrios showed himself in full accord with the thesis of José María Mora, which stated that since religious or "moral institutions" owed their existence to civil law, they could be regulated by the civil power for the sake of public welfare. The decree further confirmed the thesis of Mora in that the Church, through the loss of her property, became more dependent on the state subsidy. The only independent sources of revenue left to the Church were the voluntary contributions of the faithful, the fees collected in the administration of the sacraments and the performance of other religious functions. The last category of

28 Ibid., p. 192. Italics not in the original. According to El Guatemalteco, the value of religious property in "dead hands" was estimated at two million pesos. El Guatemalteco, September 19, 1873, p. 1. A few months later, the publication reported the secret resolutions reached by the ecclesiastical cabildo, whereby the cabildo decided to place the cathedral property in personal ownership so as to avoid expropriation. No explanation was given as to how this information was obtained. Ibid., April 10, 1874, p. 1. Knowledge of the secret resolution caused Barrios to issue an order on April 9, 1874, stating that the sale of property "without the formalities prescribed by law" is illegal. This meant that the sale of Church property made in secret did not meet the legal formalities. Recopilación de las Leyes Emitidas por el Gobierno Democrático de la República de Guatemala (Guatemala, 1876), II, 36-37; El Guatemalteco, April 10, 1874, p. 2.
income was further curtailed when the state later nationalized cemeteries and abolished the customary religious burial fees.

Additional reasons for expropriation of religious property were given in a pamphlet published shortly after the above decree. Its author claimed that the Church gained much of her property through fomenting such religious superstitions as threatening the faithful with hell fire; by appealing to the emotions of women and by outright usurpation, such as the donation of Constantine and the False Decretals. Although much of this was done in the name of charity, the author's opinion was that the Church has neglected her mission of charity. This caused the Church to amass wealth, which she did not really own but only administered. Consequently, the wealth of the Church elicited criticisms from popes, saints, and Protestant reformers. Since the Church failed in her mission of charity, and since she was only the administrator of these goods, "it corresponds to the state to see that these donations are destined for the end for which they were instituted by the testators and donors. . . ." Moreover, the writer was certain that the amassing of wealth for charitable ends was in violation of modern economic laws. In his words "Catholic charity, far from improving the social conditions of man, engenders poverty,

29*Párrafos de un Buen Libro, Los Bienes de la Iglesia* (Guatemala, 1874), pp. 3-16.

destroys a man's initiative and for this reason it is the begin­ning of decadence and impoverishment of states." He was certain that such was not the intention of the donors of the ecclesiasti­cal goods. To end this decadence and impoverishment, the state was exercising only its duty by suppressing such holdings. The writer found no justification for tax exemptions extended to religious bodies because they were charitable institutions. Since the Church was a part of society and the state, she must fulfill her duties like any citizen. His clinching argument was offered in his conclusion, when he discussed the concept of sovereignty. The assumed sovereignty of the Church rests on a false premise, he asserted, for sovereignty was essentially a right of man which he exercised through a constituent assembly. Furthermore, the writer could not understand how there could be a sovereign Church within a sovereign state. "Two sovereign entities cannot exist for the very reason that the divine right of the Church has never had the assent of the people, who have always protested against the domination of the Church. . . ." The conclusion left little room for an independent Church. Although the pamphlet was published after the decree of consolidation, it offers a penetrating view of all the issues involved in the Church as a property holder. It again demonstrates clearly that more was involved than

32 Ibid., pp. 39-40.  
33 Ibid., pp. 41-66.  
34 Ibid., p. 75.
merely the accusation that accumulation of ecclesiastical wealth was one of the basic causes for the economic retardation of the country.

The protest of the ecclesiastical cabildo against the decree of August 27 was emitted on September 10. It based its disapproval on the grounds that the civil authority not only failed to consult the Holy See before formulating the decree, but did not consent to suspend the execution of the decree until an agreement could be reached with the Holy See. The protest also warned the clergy and administrators of religious houses and foundations that "they may not assist in the execution of the decree by any act which may indicate acquiescence or spontaneity, and in the case of being obliged to surrender to force, they may do it by means of a written or verbal protest as the circumstances permit." The following day, the ecclesiastical authorities issued a second protest in which they stressed that obedience to civil law did not relieve them or the faithful of giving priority to the laws of God and His Church. The clergy was specifically instructed that it must not give moral consent to the execution of the decrees.

Madre Encarnación in Quezaltenango was the first to express

35 AC, tomo 1873, doc. 505. 36 Ibid.
37 Ibid., doc. 509. 38 Ibid.
concern over the expropriation decree. In her letter of September 4, addressed to Auxiliary Bishop Manuel Barrutia, she indicated that the house the community rented belonged to the cofradía del Carmen. With the expropriation decree, she feared that her community would be forced to leave the house. At the same time, she sought instructions as to whether she should submit the accounts of the convent if the civil authorities requested them. The reply of the ecclesiastical authorities on September 18 was merely a reiteration of an earlier letter, namely, should the religious be forced to leave their convent, they should retire to private homes, preferably those of relatives.

The situation of the nuns in Quezaltenango became critical by the month of December. In a letter dated December 19, Padre S. José Santizo, Vicar Provincial of Quezaltenango, reported that the civil authorities had demanded the accounts of the convent, and that the community no longer possessed its convent or, for that matter, any place to live. He added that although a local pastor had given the nuns a house, they had to leave it when he sold it, so as to avoid government expropriation. Padre Santizo asked the ecclesiastical authorities if he should order the administrator of the nuns' convent to surrender the accounts of the community to the Departmental Commission of Consolidation. He requested

39 Ibid., doc. 495.  
40 Ibid.
similar information regarding the cuartas de colegio, which were funds destined for the support of the archdiocesan seminary. The reply the ecclesiastical government sent on December 27 indicated that it would direct a note to the civil government so that the nuns would be assured of the necessary means for their existence. In regard to the cuartas de colegio, the vicar provincial was ordered to present the due protest when the Commission of Consolidation demanded the funds, but he was advised not to release any other funds as long as the present circumstances existed.

In her letters of December 20 and 28, Madre Encarnación confirmed the report of Padre Santizo. In her letter of December 20, she noted that the annual academic examinations were held on December 10 and 11 in the presence of the pastor and local political authorities. She mentioned that although the political authorities were highly satisfied with the results, the Commission of Consolidation immediately requested the convent funds. This did not surprise her since it was generally done. Since the community was engaged in offering instruction gratis, she sought the help of the pastor and the municipality, but neither answered her petition. This, she pointed out, has exhausted the patience of her nuns. She remarked bitterly that after twelve years of

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41 Ibid., doc. 703.  
42 Ibid.  
43 Ibid., doc. 705.
teaching in Quezaltenango, the city had afforded her community little protection; even coming to the point of depriving them of their habitation, and threatening the lives of the nuns. In view of these circumstances, she requested permission to relocate her community in one of the villages of the republic. The bitterness of Madre Encarnación was again stressed in her letter of December 28. This letter makes it clear that the nuns were still living in the house given to them by Padre D. Modesto César, since she requested the cabildo to restrain the pastor from forcing the nuns to leave, due to the sale of the property, until definite word had been received from the cabildo as to what could be done to save the situation. Again she accused some of the people in Quezaltenango of attempting to force the community into a position of dire necessity. The reply of the cabildo that it had directed a note to the civil authorities informing them of the plight of the Bethlemitas offered the nuns little consolation.

Undoubtedly, the ecclesiastical cabildo feared serious reprisals from the civil authorities if it made stronger protest in the defense of the nuns. The disbanding of the male religious congregations and the expropriation of religious property apparently dictated the policy of defeatism adopted by the cabildo in its

44 Ibid.
45 Ibid., doc. 718.
46 Ibid., docs. 705 and 718.
dealings with the Bethlemitas. In addition, the disbanding of the female religious communities was only a little more than a month away at this time, and rumors of this intention could have further counseled caution for the cabildo. There is little doubt that caution was the overriding principle of the cabildo when one studies the correspondence concerning the expulsion of Padre Daniel Escobar, chaplain of the nuns. Madre Encarnación reported the fact on January 18, 1874, but gave no reason for his expulsion. The mother superior petitioned the cabildo to send Fray Bernardino Samayoa as their chaplain. Replying that this was impossible due to parish needs, the cabildo promised another priest to serve as chaplain. On the following day, Padre Santizo of Quezaltenango, sent a similar report to the cabildo stating that the reasons for expulsion were unknown except that the order came from the president. Fearing that difficulties of the Bethlemitas would increase, he stated that he was doing everything possible to alleviate their hardships. He doubted, however, that the community would be able to continue its struggle much longer. The response of the cabildo on January 28 counseled the vicar to continue aiding the nuns, but in such a way as not to become involved in any of the dangers. One may judge

47 Ibid., tomo 1874, doc. 35.  
48 Ibid.  
49 Ibid., doc. 37.  
50 Ibid.  
51 Ibid. The uncertainty of the status of the Bethlemitas
that the cabildo, realizing the futility of the struggle had, for all practical purposes, adopted a policy of noninterference.

Apart from the difficulties encountered by the Bethlehemitas in regard to expropriation of religious property, the archives present no evidence that other female religious communities suffered similar molestations. While the decree of expropriation definitely included convents of nuns, the execution probably was held in abeyance until they were disbanded in February of 1874.

Additional difficulties occurred with the execution of the decree in the parishes, especially in regard to the status of confraternities. According to Padre Vicente Cáceres, vicar provincial of Chimaltenango, the funds of the confraternities were not included in the expropriation decree. Cáceres claimed that the instructions of the local political authorities, given on August 27, made it clear that all other funds were subject to expropriation, including the seminary fund called cuartas de colegio. Further instructions explained what debts stemming from the cuartas de colegio must be included in each pastor's report. Padre Cáceres requested guidance from the ecclesiastical government in the matter so that he could offer the necessary advise to pastors in his vicariate with a clear conscience. 52 The cabildo's

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reply on October 10 indicated that the parish fund and the offering for the archbishop were not to be delivered to the Commission of Consolidation, but the seminary fund might be surrendered. This could be done according to the law, but never with moral consent.

Padre Casimiro E. Serrano, pastor of Chiautla, faced a slightly different problem, since his parish had not paid the seminary fund since 1814. The archbishop had granted his claim for exemption because of the poverty of the parishioners. In spite of this, the Commission of Consolidation insisted that henceforth this fund must be paid, since the archbishop had no right to grant such an exemption. The cabildo in its response supported the pastor in his stand.

The question of the deliverance of the parish fund came up again in a letter of the vicar provincial of Sololá, who reported that the Departmental Commission of Consolidation was demanding the parish fund account. Reiterating its earlier position, the cabildo insisted that the fund was excepted in the expropriation decree; should the Commission of Consolidation insist on its deliverance, however, the vicar provincial might do so, provided he made the necessary protest.

The letters cited comprise all those the cabildo received concerning the enforcement of the expropriation decree from

53 Ibid 54 Ibid., doc. 635. 55 Ibid.
56 Ibid., vol. 8, docs. 1036 and 1044. 57 Ibid., doc. 1036.
August 1873 to February 1874. The small number of complaints from the pastors might indicate that the execution of the decree had little or no effect on other parish property. This, at least was the tone of the letter Padre Francisco Suárez wrote the cabildo on October 6 stating that he received the ecclesiastical circular protesting the decree of expropriation, he thought that none of his parish property was included in the decree. 58 One may assume that other pastors probably were in similar circumstances, and that in some areas, the jefe políticos probably were very lenient in the application of the decree.

The letters were primarily concerned with the expropriation of parish funds. This the ecclesiastical authorities refused to accept because the parish fund constituted the essential means for parish support. This was not the case with the seminary fund; the cabildo made it clear that these funds might be turned over to government, provided the pastor gave no moral consent. One may suspect that since the Church received a state subsidy after the abolition of tithing, the clerical authorities were more willing to forego this income. The fact that one pastor reported that his parish had been exempt from the seminary fund since 1814 suggests that the Church considered this fund of secondary importance to the parish fund. One can also suspect that other poverty-stricken parishes enjoyed a similar exemption, or if they did not, the

58 Ibid., tomo 1873, doc. 550.
funds collected probably were insignificant.

More serious conflicts over Church property arose when the Central Commission of Consolidation issued new regulations concerning religious property subject to expropriation. According to padre Francisco Taracena and his cabildo, these new regulations included "houses belonging to the Church and Institutes annexed to it." Regretting the new regulations the cabildo, in its directive of February 3 to the minister of government protested the action because the previous and indispensable consent of the Holy See was not sought in the matter. It hoped that the government would revoke the regulations for the sake of public peace.

The new regulations of the Central Commission of Consolidation had the added significance of setting the policy for the Departmental Commissions of Consolidation. Whether the Central Commission was overstepping its bounds in the new regulations cannot readily be determined. The expropriation decree, however, lent itself to the wide latitude of interpretation which the Central Commission made. The ecclesiastical authorities certainly must

59 Ibid., tomo 1874, doc. 60A. The new regulations were contained in the letter of January 28, 1874, written by U. Irungaray, head of the Commission of Consolidation. Subsequent correspondence between the commission and the cabildo indicates that the income from the sale of Church property prior to the decree of expropriation was subject to expropriation. AC, tomo 1874, doc. 410.

60 Ibid., doc. 60A.

61 One writer indicates that the Central Commission of Consolidations was within bounds in its regulations. Holleran,
have realized that expropriation of Church property was much more
embracing than they cared to admit in their protests. In fact,
the decree and subsequent regulations of consolidation were the
first steps in the nationalization of all Church property.

On October 2, 1873, the president issued new regulations
concerning marriages of foreigners, which had been contracted in
accordance with the laws of the country from which they emigrated.
By validating these marriages, the government desired to spread
the spirit of tolerance and thus aid immigration. The motives
were practically identical to those stated earlier in the decree
of freedom of cults. The Liberal El Progreso stated the case
well when it reminded the immigrants that they ought to be aware
of the fact that Liberal principles governed Guatemala, "under
which integrity and work find perfect guarantees; a system which
has stricken from our laws religious intolerance, one of the
greatest obstacles to immigration. Today foreigners because of
the decreed liberty can practice in private or in public the cult
of their profession, without consideration or fear of any kind." It is doubtful if, in practice, the civil recognition of foreign
marriages charged anything, except for facilitating property

pp. 172-173. For a partial listing of expropriated Church prop-
erty and the government uses of the property, see Carranza, El
General Justo Rufino Barrios, pp. 32-34.

62 Recopilación de las Leyes, I (1874), 197-198.
63 El Progreso (Guatemala), January 25, 1874, p. 2.
settlements. Church leaders apparently were indifferent toward the new marriage regulations. However, the decree indicates the first intervention of the Liberal regime into matrimonial questions.

During the initial months of his administration President Barrios continued his policy of working for acceptance of Liberal principles throughout Central America. For instance, in an alliance treaty with El Salvador and Nicaragua, the three republics promised to work "with all efficacy and mutual moral support for the consolidation of Liberal principles in each republic." The treaty also called for promises to work for "the formation of a common government for the Central American republics." Finally, although admitting that it would be difficult to gain the adherence of Costa Rica, which was becoming more Conservative than Liberal, the three republics hoped that Costa Rica and Honduras would become parties to the treaty.

The year 1874 may well be called climactic to the religious reform program of the Liberals. Pushing through the new reform laws and being capable of enforcing them proved beyond a doubt that the victory was clearly on the side of the Barrios regime. Chester L. Jones aptly concludes that one of the greatest marks that Barrios left was his stamp upon the Church. On January 29,

64 Recopilación de las Leyes, I (1874), 198.
65 Ibid., p. 199.
66 Jones, p. 54.
the president ordered the establishment of a school for the orphans who at that time were under the care of the Daughters of Charity. The order stated that the school needed to be directed by qualified personnel so that the orphans could obtain a satisfactory education. This, the president claimed, was impossible with the sisters as teachers, since they could not adequately educate young men for life. An order dated the same day provided that the school for the orphans would be located in the expropriated monastery of Santo Domingo.

A few days later, decree 112 was issued, which although having no direct relation with the religious reform decrees at the time, expressed a fundamental Liberal aspiration. The decree abolished such military titles as captain, lieutenant general and field marshal as being incompatible with the democratic principles proclaimed by the Revolution. The new title for these positions was designated as "generals of division." Significantly, this same democratic leveling process was later applied to the use of the clerical garb for similar reasons.

On February 9, President Barrios took his first step towards disbanding female religious associations. The decree did not suppress them completely, but ordered that they should be all reduced to one convent—namely the Convent of Santa Catarina. This was to

67 Recopilación de las Leyes, II (1876), 9.
68 Ibid.
be done within a period of eighteen days. It was clear that the president intended the ultimate extinction of the communities, for he prohibited new professions of vows. He also suppressed "female institutions, confraternities, orders, third orders and other congregations of this class" and expropriated their property. As encouragement to accept secularization, the decree provided for a monthly pension of twenty pesos to each nun who left the convent.

The reasons for disbanding female associations were a reiteration of those used in the suppression of the male religious communities. For instance, the government deemed it necessary to suppress the multiplicity of convents so as "to remove a social and economic obstacle." New professions were prohibited because "the state cannot consent to new professions of perpetual vows, since these involve the renunciation of the rights of human personality and moral suicide which societies and governments ought not tolerate but impede promptly. . . ." In brief, perpetual vows were said to be in opposition to the principle of individual liberty, "by which even persons bound by vows of profession can be released from them, since perpetual vows are opposed to the higher and inviolable laws of nature. . . ."

70 Ibid., p. 14. 71 Ibid. 72 Ibid. 73 Ibid. 74 Ibid., p. 13. 75 Ibid. 76 Ibid., pp. 13-14.
similar reasons were expounded in the editorials of El Guatemalteco, although in a much more extended and anti-clerical form. It was particularly noted that religious life in the convents was not in harmony with the simplicity of religion as seen in the Bible or early Christianity. Religious convent life was considered to have had its origin in the Middle Ages. 77 Regarding monastic life in the Middle Ages, the editor claimed that he was able to find only ten cases of suicides during all those centuries. From this he concluded that persons in the medieval period had no compulsion to commit suicide because "they were finding in the convents the death of their personality." 78 Furthermore, he asserted that convents were institutions "which do not contain in their existence holy and undying principles, but their life and organization depends on the authorization of civil laws, which can be revoked in the name of important principles of recognized good..." 79 From the social and economic viewpoint he considered religious life as unproductive slavery and lacking initiative, an inherent weakness in every slave system. Thus the convents became mere accumulators of property which was not invested and remained in the possession of "dead hands" rather than individual religious. 80

77 El Guatemalteco, February 17, 1874, p. 1; February 21, 1874, pp. 1-2.
78 Ibid., February 21, 1874, p. 2.
79 Ibid., p. 1.
80 Ibid., pp. 1-2. The Liberal El Progreso found the life of
The presidential decree, in its opening remarks, called for
the prohibition of religious professions of perpetual vows, but
in article 2 it spoke of an absolute prohibition of new religious
professions without qualifications. This ambiguity raised the
question of the status of the Daughters of Charity. If the de­
cree applied only to nuns with perpetual vows, the Daughters of
Charity would be excepted, for their vows are renewed every year.
since state and Church records are completely silent on this mat­
ter, the decree apparently did not apply to the Daughters of
Charity. There is no way of knowing, however, whether the use of
the phrase of perpetual vows was intended to safeguard the status
of the Daughters of Charity. The present writer can offer only
the interpretation that such was probably the intent of the de­
cree, with the additional explanation that the work of the
Daughters of Charity was indispensable in their orphanage and
hospital. Perhaps Barrios did not consider the Daughters of
Charity strictly a religious congregation. If such was his think­
ing, he was right since St. Vincent de Paul, the founder of the
Daughters of Charity, observed that the sisters were not reli­
gious because "religious should be cloistered, but the Daughters
of Charity must be everywhere."81

81St. Vincent de Paul, cited in Charles Poulet and Sidney A.
Raemers, A History of the Catholic Church, II (St. Louis, 1949),
The ecclesiastical protest against the reduction of the nuns to one convent, issued on February 11, was undoubtedly the strongest protest against the government up to this time. Addressed to the minister of government, justice and ecclesiastical affairs it accused the government of subscribing to principles that were neither just nor socially convenient, but rather those Liberal principles which disregarded all tradition and sacred rights. Efforts to reform society in this way, without popular consent, and through the use of violence had brought about social dissolution in Spain, and harsh despotism in Germany and Italy. It was useless, the protest continued, to discuss the matter since power, assisted by force, is indifferent to public opinion, human rights and sentiments. The authors of protest reminded the government that the Church also had its imprescriptible rights, which it had not received from man, and duties which were superior to all human consideration. Concluding, the ecclesiastical authorities protested solemnly against the new attack on the Church's institutions, and appealed to divine justice as a last recourse.

182. Neither were the Vincentian priests included in the expulsion of the male religious communities. The rule of the Daughters of Charity provides that their spiritual direction must come from the Vincentian priests. This may have been the main reason why these priests were not expelled.

82 AC, tomo 1874, doc. 74. Padre Taracena also issued a pastoral, in which he warned the faithful of the Liberal design to destroy religion. At the same time, the faithful were advised
After the protest, the Church officials faced the vexing problem of how to deal with the execution of the decree. The cabildo first issued advice similar to that offered earlier to the Bethlemitas, namely that on leaving the convent, the nuns should enter private homes, preferably those of their relatives. More specific advice was given to Madre María de Jesús de la Transfiguración España, who was the superioress of the Beaterio de Belén. She reported, on February 13, that civil officials had entered the convent and treated her nuns in a discourteous manner, and left an order for the nuns to leave the convent within five days. The immediate reply of the cabildo was that a letter of protest had been sent to the government concerning the

to be on their guard against the government's attempt to create a schism within the Church, especially by seeking to nominate a new apostolic administrator. Since this pastoral is only in draft form, it is not known if it was published. 

Approximately at the time of writing the pastoral, Padre Taracena sent a letter to Dr. Bartolomé Rodríguez, vicar general of the diocese of El Salvador, in which he informed him of the acts of the Guatemalan government against the Church. The apostolic administrator felt that it was necessary to give publicity to the Church's position in Guatemala and warn all Catholics of the danger of incurring excommunication when dealing with Guatemalan banks that hold expropriated religious property. 

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83 Ibid.  
84 The Beaterio de Belén (also called Beaterio de Nuestra Señora de Belén) in the capital must not be confused with the Bethlemitas in Quezaltenango. Originally both congregations had been united but due to the reforms introduced by Madre Encarnación, the Bethlemitas split from the group in the capital.  
85 AC, tomo 1874, doc. 74.
conduct of the civil officials. 86 Shortly after this, it sent another letter giving detailed instructions to the superioress. First, she should not abandon the convent, unless there was danger of the use of force. Secondly, she was permitted to sign an inventory of the convent's possessions, provided that the necessary formal protest was given to the civil officials, and that this was not accompanied by moral consent. Finally, on being forced to leave the convent, the nuns should go to the homes of their relatives; if this was not possible, to other respectable homes. In all cases, the nuns should continue practicing their religious life as much as possible under the circumstances. At the same time, they should wear a garb becoming to their state of life and "wearing beneath their clothing some sign of their habit." 87

The formal protest of the nuns was probably made before the arrival of the instructions from the cabildo. They stated their opposition to the decree, and that they are leaving the convent under duress. Promising to continue their religious life as much as the circumstances permit, they expressed hope of returning to the convent. 88 On February 17, Madre María de Jesús took a more venturesome step by directing a letter of protest to President

86 Ibid. 87 Ibid. 88 Ibid. All thirteen nuns signed the protest.
Tarrios. Her letter stated in part: "I do not know the fate that is reserved for me and my sisters. Beginning today I see them as slaves in the midst of proclaimed liberty, without more protection than that which God foresees in Whom they trust and in Whom they await consolation. Nevertheless I can assure you [President Barrios] that although separated and dispersed by force, we shall remain united in the bonds of charity, asking God to give us light and certainty in all things." 89 It should be noted that while the property of the Beaterio de Belén was expropriated as was the property of the other convents, the chaplains of the convents still continued to offer the customary religious services. Such were the instructions of the ecclesiastical authorities given on February 19 with the promise that the ecclesiastical officials would determine at a later date the means for subsistence. 90

The situation of the Carmelites proved to be a more interesting story. Madre María Adelaida de Santa Teresa, the prioress of the convent, informed Padre Taracena on February 15 that civil officials had entered the convent, without ecclesiastical approval, to see if the convent could accommodate additional nuns. 91

89 Ibid.

90 Ibid. Apparently these instructions did not remove all the difficulties, since Padre J. A. Escobar, chaplain of Beaterio de Belén, offered his resignation on February 24 due to obstacles caused by "ill-intentioned" persons. Ibid.

91 Ibid. Madre María Adelaida was originally from New York. After her conversion to Catholicism, she entered a Carmelite monastery in Cuba. Because of Spain's Liberal laws against
Apparently, the civil authorities were still undecided as to which convent should be used to house all the nuns. The prioress further stated that she expected similar official visits in the future. She therefore desired instructions as to what her conduct should be when these visits were ordered, and what she should do if the president himself should come. Finally, she requested instructions concerning the possible civil demand for the dismissal of her two novices, and what was to be done with the articles used in religious services. The reply of the cabildo on the following day regretted the forced entry into the convent, and promised ecclesiastical censure for those responsible. Granting permission for the two novices to leave the convent, the cabildo insisted that it be done secretly so as to prevent the impression that the professed religious were leaving. The prioress was instructed to deliver the desired goods to the civil officials without giving moral consent. She was also to formally protest the inventory of all goods in the convent. The formal protest, similar to the one issued by the cabildo, was given on February 22. Madre María Adelaida strongly opposed the government's novices, she went to Guatemala in 1843 where she was invested with the Carmelite habit. Later she became prioress of the convent, at which time she obtained the services of a Jesuit as chaplain. Her close association with the Jesuits and outspoken defense of them during their expulsion was viewed unfavorably in government circles. Florencio del Niño Jesús, La Pasionaria de Nueva York (Madrid, Spain, 1935), pp. 111 and 130-131.

92 AC, tomo 1874, doc. 74.  
93 Ibid.
plan to unite all the female religious communities in one convent, since they professed different rules and constitutions. She hoped to return to her convent so that her nuns might continue the practice of their religious vocation. 94

By February 19, the convent had been selected by the civil government to house the nuns. It was that of Santa Catarina. Madre María de Jesús de la Natividad, abbess of the convent, reporting that she had received the notice, requested information from the cabildo as to what to do in the circumstances. 95 The cabildo in its reply of February 21, asked the nuns of Santa Catarina to accept the others, and stated that they all should remain peacefully in the convent as long as the present political situation continued. They were to practice the rules laid down in their respective constitutions, although the cabildo indicated that these rules would either be moderated or dispensed with at a later date. Finally, the abbess of Santa Catarina was designated as the religious superioress of all the nuns. 96

Having decided on a central convent, the civil government began the immediate enforcement of the decree. On February 24.

94 Ibid., The protest was signed by the prioress and twenty-six members of her community. This was not the first time that Madre Adelaida protested President Barrios' decrees. In 1871 when he expelled the Jesuits, she addressed a sharp note of protest to Barrios. Pérez, p. 630.

95 AC, tomo 1874, doc. 74.

96 Ibid.
Madre Magdalena de la Crucifixión y Muñoz, superioress of the Convent of Santa Clara, issued her formal protest when she and her nuns were transferred to Santa Catarina.\textsuperscript{97} Two other convents had issued their protests earlier on February 12. The protest of the convent of Concepción carried the signature of Madre María Teresa de Jesús and twenty-five members of her community, while the protest of Madre María Ignacia, abbess of the Capuchinas, indicated a membership of twenty-four.\textsuperscript{98} Madre María de Concepción, prioress of Beaterio de Nuestra Señora del Rosario, dated her protest February 18, but there is no list of signatures of the nuns.\textsuperscript{99} The convents of Santa Catarina, the Capuchinas, Santa Clara, Santa Teresa (the Carmelites) and Concepción also addressed special letters to Padre Taracena expressing their submission to the reduction of their respective communities to one central convent.\textsuperscript{100}

Apart from the account of the Carmelites in Guatemala given by Padre Florencio, there is no evidence that the nuns encountered any serious difficulties in transferring themselves to the convent of Santa Catarina. According to Padre Florencio, Madre Adelaida was miraculously cured of a facial tumor at the time of Barrios’

\textsuperscript{97}Ibid. The protest is very brief and written in faulty Spanish. Perhaps the sudden execution of the decree prohibited the writing of a more formal and elegant protest. It was unsigned.

\textsuperscript{98}Ibid. \textsuperscript{99}Ibid. \textsuperscript{100}Ibid.
decree. He claimed that the cure was confirmed by three doctors, who were about to operate on the nun. 101 The cure was immediately greeted by the chaplain of the convent, doctors and populace as evidence of the nun's sanctity. 102 The popular acclaim disturbed the Junta Patriótica of the capital and José Berberena, its president. Padre Florencio reports that the latter annoyed the nuns with favors and threats, such as promising to aid the improvement of the production of fruits in their garden, or offering each nun a monthly pension of twenty pesos if she should leave the convent. 103 One of the younger nuns, Sister Catalina de Jesús, accepted the bribe. Padre Florencio asserts that it was the brother of the nun who wanted this money, and that she was never paid after leaving the convent. 104

When the order to leave the convent came, Madre Adelaida left the door unlocked, as the apostolic administrator had advised, so as to avoid all violence. 105 The government contingent, under the command of Herculano Afre, arrived at 1:00 P.M. to escort the Carmelites to the convent of Santa Catarina. The government took the necessary measures to avoid a possible public demonstration, since it was aware of the popularity of Madre Adelaida. She immediately informed the commander that although she and her

101 Florencio, pp. 134-137.
102 Ibid., p. 137.
103 Ibid., pp. 137-138.
104 Ibid.
105 Ibid., pp. 139-140.
religious had no intention of physically opposing his orders, she insisted on reading the formal protest before leaving. "I protest the iniquitous order which casts us from our house, and I swear to return to it as quickly as possible." The protest, signed by the members of the congregation, was again repeated when Madre Adelaida stepped outside the convent where a large crowd was gathered. In speaking to the assembled people, she observed that "I am a foreign religious, who thirty years ago left my home and family to enter religious life. I protest that I would shed my blood in this convent, if obedience would not order me to leave; and I swear to return to this holy cloister as soon as possible." At this point Rafael Angulo, official recorder of the Carmelite convent, immediately ushered the nuns into the waiting coaches, fearing an outburst of violence from the crowd, which was shouting protests against the civil orders.

Shortly after the various religious congregations had taken up their residence in the convent of Santa Catarina, Emilio Gálvez, the ecclesiastical notary public, on February 24, drew up a report on the spiritual and material resources of the new central convent. It permits no doubt as to the crowded conditions.

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106 Ibid., pp. 143-144.
107 Madre Adelaida cited in ibid., p. 145.
108 Cited in ibid. According to Padre Pérez, Madre Adelaida was not permitted to read her protest in the presence of the crowd. Pérez, pp. 630-632.
109 Florencio, p. 146.
According to Gávez, the total number of nuns in the convent was 126. The breakdown as to the number of nuns from each community and the allotted cells was as follows:

<table>
<thead>
<tr>
<th>CONVENT</th>
<th>NUNS</th>
<th>CELLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santa Catarina</td>
<td>32</td>
<td>13</td>
</tr>
<tr>
<td>Concebidos (convent of Concepción)</td>
<td>25</td>
<td>8</td>
</tr>
<tr>
<td>Capuchinas</td>
<td>24</td>
<td>5</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>18</td>
<td>5</td>
</tr>
<tr>
<td>Carmelitas</td>
<td>27</td>
<td>9</td>
</tr>
</tbody>
</table>

Since the complete membership of each community at the time of the decree is unknown, there is no way of telling how many nuns left the religious life when Barrios ordered their reduction to Santa Catarina. Nevertheless, the membership of three communities may be judged by the signatures of the protests. These indicate that the Carmelites had 27; the Concebidas, 26; and the Capuchinas, 24. Comparing these figures with those of Gávez reveals the loss of only one religious, one of the Concebidas. In addition there is no reason to suspect that any of the nuns of Santa Catarina, whose convent served as the place of reduction, left when the

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110 AC, tomo 1874, doc. 74. Later accounts give a higher figure for the number of nuns in Santa Catarina. Padre Florencio placed the number at 150, while Miguel A. García placed it at 140. Padre Florencio described Catarina as a large convent, but wholly impractical to accommodate five religious congregations. Florencio, p. 146, and M. A. García, V. 461.

111 AC, tomo 1874, doc. 74.
other four communities entered. Thus the nuns leaving the convent due to Barrios' decrees appears relatively small, unless the nuns of Santa Clara had a considerably larger number than the eighteen reported by Gálvez.

In addition to the five communities already mentioned in Santa Catarina, there were the convents of Belén, Santa Rosa and Santa Teresa. Since the documents offer no explanation as to their closing after the decree, one may assume that the nuns retired to private homes in accordance with the instructions of the apostolic administrator.

Finally, there is no mention of the Bethlemitas of Quezaltenango in the report of Gálvez. As already noted, President Barrios had made efforts to expel the community from Quezaltenango—the last time being in February of 1873—but his orders were never executed. He was finally successful in February of 1874. The vicar provincial of Quezaltenango reported, on

112 Ibid., doc. 84. No information is available regarding the membership of these communities, except that the convent of Belén had fourteen members. Ortiz López, pp. 295-296.

113 There is much confusion concerning the time of the expulsion of the Bethlemitas from Quezaltenango. Two authors placed the time of expulsion in February of 1873. Undoubtedly, their reason was that the formal protest of the Bethlemitas was dated at that time, and thus they presumed that the decree of Barrios was carried out. Francisco Broto, Vida de la Sierva de Dios Madre María Encarnación Resal, Fundadora (Madrid, Spain, 1931), pp. 206-209; Octavio Príncipe, S. J., Una Flor del S. C. de Jesús en Centro America, translated from Italian to Spanish by Luis Basignana (Santa Ana, El Salvador, 1930), p. 40.
February 21, that the secularization of the Bethlemitas had been carried out calmly; the majority of the nuns retired to private homes in the city. According to Padre Ortiz López, Madre Encarnación, in company with three other nuns, secretly left Quezaltenango at 3:00 A.M. and traveled incognito to the capital, where they were later joined by twelve of their order from Quezaltenango to continue the practice of their religious life in a private home. The secret practice of religious life in private homes appears to have been the rule rather than the exception. If one judges by the letters in the archives of the curia, the secret practice of religious life continued not only through the Barrios administration but probably for some time thereafter, at least until all the religious members of the 1870's had died out.

The true motive of President Barrios' ordering five religious communities to inhabit one convent remains unclear. Padre Florencio suggested that Barrios' motive was to create unrest among the nuns so that they might leave voluntarily or if this

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114 AC, tomo 1874, doc. 94.

115 Ortiz López, p. 291. According to the number of signatures on the protest of February of 1873, the Bethlemitas before their secularization had twenty-four members. Madre Encarnación and her small community continued their religious life in secret in the capital for about two years. In 1874, the Bethlemitas were invited to come to Ecuador by President Gabriel García Moreno, but this did not materialize due to the president's death in 1875. Madre Encarnación with ten religious left for Costa Rica in 1876, where they remained until the Liberal regime of President Próspero Fernández in 1884. From Costa Rica, they went to Columbia and finally Ecuador, where Madre Encarnación died on August 24, 1886. Ibid., p. 340.
strategy failed, he would have a legitimate excuse for ordering the definitive secularization of the nuns in Santa Catarina.\textsuperscript{116} There is no evidence that the nuns seriously complained about their new position, although one writer does suggest that the president received rumors to that effect.\textsuperscript{117} The report of Gálvez certainly leaves little room for doubt concerning the congested conditions of the convent. However, although the nuns were not content with their conditions, they did not complain, judging from the silence of the documents on this matter.

An additional order by the president on February 28 served to indicate that the days of the nuns as religious members were numbered. The order prohibited the use of the grille through which the nun spoke to her visitors. Now she was to meet her visitors in the waiting room any time a visit was requested, and without the presence of another religious. Neither did the order permit the use of the tour, a dumb waiter used in the nun's refectory. Finally, the jefe político, or any other civil official appointed for the task, was ordered to make a monthly visit to the convent "to observe the state of sanitation of the locale and necessities of the persons who inhabit it and prevent the use of corporal punishments and confinement. . . ."\textsuperscript{118} All

\textsuperscript{116}Florencio, p. 148.
\textsuperscript{117}Ibid.
\textsuperscript{118}Recopilación de las Leyes, II (1876), 26.
of these changes, the decree stated, were to prevent social isolation of the nuns and to assure the government that the nuns would lead a life in harmony with the monastic rules of civilized nations. Claiming to have received complaints from some religious, the government hoped to eliminate punishments imposed on nuns for "little faults." 119

Refusing to accede to the president's order, the superior of Santa Catarina was amply supported by the excommunication decree of the apostolic administrator against anyone who set foot inside the convent and violated the cloistered life. 120 Barrios reacted quickly to the excommunication decree. On March 5, he issued decree 119 which ordered the secularization of the nuns in Santa Catarina within twelve hours. 121 The government pointed out that the original decree of reducing the nuns to one convent was actually a concession due to their age and sex. It further

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119 Ibid. Perhaps Barrios had in mind the rumors of physical punishment in the convents later reported by the El Progreso, March 8, p. 1. On March 29 El Progreso reported that seventeen nuns in Santa Catarina were afflicted with mental disorder, a sure sign, according to the paper, of the unhealthy conditions in convent life. El Progreso, March 29, 1874, p. 1. It was a popular belief in Liberal circles that physical punishments were used in the convents, but there is no evidence to substantiate this belief.

120 Florencio, p. 149 and Pérez, pp. 630-632. The archives of the curia do not have a copy of the excommunication decree, but the Liberal El Progreso makes mention of it and accused the apostolic administrator of ridiculing a civil decree and subverting political authority. El Progreso, March 8, 1874, p. 1.

121 Recopilación de las Leyes, II (1876), 26-27.
reminded them that they were not secularized immediately, like the monks. Instead of appreciating the leniency of the government in the reform work, certain elements had used it to their advantage by spreading discontent, as happened after the passage of the president's order of February 28, when Padre Taracena issued his excommunication decree. Additional reasons for the government's actions were given in El Guatemalteco of March 6. The religious leaders were reminded that the government's intent of reducing the nuns to one convent was to maintain a closer vigil over religious life, and to prevent unjust physical punishments. Furthermore, the arrangement was justified to provide a place of residence for the older nuns so that they might continue to practice their vows, which were taken in an hour of imprudence and weakness. The prohibition of the grille and tour was to prohibit isolation of the nuns and afford them their rightful freedom. In writing of the uselessness of religious life, the editor criticized the nuns for failing to change their mode of life in harmony with modern principles as other religious communities had done. The editor further asserted: "Everything has its epoch: in regard to convents much has happened to show the changes that religious communities have undergone, transforming themselves into communities, which do not have perpetual vows or solitary confinement but the religious live in the world and procure some good from their

fellow man and look for the poor, the destitute, the sick, the orphan, in order to give them protection and assistance." 123

This observation was an obvious justification for tolerating the existence of the Daughters of Charity. The official bulletin continued its discussion on the uselessness of monastic institutions by noting that they were not in accord "with the civilized principles of the more advanced Liberal school." 124 The editor also discussed psychological and other problems associated with convent life:

Our variable nature, subject to constant changes, does not permit the binding of the will and conscience in a perpetual and eternal manner. Everybody knows that a woman, principally dominated by passion and imagination, has been at all times the victim of immolated fanaticism in the convents. Everybody also knows that among a thousand, there will be one who is guided by dispassionate and purely religious sentiment. The majority are enraptured by imagination, trickery and plots, and to put it frankly, also by a business transaction, whereby an interested party desires to enjoy material goods or some inheritance, which through deception goes to a convent to take on a spiritual character. 125

Thus according to the editor, the decree of secularization performed a great service for the nuns of Santa Catarina by enabling them to regain their rights, and placed Guatemala among the civilized nations of the world. 126

123 *El Guatemalteco*, March 6, 1874, p. 1.
124 Ibid.
125 Ibid., p. 2.
126 Ibid.
The secularization decree immediately elicited a firm protest from Padre Taracena. Dated March 4, it called the decree disrespectful both to divine justice and the laws of the Church.\textsuperscript{127} His letter also gave explicit instructions to the nuns in regard to their conduct upon leaving the convent. They were instructed to seek refuge in the homes either of their relatives or those "of noteworthy respectability and piety." Simultaneously, they were to continue their religious vocation in so far as the circumstances permit. They were permitted to wear a proper secular garb and "interiorly wear some sign of their religious habit." They were allowed to acquire property and to take interest on invested money. Dispensations were granted from the recitation of the Divine Office, and from certain abstinences and fasts. The daily recitation of the psalm, "Miserere," was required. Lastly, the mother superiors were informed that the Holy See would be notified immediately about the new regulations.\textsuperscript{128}

The most serious problem that faced the nuns was the lack of financial support outside the convent, which could easily make them a burden on the family in whose house they sought refuge. Thus Padre Taracena, on March 8, ordered that the funds from the church of Esquipulas be used to provide a monthly pension of twenty pesos to each one of the sisters of the five communities

\textsuperscript{127}AC, tomo 1874, doc. 74.

\textsuperscript{128}Ibid.
expelled from Santa Catarina and ten pesos monthly to each sister expelled from the three convents in the capital and Quezaltenango. The ecclesiastical commission in charge of the distribution of funds reported on March 14 that $3,180 had been distributed among 190 nuns. The breakdown was as follows:

24 Nuns of the Capuchin Convent $480.
30 Nuns of the Convent of Sta. Teresa 600.
18 Nuns of the Convent of Sta. Clara 360.
32 Nuns of the Convent of Sta. Catarina 640.
24 Nuns of the Convent of la Concepción 480.
16 Nuns of the Convent of Belén in the Capital 160.
12 Nuns of the Convent of Sta. Rosa 120.
10 Nuns of the Convent of Sta. Rosario 100.
24 Nuns of the Convent of Belén of Quezaltenango 240.

190 $3,180. The final decree of secularization made no mention of financial support for the nuns. The original decree promised the nuns, who voluntarily left the convent, twenty pesos per month but there is no evidence to indicate that the civil authorities fulfilled the

129 Ibid. The church of Esquipulas is a famous pilgrimage place in Guatemala where a black crucifix was venerated and to which miracles were attributed. The funds were the alms of the pilgrims collected in the church.

130 Ibid.
promise. The funds of Esquipulas were also employed to support
the pastors (200 pesos each) in the convent churches of Concepción,
santa Teresa, Santa Clara, Santa Catarina, the Capuchinas, Santa
Rosa, Beatas de Belén and Beatas de Rosario. The 200 pesos were
also expected to cover the sacristan's salary and the cost of
religious services. 131

The archives of the curia provide no evidence of any violence
during the expulsion of the nuns from Santa Catarina. The account
of Padre Florencio indicates that there was serious opposition to
the decree by some Catholics, even leading to executions of some
of these people. 132 According to the letter of Madre Adelaida
written on February 19, 1890, to Bishop Francisco Gómez Salazar
of León, outrageous acts were perpetrated in the convents when
the nuns were forced to leave. She remembered that "when the
Junta Patriótica entered [the convent], they took from the niches

131 Ibid. On October 23, 1874, the minister of government and
justice tried to relieve the financial burdens of the various
churches in the capital by promising the apostolic administrator
monthly subsidies for the following churches: Sagrado (Cathedral), $150; San José and Santa Catarina, $60 each; Santa Rosa,
Concepción, El Carmen, San Francisco and Santo Domingo, $50 each; San Sebastián, Recolección, Capuchinas, Santa Clara, Beaterio de
Belén and Beaterio de Indias, $40 each and Escuela de Cristo, $30.
The minister also promised payment to other chaplaincies but did
not indicate the amount. AC, tomo 1874, doc. 462. There is evi-
dence that some of the secularized nuns received state financial
aid later on. For instance interim-President José M. Samayoa
ordered on April 16, 1876, that eight secularized nuns were en-
titled to receive twelve pesos each per month for the rest of their
lives. Recopilación de las Leyes, II (1876), 205.

132 Florencio, p. 151. Apparently the opposition to the de-
cree expelling the nuns from Santa Catarina was not reported to
the cadavers, which always remained stiff and whole, and on the very night that we left, they were dancing with the cadavers, drinking, etc. . . ." Padre Florencio claimed that for some time it was necessary for Madre Adelaida to seek hiding in a private home out of fear for her life since rumors were being spread that the president was seeking vengeance on her.

Madre Adelaida and a few of her religious continued to practice their vows in private homes as the other religious communities were doing. In the process of moving from place to place in order to secure a more suitable house for her community, it appears that Madre Adelaida had the idea of approaching the president in order to have him revoke his decree. Padre Florencio does not give the date of this visit to the president but relates the conversation as follows: "Mr. President: I am a poor foreign religious who thirty years ago left my country and family to consecrate myself to God in religion; and here a decree issued by your government has driven us from our holy retreat, in which we serve God without harming anyone. I hope with the goodness of Your Excellency, which attends to justice, you may assist us and

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133 Madre Adelaida cited in *ibid.*


135 Florencio, pp. 159-165 and AC, tomo 1874, doc. 74.
Barrios refused to grant the request stating that should he grant the concession to the Carmelites, the other religious communities of nuns would immediately seek the same privilege. Madre Adelaida refused to admit defeat and according to her biographer she not only aroused the animosity of political officials, who were aware of her attempts to re-establish her community, but also the opposition of the new Apostolic Administrator Padre Juan Raúll y Bertran, who went so far as to dispense all secularized nuns from their vows. Apparently the apostolic administrator feared further government reprisals should the Carmelites refuse to accept the decree of secularization. Madre Adelaida refused to accept the dispensation and as a result the case was brought before the Sacred Congregation in Rome, which reversed the apostolic administrator's decree. After several more unsuccessful attempts to renew the religious life of her community Madre Adelaida accepted the offer of the expelled Archbishop Piñol in October of 1875 to come to Havana, Cuba, to enter a convent there. The following November

137 Florencio, p. 165.
138 Ibid. Padre Raúll became apostolic administrator after the death of Padre Taracena in July of 1874.
139 Ibid., p. 172.
Madre Adelaida with three members of her community left for Havana.

While in the process of secularizing the nuns, President Barrios on February 25 declared the dissolution of the minor seminary known as Colegio Tridentino. The facilities of the seminary were expropriated and made part of the National University. The same decree provided that the major seminary directed by the Congregation of the Mission was to be nationalized and converted into a public normal school. The scholarship students of both institutions were promised government subsidies of ten pesos per month so as to enable them to continue their education.

The decree called for the establishment of a "national institute," which would be part of the National University and which would receive its regulations at a future date. The nationalization of the seminaries was necessary in order to extend professional studies in all branches and to make the university a common center for the major faculties and thus effect unity and harmony in secondary education. The space occupied by the Colegio Tridentino was considered essential to the university's expansion. Furthermore the colegio was judged as not ful-

Madre Adelaida remained in Cuba until 1877 when she went to the United States. In 1881 she went to Spain where she lived until her death in 1893.

Recopilación de las Leyes, II (1876), 23.

Ibid. I Ibid. I Ibid. I Ibid.
filling its objective in higher education and "unduly separated from the administration and direction to which it should be subordinated." Since the National University, formerly known as the University of San Carlos, had chairs of theology and canon law, the president found no reason for the continued existence of the major seminary, which was specializing in the same areas. Finally the establishment of a normal school was deemed absolutely necessary for the preparation of elementary teachers—an objective that the president considered the "principal goal to which the attention of the Government should be directed with all priority."

On February 28, Padre Taracena not only condemned the government's action against the seminaries but made his protest a general indictment of the government's anti-religious acts. Without offering a defense of the seminaries, the priest concentrated his attacks on the government's failure to answer previous ecclesiastical protests and the government's refusal to allow the Church the medium of the press or any other means to defend itself. As in the case of all religious property a formal protest was

145 Ibid., pp. 22-23.

146 The protest of February 28 is missing in the archives of the curia. A copy of the protest can be found in M. A. García, Diccionario Histórico-Enciclopédico de la República de El Salvador, V, 461-464. García states that the protest was published on March 28, 1874, in the Salvadorean Conservative newspaper, La Verdad.
given by the rectors of the two seminaries at the time the property was delivered to the civil authorities.

On March 13 a commission composed of Eligio Baca and Julio Rossignon was sent to take possession of Colegio Tridentino. Padre Ildefonso Albores, a secular priest, who became rector after the Jesuits were forced to leave the school, reported that the commission's main interest was to obtain the facilities in the physics and chemistry departments. Since he had received no instructions from the apostolic administrator, the rector refused to deliver the keys to the building. The commission informed the rector that it would immediately take up the matter with the ecclesiastical authorities so as to avoid the use of force. The letter of Padre Taracena dated March 13 instructed the rector to deliver the keys only when force was employed. After this the facilities of the seminary could be delivered provided the formal protest was made. In the meantime Emilio Gálvez made the required inventory of the building and facilities, all of which he reported in excellent condition. On March 28 Padre Ildefonso Albores reported to his ecclesiastical superior that the civil commission had returned and had taken possession of the property at 11:00 A.M. on March 27. Two policemen were called in to indicate that force would be employed should the rector refuse to

147 AC, tomo 1874, doc.128.  
149 Ibid.  
150 Ibid.
deliver the keys. Surrender of the property with the exception of religious articles such as images, vessels and ornaments was made immediately along with the required protest. 151

A similar procedure was followed in the expropriation of the major seminary conducted by the Congregation of the Mission. On March 23 the rector, Padre Juan Bautiste Theilloud, informed the apostolic administrator that on March 18 a civil commission arrived to make an inventory. He permitted the inventory fearing that refusal might cause reprisals but he did protest the civil action. He expressed fear that within a short time the commission would return to take possession of the seminary. In light of these circumstances he considered it prudent to order the seminarians to leave. Finally he requested advice from Padre Taracena in regard to the debts that his society had contracted in the operation of the seminary. He believed that he was justified in demanding that the civil government should pay these debts if and when the seminary was expropriated. 152 The reply of the ecclesiastical authorities on March 23 gave permission to the rector to seek the payment of the debts from the civil authority and that on being forced to deliver the property the required protest must be made. 153 In an earlier letter dated March 17 Padre Theilloud estimated the debt of the seminary to the society as $4,803--the

151 Ibid. 152 Ibid., doc. 138 153 Ibid.
amount that the rector expected to receive from the state when the expropriation decree was executed. 154 Expropriation was finally carried out on April 17 at 12:30 P.M. No reason was given why execution of the decree was delayed one month after the minor seminary had been expropriated. Padre Theilloud merely reported that his society was ordered to leave the seminary without taking any of their possessions. 155 Padre Theillaud made no further mention of whether or not the government paid the congregation's debts.

President Barrios permitted few breathing spells in his religious reform. On the same day that he suppressed the seminaries, he prohibited the wearing of clerical attire in public places except in public religious functions. A fine of ten to fifty pesos was imposed for each violation depending on the circumstances. 156 Clerical attire he said was a device to separate men into castes. This was considered a legacy of the past that no longer was recognized in civilized nations nor did it symbolize the intrinsic virtues of Christianity. 157

154 Ibid. The Congregation of the Mission was merely the administrator of the major seminary.

155 Ibid., doc. 174. The Congregation of the Mission was a French society and in all probability the majority of its members at this time were French citizens. This may account for the reversal of the order concerning the congregation's property after the rector took up the matter with the French legation.

156 Recopilación de las Leyes, II (1876), 24.

The ecclesiastical protest against the decree on clerical garb had been included in the general protest of February 28. Padre Rafael Coronado, pastor of San Pedro de Sacatepequez, on March 7 raised the question of whether each pastor should protest or should there be another general protest. The pastor thought that suppressing the seminaries and prohibiting the clerical garb was intended "to reduce the number of workers in the vineyard of Our Lord, and to enervate their work by confusing them with the common people. . . ." The ecclesiastical cabildo saw no reason for an additional protest but admonished the clergymen to wear respectable garb.

The Liberal press immediately came to the defense of the government's suppression of seminaries and prohibition of religious garb in public. El Pregreso introduced its defense of the decrees by attacking the Jesuits, whom it considered the "eternal murderers of thinking." As to the seminaries, the paper claimed that their curriculum in the ecclesiastical sciences merely duplicated the offerings of the National University. The prohibition of the clerical garb was a necessary step to eliminate class distinctions, which were inimical to the interests of a republic.

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158 AC, tomo 1874, doc. 119.
159 Ibid.
160 El Pregreso, March 1, 1874, p. 1.
161 Ibid.
The suppression of the monastic institutions made it imperative for the civil authority to undertake works of charity, which had been formerly performed by religious communities. A decree dated April 18 called for the establishment of hospitals and other charitable institutions to be financed by a special inheritance tax. 162 In the order of June 9, for example, President Barrios ordered the Beaterio de Belén to be converted into a government school for orphans. 163 Government subsidies were also given for the support of the cult--especially to the priests who were in charge of conducting religious services in the convent or monastery churches. 164 On July 24 the president ordered the payment of twelve pesos per month to twelve nuns who asked for secularization. 165 A similar pension was ordered to be paid on September 21 to twenty-six secularized nuns. 166 The nuns who refused to accept secularization did not receive this pension. The apostolic administrator seemed willing to accept the pension but the position of the Church in regard to the secularized nuns remained unchanged--no secular authority had the power to secularize a religious member; such power ultimately was lodged with the

162 *Recopilacion de las Leyes*, II (1876), 38–41.
163 *Ibid.*, p. 45. Apparently the Church of the Third Order of St. Francis was also involved in the decree since the apostolic administrator's protest of April 22 called the nationalization of the church an attack on Church property and an act of profanation. *AC*, tomo 1874, doc. 374.
The reforms of President Barrios in February and March of 1874 may have been the national news of the day, but there was also conflict on the local levels. The local conflict, as before President Barrios' entry into office, centered on the control and use of Church funds. The removal of pastors by the civil government diminished in importance. For instance, during the first six months of the Barrios administration only one request was made for a change of pastor and that was in the parish of Huehuetenango. On July 15, 1873, the president requested the appointment of Padre Pedro A. Lleras. This was conceded by the ecclesiastical authority on the following day. No reasons were given for the government's demand. 167

The speedy compliance with the request of the president might indicate that the ecclesiastical authorities considered it prudent to be more conciliatory to the political regime. This is certainly true of Padre Juan Raúl y Bertran, who took over the duties of apostolic administrator on July 6, 1874, after the death of Padre Taracena. 168 The latter held office during the peak of the

167 AC, tomo 1873, doc. 387.

168 The new apostolic administrator was Padre Juan Raúl y Bertran, who had served as the pastor and vicar provincial of San Juan de Sacatepequez. The nomination of Padre Raúl as successor to Padre Taracena had been done in a secret session of the cabildo prior to June 20, 1874. In addition to the nomination of Padre Raúl as the first designate, the cabildo nominated five other clerics, who were to take over the duties of the
Liberal religious reforms and one might expect serious criticism of the Liberal regime at his untimely death. But the funeral rites, including the usual eulogy, contained most guarded utterances when speaking of Padre Taracena's actions in the face of the Liberal religious innovations. The funeral oration delivered by Padre Guadalupe Valenzuela elaborated on the sufferings of the Church, but he viewed them as "the hidden designs of Divine providence."\(^{169}\) This spirit of moderation can be further evidenced in Padre Raúl's pastoral letter of July 6, in which he

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\(^{169}\) Relación de las Horas Funebres Celebradas en la Santa Iglesia Metropolitana de Guatemala en los días 6 y siguientes de Julio, del Corriente Ano. Al M. I. Sr. Gobernador del Arzobispado Maestrescuela D. Francisco Wenceslao Taracena (Guatemala, 1874), p. 17.
called upon the clergy to fulfill their duties and teach

with the greatest zeal and charity the saving principles of Holy Scripture so as to procure the union of families, the pardon of enemies, the love of virtue, respect for constituted authority, horror for vice, and finally infuse by your example and teaching peace and charity for one’s neighbor so that those who have been truly faithful to Our Lord and the Church may remain so until the moment of death and those who have separated themselves from these two [God and the Church] may open their ears and hear the call of grace and find the road of salvation which they have lost. 170

A similar conciliatory expression was sent by the apostolic administrator on July 6 to Marco A. Soto, minister of ecclesiastical affairs, who in his reply congratulated Padre Raúl on his new position and promised “to preserve between both authorities a sincere understanding and cordial relations. . . .” 171 But this cordiality was absent on the local level where political intervention in the use of parish funds continued to be a stumbling block to conciliation.

The report of the confiscation of the Church funds in the parish of Cuilco was not a unique complaint. Padre Diego R. Cerna, pastor of the parish, wrote on August 10, 1873, that the municipality justified the usurpation of the funds on the grounds of

170 AC, tomo 1874, doc. 293. The Conservative newspaper in El Salvador, La Verdad, in its comments on August 1, 1874, felt that the conciliatory tone of the pastoral in no way condoned the Liberal errors in Guatemala. M. A. García, Diccionario Histórico-Enciclopédico de la República de El Salvador, V, 466.

171 AC, tomo 1874, doc. 294. The minister also granted permission for the burial of Padre Taracena in the crypt of the Cathedral. Ibid.
negligence. A similar accusation was made by the local political authorities in the use of the seminary fund. Padre José Güell y Busqueto, vicar of Zacapa, expressed grave concern about this fund on October 13 and indicated to the apostolic administrator that he would rather resign than surrender the fund to the local jefe político. The ecclesiastical administrator on October 18 approved Padre Güell's conduct and emphasized that the account for the seminary fund was being demanded by the jefe político and not by the Commission of Consolidation. The ecclesiastical authorities considered the action of the jefe político purely arbitrary without the official backing of the Commission of Consolidation. While it appears that the jefe político was acting on his own, the letter of Padre Güell on October 23 gives reason for suspicion that the jefe político had obtained presidential support for his actions. Padre Güell reported that he received word from the president to appear before him, but rather than heed this order he fled to the nearby mountains to lead the life of an anchorite.

Another case in point was the parish fund of Asunción Mita. The cabildo of Asunción Mita informed Marco A. Soto that the jefe político confiscated the parish funds—an action which the cabildo

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172 AC, tomo 1873, doc. 441.
173 Ibid., doc. 561.
174 Ibid.
175 Ibid., doc. 583.
considered beyond the official's powers and injurious to the cult. The cabildo however defended the *jefe político*. In his reply Marco A. Soto informed the cabildo that he would order the *jefe político* not to "divert the funds of the confraternity and parish from their objective [or] from the people of that department." This case serves as one example where the central political authority was opposed to action of its *jefe político*.

Padre Salvador Castañeda, pastor in Huehuetenango, informed the ecclesiastical government that he had been accused by the *jefe político* of requesting excessive contributions, which the *jefe político* called robbery. In defending himself the pastor outlined the contributions of his parishioners as follows: "This excess consists of $7, which the people of San Pedro pay on the eight principal festive days that they celebrate throughout the year and which they make as gifts; but it is to be noted that they do not make an offering for the Mass in conformity with the established assessment, since sometimes they give $2, other times $3, and at other times $4, and on other festive days they give $6, but [do] not pay the aforesaid gifts." The communication of the ecclesiastical government dated September 23 advised the pastor to reduce the contributions provided this was in keeping with the schedule of fees agreed upon by both ecclesiastical and civil

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authorities. The pastor was urged to abolish the religious fiestas especially if these were financially burdensome to the Indians. On October 15 of Padre Castañeda reported that the new schedule of fees reducing contributions had been approved by the ecclesiastical and civil authorities, but he found it incomprehensible as to how the reduced income could support two pastors—one for Huehuetenango and one to visit the outlying parishes. He pointed out that his predecessor had an income of $1,258 over a two-year period and when he took over his duties the income dropped to $1,057 for a four-year period. With the new schedule the income has been further reduced—to $539 for two years. Even though the amount might increase to $600 this was insufficient for the support of two pastors. There appears no further correspondence about the matter at this time and in all probability the solution was to have one pastor take care of the entire area. A similar complaint came from the pastor of Solomá, who on October 6 wrote that the parish income had dropped to $200 pesos per year. Padre Francisco Suárez was especially indignant about the conduct of the jefe político, who ordered the parishioners not to pay the fees established by the Church. The reduced contributions, poor health due to climate and the hostility of the jefe político, who threatened him with imprisonment, caused the pastor to offer his resignation to the ecclesiastical cabildo.

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179 Ibid. 180 Ibid., doc. 570. 181 Ibid., doc. 550.
The latter immediately brought the matter to the attention of the ministry of government, justice, and ecclesiastical affairs. The ministry was reminded that a schedule of fees had been approved by the civil and ecclesiastical authorities and thus could not be changed arbitrarily by a jefe político. The ministry was requested to inform the jefe político immediately to withdraw the order. 182 The incident affords another example of strife over policy on a local level without the knowledge or approval of the political authorities in the capital.

The continuous anti-Church propaganda further aggravated relations between the Church and the state both on the local and national level. A pastoral issued on November 4, 1873, warned the faithful against the spread of errors harmful to their religion and society in general. In the seeking source for these errors the pastoral left no doubt that it considered secret societies and the Masons in particular responsible for the anti-religious attacks. 183 In addition to the pastoral against secret societies, a broadside dated December 1, 1873, and carrying the signature "T. L. M." warned Catholics against joining a club

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182 Ibid.

183 Ibid., doc. 604/5. To combat religious errors and at the same time avoid political implications was not an easy task. Padre Francisco España in Totonicapán observed that he took great care in distinguishing between the deed and the man. Ibid., doc. 725. On the other hand Padre Manuel Estupián in Asunción Mita reported that he was a political prisoner accused of preaching subversive sermons. Ibid., doc. 731.
called Ciento y Uno, which the writer claimed to be Masonic. The author of the broadside warned his readers that charity was a cloak to cover the true motive of the Masons, who he insisted were bent on the destruction of religion, especially the Catholic religion, and thus no Catholic was permitted to join these organizations. Finally the writer accused the Masons of desiring the destruction of all governments. These attacks brought a quick response from the Masons, who saw need for publicizing their program so as to eradicate the false reports that are being circulated against them. The program stated that the Masons were religious and adored the "Great Architect," and were very emphatic that atheists were not permitted to become members of the organization. The publication denied that Masons had to swear to secrets known only to the most trusted of the members. Along with the Masonic program there was an application form for membership and a copy of the Masonic Code, which stressed humanitarianism and belief in God. The application form was undoubtedly a part of the membership drive since the first Masonic Lodge had just been established in Guatemala on June 17, 1873.

134 T. L. M., Carta sobre la Masonería (Guatemala, 1873).

135 "Programa Masónico," n.d., CHS, vol. 11. The emphasis on humanitarianism and belief in God is evident in the Constitution of the Freemasons, who at this time had their headquarters in San José, Costa Rica. Numero 9, Extraordinario, del Boletín Oficial del Supremo Consejo (Guatemala, 1946), pp. 10-11. A similar defense of Freemasonry was reiterated later in La Civilización (Guatemala), March 2, 1876, p. 39.

186 Numero 9, Extraordinario, del Boletín Oficial del Supremo
The majority of the original founders and members of the Masonic Lodge in Guatemala were foreigners. Heading the list was José Quirce Filguera, who was a native of Spain and who was credited with the establishment of Masonry in Guatemala. There were few names of prominent Guatemalans or naturalized Guatemalans of the García Granados and Barrios administrations. Rather they were men who played minor roles in the political and economic life of the country; such as Rodolfo Klée, Herculano Afre, Luis S. Andreu, Cayetán Díaz Merida, J. Martín Barrundia (the only man in the group to hold a position in President Barrios' cabinet), Juan J. Matheu, Joaquín Díaz Durán, Raymundo Arroyo, Guillermo Nanne and R. B. Piatkouski. In addition there was Lorenzo Montúfar who was one of the leading figures in establishing the Supreme Council of Freemasonry in San José, Costa Rica. On the other hand Justo Rufino Barrios, Miguel García Granados, Marco A. Soto, and other high political figures were conspicuously absent from the list. The Guatemalan Masonic Lodge remained subordinate to the Supreme Council in Costa Rica until 1882, when the Supreme Council of Central America was transferred to Guatemala.

Consejo, p. 17.

187 Ibid., pp. 19 and 59.
188 Ibid., pp. 13-20.
189 Ibid., pp. 7-8.
190 Ibid., p. 11.
The reduction of Church funds caused severe financial difficulties for some parishes. On February 4, 1874, Padre Silvo José Santizo, vicar provincial of Quezaltenango, among other things reported that the income in his parish had been abolished and that his Indian parishioners were causing much unrest. For this he held the political authorities responsible but offered no further explanation. The ecclesiastical government however could only advise that he should carry on his pastoral duties as best he could in the trying circumstances. Later on Padre Santizo notified the cabildo that the secular authorities were about to confiscate the funds of one of the parishes in his vicariate. He advised the cabildo to invest these funds in the construction of a much needed church so as to prevent the loss. Padre Juan López, pastor of San Pedro de la Laguna, experienced similar difficulties. His only remaining source of income, he wrote was from the fiesta celebrations of his six parish confraternities and the good will of his parishioners. The letter of the pastor of Tacaná dated March 11 considered the confiscation of Church income

191 AC, tomo 1874, doc. 63. 192 Ibid. 193 Ibid., doc. 193. The answer of the cabildo was that it would dictate the proper measures in regard to the funds. In the meanwhile the vicar provincial was urged to do his best by word and deed in combating the evils faced by the Church. 194 Ibid., doc. 177.
by the political authorities a serious obstacle to the fulfillment of pastoral duties. 195 The ecclesiastical authorities made it quite clear that the pastor had a right to resign his post if the jefe político prevented him from receiving the necessary income. 196 Again these letters seem to place the bulk of the responsibility of interference in parish funds on the local jefes políticos. How many similar cases remained unreported is difficult to judge, but there were probably a considerable number of jefes políticos who maintained harmonious relations with their curates. 197

The nationalization of the two seminaries raised additional questions about the seminary funds collected in the parishes. Padre Santizo in his letter of March 15 questioned the obligation to pay the fee since the Church no longer owned the seminaries. 198 The cabildo confirmed his opinion. 199 In his letter of May 14 Padre A. Adolfo Pérez, vicar of Suchitepequez, reported that the jefe político not only demanded payment of the seminary fund for the year 1874 but also the unpaid balance of the fund prior to 1874. The vicar admitted that he had no authority to make the payment, but in the face of physical force, he informed his...

195 Ibid., doc. 124.  
196 Ibid.  
197 One such case was the jefe político of Jutiapa, who on May 31, 1875, reported that he was cooperating with the local clergy in the construction of new cemeteries, reparation of churches and parish houses. El Guatemalteco, August 7, 1875, pp. 2-3.  
198 Ibid., doc. 129.  
199 Ibid.
ecclesiastical superior that he would make the payment as an individual and not in the name of the Church. 200 The ecclesiastical authorities approved the vicar's conduct. 201 The case of Padre Simón López, pastor of San Marcos, was different, since here the Commission of Consolidation ordered the payment of the seminary fund, but the jefe político and the alcalde of San Marcos supported the pastor's claim that he was not obligated to make the payments. 202 The cabildo ordered the vicar to pay the seminary fund so as to avoid further vexation, but the payment was to be accompanied with the customary protest. 203 In the case of Padre Rafael Coronado, pastor of Sacatepequez, both the Commission of Consolidation and the jefe político demanded payment of the seminary fund. The pastor refused to make the payments on the grounds that the seminaries had been nationalized and that the customary parish income destined for the fund had been discontinued. The only source of funds for the payment were the confraternities, to whom he had given the choice of paying or not paying. Nevertheless the pastor decided to pay the required sum with the customary protest since refusal to pay would entail a fine of double payment. 204 A marginal note dated May 27 on Padre Coronado's letter indicates that the cabildo approved the pastor's

200 Ibid., vol. VIII, doc. 1150. 201 Ibid. 202 Ibid., tomo 1874, doc. 217. 203 Ibid. 204 Ibid., doc. 223.
The pastor stated that the payment was made—not out of any of the parish funds but from the funds of his family.  

The letters of the curates permit no doubt about the disagreement concerning the obligation of paying the seminary fund. One might be tempted to conclude that the disagreement had its origin in the arbitrary action of certain jefes políticos, but since two pastors indicate that the Commission of Consolidation was also making similar demands, this may suggest that the central government was directly involved in seeking collection of the fund. This is confirmed by reading the circular of the cabildo dated August 23, 1877. It expressed concern over the fact that the pastors were not paying the customary collection for the archbishop but were punctually paying the seminary fund to the Commission of Consolidation. The circular thus implies that the payment was the rule. This one would not expect if the demand came from the arbitrary action of the jefes políticos.

None of the decrees of President Barrios up to 1874 made any reference to parish property. The decrees were primarily concerned with property of religious communities and other pious foundations. Yet on January 23, 1874, the pastor of San Juan

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205 Ibid. 
206 Ibid. 
207 Ibid., doc. 460. The circular is dated three years after the period under consideration. Nevertheless it shows that some of the pastors continued to pay the seminary fund.
Ostuncalco reported to the ecclesiastical cabildo that the president had made a visit to his parish and left instructions with the municipal authorities that the old cemetery in front of the church should be used as the site for the construction of public buildings. According to the pastor the workers began to exhume the bodies immediately without any previous notice to the pastor. The pastor was advised by persons in the parish not to protest this action since it would only involve him in more trouble with the president and the local commandant. In a letter of March 1 the pastor placed the responsibility for the difficulties in his parish on a few ungrateful persons, since not only had they taken over the cemetery, but now were attempting to sell another parish plot of ground. On account of the difficulties, for which the pastor did not blame the president directly, he submitted his resignation. The cabildo in its communication of March 7 refused to accept the resignation, but urged the pastor to issue the customary protests concerning the usurpation of Church property.

Usurpations were also reported by Padre Vicente E. Cáceres, pastor of Sololá. According to his letter of April 22 the municipality took over three rooms and the patio of the parish house to be used as a place for giving daily military band concerts.

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208 Ibid., vol. XVIII, doc. 1076.
209 Ibid., doc. 1109.
210 Ibid.
211 Ibid., doc. 1138.
reply the cabildo urged the pastor to employ prudence and sagacity in seeking the return of the property from the municipal authorities. These two incidents are the only reported ones of usurpation of parish property by civil officials for the year 1874. This might suggest that usurpations of this type were still infrequent at the end of 1874—a situation that did not hold true for the remaining years of the Barrios administration. In 1874 the main difficulties over Church property still occurred over the property of the abandoned religious convents, churches and the property of pious foundations. For example, Padre Raúl protested September 17 against the government's action ordering that the Church of the Third Order of St. Francis in the capital be converted into a telegraph office. The apostolic administrator felt it was his duty to protest since silence might give the impression of approval. Furthermore it was his understanding that the original decrees which expropriated religious properties and foundations did not include the use of churches for any other purpose than places of worship.

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212 Ibid.
213 Recopilación de las Leyes, II (1876), 42-43 and 62. See also AC, tomo 1874, doc. 374.
214 AC, tomo 1874, doc. 407. Here might also be noted the apostolic administrator's protest of October 31 against the civil suppression of the Hermandad de Nuestra Señora, which was devoted to the education of the rich and poor. Ibid., doc. 474. The confraternity was in charge of the Colegio de Belén in the capital. The civil government permitted the confraternity to complete the
The ecclesiastical excommunication was the penalty for those who were in any way involved in expropriating or selling ecclesiastical goods. Pastors periodically warned the faithful about this excommunication but, as in the case of Padre J. Rafael Coronado, this brought civil accusation of inciting the people to revolt. The political authorities of San Padro de Sacatepequez justified the sale of Church property on the grounds that the people who constitute the Church own the property, and the people were the government. Padre Coronado refused to administer the sacraments to those involved in the sale of the cemetery in spite of the threats of the jefe político. While the pastor's strong stand in the matter suspended further sales of cemetery property, he did fear reprisals when the central political authorities would be informed of his actions. The temporary suspension of cemetery sales indicates that some of the parishioners took the warning to heart. At the same time there appears evidence from other areas that Catholics who participated in the expropriation academic year before suppressing it and expropriating its property. Ibid., tomo 1875, doc. 439. The use of the Church of the Third Order of St. Francis as a telegraph office in all probability was part of the plan to facilitate the drawing up of a contract with Mr. Stanley McNider of England for the construction of telegraph lines. Recopilación de las Leyes, II (1876), 81.

215 AC, tomo 1874, docs. 422 and 445.

216 Ibid., doc. 445.
and sale of Church property suffered remorse of conscience. One such case was Enrique Toriello, jefe político of the department of santa Rosa. In his letter of confession dated May 10, 1873, and directed to Padre Antonio Servin he reported that he had served as president of the Departmental Commission of Consolidation—a position that obligated him to demand parish financial records and deliver ecclesiastical property to the civil authorities. For all of these acts he sought forgiveness and promised to make all possible restitution. He requested that his repentance be made public if the ecclesiastical authorities deemed it prudent and thus make reparations for any scandal he may have caused while holding public office. The case of Enrique Toriello does not appear to be an isolated one. In his correspondence with Archbishop Píñol dated July 21, 1874, Padre Raúl brought to the prelate's attention the case of Francisco Arrazola, who had bought a house which belonged to the Cathedral. While in danger of death, the man requested the last sacraments from Padre Pedro Vicente Batres. Before the administration of the sacraments, Padre Batres demanded from the penitent that he make a formal retraction of the purchase of the Cathedral property preferably in his last will and testament, which would require his heirs to make the necessary restitution. Padre Batres admitted that this condition could not be fulfilled since the official notaries refused to authorize such a

217 Ibid., doc. 205.
last will and testament. Thus Padre Batres decided to have the penitent promise restitution in the presence of three witnesses and have the penitent sign a document requiring his heirs to fulfill the promise should Arrazola be unable to do so. This demand was sufficient to merit the administration of the last sacraments, and Padre Raúl recommended to the archbishop that this should serve as a precedent for similar cases in the future. The recommendation received the full approval of the archbishop.

The excommunication of persons possessing or dealing with ecclesiastical goods presented at times dilemmas for the apostolic administrator. One such case involved the Daughters of Charity. In a letter apparently written in 1876 the mother superior informed Padre Raúl that she had heard rumors that her community would be requested by the civil government to take charge of the new prison for women, which was to be located in the Convent of Santa Teresa. She felt that since this was a work of mercy, her

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218 Ibid., doc. 323. In addition, to the two cases cited there can be added the cases of Benito Solís, Gregorio Enriquez, José Avila and Salvador Saravia. All of these men had been involved in the sale of ecclesiastical property and in 1875 all offered to make restitution to the ecclesiastical authority for their conduct. Ibid., tomo 1875, docs. 246, 247, 260 and 406.

219 Ibid., The fear of excommunication over the buying of nationalized Church property persists to the present day. The writer while in Guatemala was informed on a number of occasions that Catholics (at least those of delicate conscience) always make an inquiry into the origin of the property which they wish to buy out of fear of excommunication.
community would approve of such an undertaking but before a final
decision would be made, she requested approval from the ecclesi-
astical authorities. 220 The mother superior was obviously aware
of the danger of becoming involved in the use of expropriated
Church property. Unfortunately there is no record of the reply of
the ecclesiastical authorities and thus no way of knowing how the
dilemma was solved.

The year 1874 was the climax of the religious reform pro­
gram. 221 The year 1875 and the first half of 1876, which mark the
end of President Barrios' first presidential term, offered nothing
new in the pattern already set. The orders of Barrios during this
period were mainly concerned with clarification of earlier decrees
regarding the disposition of ecclesiastical property.

On January 27 President Barrios ordered that goods or capital
left in usufruct and destined for pious causes came under the de­
cree of expropriation. According to his order the National Bank

220 Ibid., doc. 460. The handwriting in the letter is very
difficult to read. The date of correspondence appears to be
October 25, 1876, but the letter probably by mistake was included
in tomo 1874. The order of President Barrios that the Convent of
Santa Teresa should serve as a women's prison was given on
August 16, 1875. Recopilación de las Leyes, II (1876), 155.

221 The year of 1874 also saw the marriage of President Barrios
to Francisca Aparicio Mérida. Although the ceremony was performed
in the bride's home, it was done in the presence of Padre Silverio
J. Santizo in accordance with the Church canons. "Homenaje a los
Augustos Manos de Barrios El Grande," La Gaceta, XIII (July 19,
1935), 172.
was to be in charge of the administration of these goods and had the right to award "to the usufructuaries the product of those goods and thus fulfill the intention of the testators." The following month the president reminded the pastors that the customary offering of the first fruits of the harvests was purely voluntary. Furthermore the pastors were warned not "to sell or transfer them, or in any way cede their collection to private persons. . . ." The warning came as a result of reports which indicated that pastors were forcing the faithful to make the offerings.

The final two orders concerning ecclesiastical property were issued in April and May. The one of April 8 ordered that a house in the department of San Marcos, which belonged to the Convent of San Francisco, was to be converted into a school. The one of May 28 ordered the Central Commission of Consolidation to sell houses in bad condition at public auctions. The income was to be turned over to the National Bank, which in turn would make an annual payment to the respective usufructuary.

Apart from these, there were no other orders or decrees over expropriated ecclesiastical property—an indication that the reform program in this category had been completed.

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222 Recopilación de las Leyes, II (1876), 112.
223 Ibid., p. 120.
224 Ibid.
225 Ibid., p. 129.
226 Ibid., pp. 132-133.
There is likewise a decline in the number of pastoral complaints about Church property. For the year 1875 the writer was able to locate only four letters, which reported attempts of local political authorities to take over Church property. Two letters deal with the attempts of \textit{jefes políticos} to oversee the managements of the parish funds of Petapa and Cuyotenango.\footnote{227 AC, vol. VI, docs. 1510 and 1613.} Padre J. Javier Urritia, pastor of Petapa, viewed the continuous interference of the local political authorities in parish affairs as a serious limitation on the freedom of the Church to the extent that the pastor "remains degraded and reduced to a being less than a sacristan or a subject of the parishioners."\footnote{228 \textit{Ibid.}, doc. 1510.} The other two cases concerned the expropriation and sale of Church property. On May 10 Padre Rafael Contreras reported that the municipality desired to expropriate his parish house so that it could be converted into a telegraph office.\footnote{229 \textit{Ibid.}, doc. 1431.} The second case involved the municipality of Amatitlán which wanted a parish plot of ground delivered to the Commission of Consolidation so that it could be sold by the municipality.\footnote{230 \textit{Ibid.}, docs. 1505 and 1516.}

The only other reported difficulties were two attempts to remove priests from their parishes. The first concerned Padre...
Bartolomé Porras, a pastor in Quetzaltenango, on the grounds of unbecoming conduct. The minister of government and justice first reported this attempt on November 24, 1874. In the same letter the ministry indicated its desire of having Padre Vicente Cáceres replace Padre Porras and according to the ministry the substitution was supported by President Barrios.231 The initial reaction of the ecclesiastical authorities was to reject the request. They pointed out that they had no knowledge of the bad conduct of Padre Porras nor for "grave reasons" could they replace the pastor with Padre Cáceres. At the same time the religious officials did show a willingness to send another priest as a substitute for Padre Porras.232 The case was not closed until February 1, 1875, when Manuel Dardon, president of the Supreme Court, reported to Padre Raúl that the court had investigated the conduct of the priest and had found nothing unbecoming in his actions that could merit his removal.233

The second report came from Padre Luis Guerra, vicar provincial of Huehuetenango. In a letter of September 1, 1875, he reported that Arturo Ubico, jefe político of Quiché, exiled Padre Francisco Carreri, assistant pastor of San Andrés de Sacabaja, from the department on the grounds that he had rung the church

231 Ibid., tomo 1874, doc. 530.
232 Ibid.
233 Ibid., tomo 1875, doc. 49.
bells against Ubico's orders. The jefe político had given the orders so as not to molest a sick man in Sacabaja. Apparently the vicar provincial of Huehuetenango thought there was more to the case than merely ringing church bells. He said that he found it difficult to see why Ubico was so ill-disposed to the clergy in general and particularly to the vicar provincial of Huehuetenango. Because of the attitude of the jefe político the vicar provincial offered his resignation. 234 The letter of Padre Guerra leaves little doubt that this was more of a personal feud than a question of Church rights. In fact the pastor of San Andrés Sacabaja, padre Castaneda, who was a relative of Ubico, had continuous friction with his assistant pastor. It was for this reason that the vicar provincial had considered seriously removing Padre Carreri from the parish even prior to the difficulties with the jefe político. 235

Since these two cases are the only ones on record for this time, one can assume that pastors were more cooperative with the political authorities. It could also mean that the pastors who were the strongest opponents of the Liberals had already been removed and the Church was now in the hands of clergy who deemed it prudent to go along with the regime. In either event, the Church in 1875 no longer gave serious resistance to the Barrios regime.

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234 Ibid., doc. 337.
235 Ibid.
The first ten months of 1876, the final period of Barrios' first administration, followed the pattern of 1875. There was only one reported case of selling Church lots. There appear only two letters about attempts of the Commission of Consolidation and the Court of the Public Treasury to expropriate pious funds and legacies. There was a complaint from Padre Antonio Lanuza on July 7 that the office of the jefe político had imposed an assessment of $100 on his parish, which he found impossible to pay. He requested the apostolic administrator to intercede for him before the political authorities and if the assessment was not reduced, he must submit his resignation. There is no record of what the ecclesiastical authorities were able to do in this matter. A complaint about violence came from Padre Manuel Rosas, who did not explain its nature but merely requested permission to leave his parish.

The noticeable decrease of pastoral complaints does not argue for a more conciliatory policy towards the Church on the part of

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236 Ibid., tomo 1876, doc. 207.
237 Ibid., docs. 213 and 237.
238 Ibid., doc. 197. Concerning assessments Padre Diego Llerena, pastor of Toyabáj, reported on October 29, 1876, that the jefe político sought church funds for the support of primary instruction, reduction of the parish house by half so as to enlarge the plaza for the people and the selling of some cattle belonging to the parish in order to use the money for road repairs. Ibid., doc. 355.
239 Ibid., doc. 404/3.
the Liberals nor that the Church leaders had completely succumbed
to the policies of the Liberal regime. Instead the Church leaders
continued to protest against Liberal ideologies. There was the
apostolic administrator's complaint against the anti-clerical
literature which had not diminished in volume with the Church's
weakening position. For instance the editorial comment of El
Progreso of September 12, 1875, in reporting the assassination of
President Gabriel García Moreno of Ecuador on August 6, 1875, ob-
served that the killing took place as the president was leaving a
church. If the president had been in his office performing his
duties, especially furthering education, his assassins would have
been more concerned with blessing him than killing him.240 El
Guatemalteco reported that the revolt of June 1875 in San Miguel,
El Salvador, was another clerical plot against a Liberal regime.
The paper went on to state that the struggle in Central America
against clerical factions was similar to Bismarck's struggle
against the Church in Germany.241

On September 22 Padre Raúl in a special edict reminded the
clergy and faithful of his condemnation of publications carrying
articles of an antireligious nature. No names or works were men-
tioned in the edict, but the apostolic administrator did state
that these antireligious ideas were borrowed from publications of

240 El Progreso, September 12, 1875, p. 1.

241 El Guatemalteco, July 2, 1875, p. 1.
the 18th and 19th centuries. While condemning the materialism of the writers, he was equally insistent that the clergy and faithful be charitable and tolerant in their dealing with the enemies of religion. 242

The Liberal press continually refuted the accusation of being antireligious. La Civilización on February 11, 1876, attacked the fanaticism and superstition of the Catholic religion and then defined its religious position as being the adoration of the good, beautiful and true in the divinity—an act that was fully realized in Christ's command to love God above all things and to love one's neighbor as oneself. Thus the Sermon of the Mount was the true expression of religion. 243 Similar attacks against the Church for furthering fanaticism and superstition were made in El Guatemalteco and were directed against religious communities, especially Jesuits and nuns. Jesuits were said to have come to Guatemala to enslave the conscience of the people and render them opposed to all Liberal reforms. The nuns were considered useless since no graduate from their institutions had merited distinction in the field of history, geography, languages, accounting or in

242 Edicto del M. I. Sr. Gobernador del Arzobispado sobre Las Malas Lecturas (Guatemala, 1875), p. 2 and AC, tomo 1875, doc. 370.

243 La Civilización, February 11, 1876, pp. 25-26. The publication in the month of July of the same year carried an article which attacked continency on the grounds that it was a violation of the natural laws and might lead to either insanity or death. Ibid., July 20, 1876, p. 119.
any branch of the natural sciences or fine arts. In commenting on the nuns of Belén the writer observed that "only refined hypocrites or imbeciles could asked to be educated by the sisters of Belén, who are essentially corruptors of the more proper and natural sentiments and instincts of womanhood." 244

Liberal reforms inaugurated in foreign countries received favorable attention in the Guatemalan Liberal press. Even the religious policy of Bismarck was praised despite the fact that Bismarck was scarcely a Liberal. The Guatemalan Liberal saw in any anticlerical legislation an expression of his own views. The Guatemalan Liberals noted with admiration the "Ley Orgánica de las Adiciones Constitucionales" issued by President Sebastián Lerdo de Tejada of Mexico on December 10, 1874. This was the basis of the Mexican Church reforms and was reported as such by El Guatemalteco. The new Mexican Church and state relationships bore striking resemblance to those just instituted in Guatemala. The Mexican laws called for independence of Church and state, freedom of religion, prohibition of religious institutions, abolition of religious instruction in public schools, no public demonstration of religious acts outside the church, limitation of the use of church bells, prohibition of ecclesiastical privileges, prohibition of legacies to ecclesiastical ministers or to their relatives within the fourth civil degree, limitation

244 El Guatemalteco, December 11, 1875, pp. 1-2.
of preaching, prohibition of acquisition of property by religious institutions, except that which was immediate to religious services, prohibition of religious oaths on taking public office (a simple promise was the only requisite), marriage as a civil contract only, and cemeteries under civil authority. 245 By 1876 Guatemala had practically adopted the entire religious reform program of Mexico. What Mexico had required twenty years to accomplish, Guatemala had done in less than five years.

The Guatemalan Liberal regime must also have been encouraged by the reform movement in Venezuela for in 1876 the Venezuelan government decreed a religious change similar to that of Mexico and Guatemala. According to the new law "Venezuela does not consent or admit into its territory archbishops, bishops, ecclesiastical tribunals or any ecclesiastical hierarchy since it considers them incompatible with the rights of independence and the sovereignty of the nation." 246 Thus the Liberal legislation in Europe and in some of the Hispanic American republics offered the Guatemalan Liberal press the opportunities of exploiting the idea that Guatemala, along with the rest of the world, was entering a modern progressive era.

New insight into the Church-state relations is offered in the

245 Ibid., March 16, 1875, pp. 2-3.
246 Cited in La Civilización, August 17, 1876, p. 135.
correspondence between Padre Raúl and Archbishop Piñol. Understandably sentiments expressed in this correspondence were often more frank than those stated when Padre Raúl dealt directly with the government. Shortly after taking up the duties of apostolic administrator, Padre Raúl addressed a letter to the archbishop, who was in Paris on his way to Rome, describing the situation of the Church. He noted the untimely deaths of Padre José Antonio Urrutia, Auxiliary-Bishop Manuel F. Barrutia and Padre Francisco Taracena, and he reported that his initial act was to request the civil government to legalize its religious program by means of a concordat. According to Padre Raúl the civil authorities at the time were interested in obtaining the appointment of a coadjutor bishop, but this the apostolic administrator considered impossible without the approval of the archbishop. \(^\text{247}\) Archbishop Piñol's reply of August 30, 1874, merely indicated that he was on his way to Rome, where he hoped to obtain instructions which would make the government of the diocese easier for Padre Raúl—especially in regard to the necessary faculties for the administration of certain sacraments. \(^\text{248}\) The letter of Padre Raúl, dated January 25, 1875, lamented the fact that he had received no word from the archbishop since the letter of August 30. Thus he had encountered many difficulties in the administration of the diocese

\(^{247}\text{AC, tomo 1874, doc. 323.}\)

\(^{248}\text{Ibid.}\)
because he did not have the necessary faculties. Moreover the government intended to establish civil marriage, to remove clerics from office and to expell important clergymen from the republic. He noted in particular the expulsion of Padre Andrés Orantes and Emilio Gálvez—both members of the Curia. The following February Padre Raúll wrote that some of the close friends of the Church had proved very embarrassing, since, out of excessive zeal, they were willing to fight for the Church even at the point of a sword. The apostolic administrator considered this very detrimental not only to the Church in general but also to the personal interests of the archbishop. The situation became more difficult when the civil authorities received word that Padre Ildefonso Albores was on his way from Rome to Guatemala with secret instructions for the Church. Padre Raúll protested to the civil authorities that he had no knowledge of such a secret mission. Nevertheless the civil authorities continued their investigation, which brought to light that Padre Albores had in fact gone to Rome with instructions from the Guatemalan ecclesiastical government. Padre Raúll held four members of his cabildo responsible for giving this information to the civil authorities, Padres Andrés Orantes and A. Escobar and the laymen, Juan Gavarrete and Emilio Gálvez. The leaking of these instructions, he said, had caused threats from the civil government and hostility against the intimates of the

249 Ibid.
archbishop in Guatemala. Finally the apostolic administrator reported that he received three pontifical orders from an unknown woman without any accompanying instructions. Apparently the orders were very critical of Padre Raúll's conduct of affairs since he commented that the archbishop did not appreciate the difficult circumstances under which the diocese had to be governed. The postscript to the letter left no doubt that Padre Raúll blamed padres A. Orantes and A. Escobar for all his troubles. 250

The reply of Archbishop Piñol was delayed until April 6, 1875. He excused himself for not writing, on the grounds that he had to await the conclusion of his discussion with the Vatican authorities and secondly that he had sent the desired instructions with Padre Ildefonso Albores. Archbishop Piñol said that he did not know if Padre Albores had already arrived or if he encountered trouble on entering the republic. The remainder of the reply concerned the faculties that could be delegated to the apostolic administrator. In conclusion he reminded the apostolic administrator that it was very difficult to offer advise in the government of the diocese because of his limited knowledge of the changing conditions in the country, nor did the archbishop understand what Padre Raúll meant when he wrote that the conduct of some of the archbishop's

250 Ibid., The civil investigation of the instructions passing between Rome and Guatemala led the following month to the order of President Barrios suspending Juan Gavarrete from the office of ecclesiastical recorder because he had failed to deliver to the civil authorities all the desired information. El Guatemalteco, March 8, 1875, p. 1.
friends in Guatemala was detrimental to the personal interests of
the prelate in Guatemala. This letter was quickly followed by
another dated April 22, 1875. Both were written from Sevilla,
where the archbishop was pausing on his return to Havana. The
letter promised that the additional faculties would be forthcom­
ing. The archbishop expressed grave concern over the indiscreet
zeal of some of the Catholics in Guatemala and he wanted informa­
tion as to the identity of these individuals and how these men had
involved his personal interests in Guatemala. The archbishop fur­
ther denied all knowledge of the activities of Juan Gaverrete and
Emilio Gálvez and pointed out that he had had no correspondence
with them. His immediate family in Guatemala consisted of one
sister who was very old and whose involvement in any of the re­
ported events would appear most improbable. In regard to the
delivery of pontifical orders by an unknown woman, the archbishop
insisted that all faculties and instructions had been sent with
Padre Albores. The archbishop then clearly reiterated that he was
in no way involved in the conduct of certain belligerent Catholics
in the republic.

The letter of Padre Raúll, dated March 8, 1875, makes very
clear what he meant earlier when he wrote about the excessive zeal
of some Catholics and why the civil authorities were so intent
upon intercepting instructions from Rome. Many of the difficulties

251 AC, tomo 1874, doc. 323. 252 Ibid.
of the Church in Guatemala he said could be traced to an over­zealous clergy, which was not the case when the Church suffered similar difficulties during the Liberal administration of Mariano Gálvez. Padre Raúll cited the example of Padre Alborez who was responsible for bringing the pontifical orders containing a list of nominees for the position of apostolic administrator. In his zeal to deliver the orders, Padre Alborez through correspondence contacted Padre Orantes in Guatemala. This aroused the suspicions of the civil authorities, who intercepted the correspondence and published the list of nominees. The conduct of Padre Alborez, Padre Raúll claimed, caused much disgust among the faithful. Moreover, the list of nominees, according to the apostolic administrator, was even more embarrassing since it contained names unacceptable to certain members of the clergy and the laity. He singled out the names of Padres Santizo, Manzano, and Alvarado, whom he accused of not living up to their priestly vocations. It was for this reason that he immediately sought to delete the names from the list.

Thus for Padre Raúll it was the imprudent conduct of certain clergymen that caused so much concern and not the fear of the civil authorities. Such conduct, he said, made it almost impossible to maintain the conciliatory policy with the government. He denied that his policy meant the disregard of the Church rights. His protests were ample proof of his defense of these. His lengthy letter concluded with a defense of two controversial
appointments which he had made. He appointed Padre Ángel Arroyo pastor of the Cathedral and his brother, Padre Antonio Arroyo, secretary of the Curia. He denied the accusation of Padre Albores, who claimed that the appointments were unwise and caused by political pressure. Padre Raúl admitted that Padre Ángel Arroyo was a close friend of President Barrios, but this he saw as an advantage to the protection of the Church's interests. In addition he stressed the suitable qualities of both appointees and made it clear that the appointments made "out of grave considerations" were his own responsibility. He left no doubt about difficulties that he faced among the ranks of the higher clergy. His policy of conciliation, yet defending the rights of the Church whenever it was deemed necessary, obviously was not acceptable to the clerical element, which looked for stronger opposition to the Liberal program. This division of opinion was probably known

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253 Ibid.

254 Clerical dissatisfaction with Padre Raúl was expressed by Padre Evaristo Falco, a Spanish priest who visited Guatemala briefly in 1879. He considered the apostolic administrator unfit as governor of the Church and even questioned his mental competence. He did not consider mental competence an indispensable quality for Padre Raúl since he claimed that the civil government directed Church affairs through the medium of two priests, one of which he hinted was Padre Ángel M. Arroyo. Padre Falco apparently was too outspoken in his views since shortly after his arrival the political authorities forced him to leave the country. M. A. García, VI, 493-495. The judgments of Padre Falco must not be viewed as representative of the Guatemalan clergy. On the contrary, the record shows conclusively that Padre Raúl had not only the support of his archbishop but also the support of the vast majority of the clergy. Furthermore Padre Raúl showed himself
to the civil authorities and gave them the advantage of fighting a disunited opposition.

In these difficult days Padre Raúll had the assurance of the support of his archbishop as shown in the letter of the archbishop of May 8, 1875. He reminded Padre Raúll that the present situation was not of his choosing and might continue for some time without remedy. The pontifical orders, he pointed out, were sent with Padre Albores and that the manner of delivery was solely the responsibility of that priest. The list of nominees for the position of apostolic administrator could not be changed without prior approval from the Holy See. Finally the archbishop assured the apostolic administrator of his fullest support—particularly noting his agreement with the policy of conciliation, as long as it did not conflict with the rights and independence of the Church.255

The letter of Padre Raúll written in May of 1875 was more optimistic than his previous ones. In speaking of the letters capable of attacking Liberal doctrines, whenever he felt that these threatened the Church's interests. For instance in June of 1876 the Liberals predicted the extinction of Catholicism. Padre Raúll stated that if history has any lessons to offer, this prediction can at best be considered utopian. Solemne Función Religiosa en la Santa Iglesia Catedral Metropolitana de Guatemala el 21 de Junio de 1876, Aniversario Trigesimo de la Gloriosa Exaltación de Ntro. Smo. Padre El Señor Pío IX al Trono de San Pedro, y Discursos Pronunciados el primero inter Missarum solemnia por el M. J. Sr. Gobernador de la Diócesis Don Juan B. Raúll y Bertran, y el Segundo después de Laudes y antes de la Procesión Solemne, por el Parroco del Sagrario Dr. Angel Ma. Arroyo (Guatemala, 1876), p. 7.

255 AC, tomo 1874, doc. 323.
that he had received from the archbishop he observed that they had been opened, but he was sure that whoever read them must see the great love that the archbishop had for his diocese. He observed that President Barrios had made changes in his cabinet, which should prove favorable to the Church. Next Padre Raúll took up the question of ordaining men not qualified for sacred orders. He admitted that two men were ordained prior to the completion of their studies, but this he found absolutely necessary since these two were the only ones who volunteered their service for the Petén area, where there were no priests. He reiterated that the recent appointees, Padres Ángel Arroyo and Antonio Arroyo, were not dominating him in his ecclesiastical administration. In his letter of November 7, 1875, he complained bitterly about government interference in appointing pastors and his being forced to appoint clerics of whom he disapproved. But to refuse to obey the directives would mean greater opposition to the Church. He noted that many times the people went directly to the civil authorities to request pastoral changes and this example had also been followed by some of the clergymen. He found the difficulties of the Church mounting and his health was suffering correspondingly.

256 Ibid. The letter is a draft of the original one and the date is uncertain. Internal evidence suggests that it was written in May of 1875. The periodic references to interception of letters and opening of letters makes it surprising to find the many letters that did pass between the archbishop and the apostolic administrator.
This had caused him seriously to consider resigning his post. The shortage of clergy was another pressing problem. Padre Raúll reported the ordination of six priests but added that eleven priests had died since he took over his duties. Thus many of the parishes had to remain without pastors. He concluded by noting that the Church was still receiving the monthly state subsidy for the support of religion, but while there was calm he feared that more sufferings awaited the Church in the future.257 Another letter of Padre Raúll written in January of 1876 points to additional difficulties for the Church. The occasion of the growing tension between Guatemala and El Salvador was over the political regime in Honduras. Padre Raúll reported that agitators attempted to involve the Church under the pretext of religion, but the apostolic administrator countered this by a pastoral to the clergy and faithful. He accused Padre Julio Soto of taking advantage of the ignorance of some of the faithful and promoting a schism within the Church. The priest had even gone to the point of excommunicating the apostolic administrator. Padre Raúll then suspended

257 Ibid. The letter was sent with Madre Adelaida, who was on her way to Havana. Among the six newly ordained priests was Ricardo Casanova, who during the early years of the Liberal administration held a minor government post. He broke with President Barrios over the religious question and shortly thereafter entered the seminary. In 1886 he became archbishop of Guatemala after the deaths of Archbishop Piñol and Padre Raúll. Antonio Batres Jauregui, La América Central Ante La Historia (Guatemala, 1949), pp. 410-411.
the clergyman from his priestly functions. The correspondence offers no clue whether the laity became involved in this controversy. In the meanwhile the priest out of fear of the political authorities fled the capital into hiding. Padre Raúll did not know where the priest had sought refuge but he had informed both the neighboring prelates and Rome about the priest's conduct. Again he was happy to report that the civil government was continuing to pay the promised monthly subsidy for religion. Moreover, the Church still retained possession of the Colegio de Infantes but this was the only educational institution that remained with the Church. On the other hand the priests needed for the work of the Church were unavailable. According to Padre Raúll twelve priests had died within the past two years (1874-1876) and only ten priests had been ordained. During the same period of time only three deacons had been ordained along with one subdeacon and one to minor orders. 258

After a delay of over a year Archbishop Pinol replied on September 6, 1876. He excused his delay on the grounds that he had never received a reply to his last letter and he expressed fears that his letters or the letters of the apostolic administrator were not reaching their destination. He indicated approval of the pastoral that Padre Raúll had written about the increasing

258 AC, tomo 1874, doc. 323. Padre Raúll did not explain how Padre Soto and others were claiming that it was a religious war.
tensions between Guatemala and El Salvador. He assured the apostolic administrator that the pastoral contained no heretical statement and commended him for reporting the case to Rome. The archbishop was pleased to hear that no new conflict had broken out with the civil administration and that the Church was still in possession of her seminary. He expressed optimism over the fact that recent and future ordinations would replace the priests who had died. 259

Padre Raúll in his reports to the archbishop appears at times more concerned over a possible schism among the clergy and the laity than with the religious reforms of the civil government. This does not imply that the Liberal regime had retreated from its program of religious reform but it does mean that the policy of conciliation of Padre Raúll lessened the occasions of conflict between the two powers. Undoubtedly both the archbishop and the apostolic administrator hoped for a favorable turn of events, but the correspondence of 1876 viewed such a possibility with considerable pessimism.

The Liberal religious reform program made it mandatory that a new concordat be drawn up with the Holy See. The initiative was taken by the archbishop and the various apostolic administrators. The civil government, on the other hand, on any number of

259 Ibid. This letter contains the only reference to the possibility that certain letters were not being received. In his letter of December 4, 1876, Padre Raúll thought that the difficulties in receiving and sending letters were due to the limited
occasions had maintained that the Concordat of 1852 was still in force. Nevertheless, in 1875 Lorenzo Montúfar, who served as the president's minister to Spain, started negotiations for a new concordat. The occasion was the premature recognition by President Barrios of Cuban independence on April 6, 1875. The Cuban movement for independence, which started in 1868, proved unsuccessful and now the Guatemalan president found himself in the embarrassing position of explaining his action to Spain. For this reason he sent Montúfar and Manuel Eliseo Sánchez to Spain to seek an amicable solution to the problem. They made the journey in the latter part of 1875 and at the beginning of 1876. Sánchez has little to report on the actual mission itself, but he did say that while Montúfar was in Spain he opened negotiations with the Holy See through Monsenor Simeoni. These were mainly concerned with the question of confiscated Church property. Sánchez objected to Montúfar's negotiating without any authorization from President Barrios. He charged that Montúfar was a "Liberal, Mason and heretic"—all of which would bring him little favor in Vatican circles. At the same time Monsenor Simeoni admitted that he had

number of ships that arrive to carry mail. Ibid.

Montúfar had returned to Guatemala from Costa Rica shortly before this appointment. Previous to his mission to Spain, President Barrios had selected him to serve on the commission in charge of drawing up a new civil code. Recopilación de las Leyes, II (1876), 154.

Alvarado, p. 15.
no instructions to engage in such negotiations, but that he would request instructions from Rome on one condition—namely that Archbishop Piñol must be allowed to return to his diocese. The effort came to an abrupt end when Montúfar's government received word of the activities and informed him that he had no authorization to undertake the negotiations. This ended all negotiations with the Vatican over a concordat until 1884.

Throughout 1875 and the major portion of 1876 President Barrios was occupied with external affairs in Central America, and he gave less attention to domestic matters. His correspondence of April 9, 1875, with President Pedro Joaquín Chamorro of Nicaragua indicates that Barrios was making efforts to reactivate the Central American union. The president also desired to obtain common support of the Central American republics in Guatemala's boundary dispute with Mexico. To achieve both objectives Barrios supported those presidents with Liberal ideologies similar to his own. Thus he defended the Liberal President Chamorro of Nicaragua against the growing Conservatism of President Tomás Guardia of Costa Rica. Later on President Barrios promised 1,000 troops to President Chamorro should a conflict break out between

262 M. A. García, VI, 519-538. Sánchez had little admiration for Montúfar, whom he considered neither intelligent nor Liberal. He stated that when he asked Montúfar why he served President Barrios, Montúfar answered, "I serve General Barrios because he pays me, as I would serve the Great Turk or the devil as long as they would pay me well." Ibid., p. 529.

263 Ibid., pp. 7-8 and 10. The boundary dispute between
The early months of 1876 saw a growing rift between Guatemala and El Salvador. Barrios accused his neighbor of harboring Guatemalan political refugees, especially the Conservative rebel, Enrique Palacios, and seeking to intervene in the political affairs of Honduras. All of this the president claimed was designed to overthrow his Liberal regime. The differences were temporarily settled in the Conference of Chingo held on February 15, wherein both republics agreed on joint intervention in Honduras. In spite of the agreement the Guatemalan president felt that El Salvador still was seeking unilateral intervention in favor of Liberal President Ponciano Leiva of Honduras. For this reason he broke diplomatic relations with El Salvador on March 20 and seven days later declared war, claiming that El Salvador had entered the undefended territory of Guatemala. The declaration called on Barrios to take command of the army and José M. Samoyoa, the minister of war, to serve as interim president. With the outbreak of hostilities Barrios sought the

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Guatemala and Mexico concerned Soconusco in Chiapas. The dispute dates from the independence period of Central America when Chiapas decided to remain with the Mexican Republic instead of joining the United Provinces of Central America. The dispute was settled in 1882.

264 Ibid., pp. 11-12 and 16-18.
265 J. E. Carranza, El General Justo Rufino Barrios, p. 42.
266 Recopilación de las Leyes, II (1876), 202-204.
support of the Conservative ex-President José M. Medina of Honduras, who found it difficult to believe that the Guatemalan president had no political interest in Honduras. 267

Hostilities quickly terminated with a victory for Guatemala. In the Convention of Chalchuapa on April 25 Barrios called for the election of a new President in El Salvador. On May 8 he declared his approval of the newly elected provisional President Rafael Zaldivar and added that Guatemala would not demand one penny of indemnification for the losses incurred during the hostilities. 268 A formal treaty was signed between the two countries the following August 3. The treaty called for the extradition of criminals who were responsible for the outbreak of hostilities. Other emigrants not guilty of criminal acts were not permitted to live near the common boundary of the two republics. The treaty also reiterated an earlier agreement, namely that no Jesuit was allowed entry into the territories of the two republics. 269

Having achieved cordial relations with El Salvador, President

267 M. A. García, VI, 27-31. Obviously party labels meant nothing in these disputes.

268 Ibid., pp. 48-49. According to a contemporary writer, Barrios favored the election of Zaldivar with the expectation that the latter would support him in the unification of Central America. When the real test came in 1885, Zaldivar proved to be the leading opponent of the plan. Rafael Meza, Centro América Compañía Nacional de 1885, 3rd ed. (Guatemala, 1958), pp. 33-36.

269 Recopilación de las Leyes, I (1881), 472 and 474.
Barrios still faced the problem of political instability in Honduras. During the war with El Salvador President Barrios supported the faction of José M. Medina and on June 12 he recognized Medina as the provisional president.\textsuperscript{270} The true intentions of the Guatemalan president were revealed in his letter to Medina on August 2, 1876. He believed that the majority of the people of Honduras favored Marco A. Soto as president and thus there was no need to have an election as Medina was demanding. President Barrios argued that another election could only mean a prolongation of the civil war.\textsuperscript{271} The Guatemalan president was undoubtedly correct in his concern about a possible civil war, but at the same time his position was the reverse of the one that he had professed a few months earlier in El Salvador, in which he had supported democracy and called for an election. Whatever may be the justification for Barrios' action, the fact remains that Marco A. Soto took over the reins of the government in Honduras on August 27, 1876.\textsuperscript{272} The conduct of President Barrios in the affairs of Honduras caused one of his later admirers to observe that

\begin{itemize}
    \item \textit{El Progreso}, September 3, 1876, pp. 1-2.
    \item M. A. García, VI, 64-66.
    \item \textit{El Guatemalteco}, September 27, 1876, p. 4. Soto lost favor with Barrios in the closing years of Barrios' administration. He was replaced by another Barrios favorite, Luis Bogran. Both Soto and Bogran, who were Honduran by birth, had held offices under Barrios. Salazar, \textit{Tiempo Viejo}, p. 164.
\end{itemize}
"Doctor Marco Aurelio Soto occupied the presidency of Honduras through the powerful influence of the Reformer of Guatemala."\textsuperscript{273} The intervention of President Barrios in the political affairs of El Salvador and Honduras probably was suspected if not well known among political circles throughout Central America. It partially explains why Barrios' plan of a Central American union was so ill received by the other republics in 1885.\textsuperscript{274} In terms of the present study, however, it would seem that Barrios was actually strengthening his domestic reforms by working for political regimes in the neighboring republics favorable to Liberal ideologies. The convention that called for the exclusion of the Jesuits from Central American soil is only one example of this policy. Barrios had learned his lesson well--Central American political regimes have proved unstable if neighbors supported opposing ideologies. Herein lay the true danger of the emigrant question, which President Barrios tried to solve in his treaty with El Salvador.

Nearing the completion of his first administration in 1876, President Barrios could point to an enviable record of achievement both in his domestic and foreign affairs. Nevertheless the Liberal demand for a new constitution was still unfulfilled. For

\textsuperscript{273} V. M. Díaz, \textit{Barrios Ante la Posteridad}, p. 219.

\textsuperscript{274} The only republic that showed positive support of a unification movement in 1885 was Honduras, which may be explained in terms of Luis Bogran's presidency, a close friend of Barrios.
this purpose Barrios on October 21, 1875, decreed the calling of
a new constituent assembly. This was necessary because the
earlier ones had failed by reason of public disorders.275 On the
same day the president issued a regulation which laid down the
rules for the election of delegates and called for the elections
to be held from February 11 to 18 inclusive.276

The constituent assembly was installed the following Septem­
ber 11. It was opened with an address by Barrios wherein he de­
defended his program since taking office in 1873. He placed particu­
lar emphasis on his conduct in suppressing the rebellions in the
East and in his intervention in El Salvador and Honduras on the
grounds that the security of the republic was at stake. He ad­
mitted that he had ruled as a dictator but this was necessary in
order to safeguard the principles of the Revolution of 1871.277

In summarizing the reform achievements he noted that the work of
charity was now a function of the state and not of the Church,
which had failed to fulfill its mission. As proof of the adminis­
tration's achievement he pointed to the government's construction

275Recopilación de las Leyes, II (1876), 159-160. The decree
called for the election of 51 delegates.

276Ibid., pp. 160-167. The rules for the elections were the
same as those prescribed for the earlier constituent assembly
elections.

277Mensaje y Memoria que el Presidente de la República de
Guatemala, General D. J. Rufino Barrios dirige a la Asamblea
Nacional Constituyente Instalada en 11 de Setiembre de 1876
(Guatemala, 1876), pp. 11-12.
of hospitals and other institutions of beneficence. 278

In reporting on ecclesiastical affairs Barrios offered little that was new. It was a brief summary of the basic religious reforms such as suppression of religious communities, expropriation of Church property and religious freedom. In fact the major portion of the report concerned itself with the justification of the religious reform, but again it merely repeated what had been said before. He claimed that one of the most noteworthy achievements was the removal of the dominating influence of the clergy over the people. 279 The president assured the Church that in accordance with these new principles he had done everything possible to seek harmonious relations with the ecclesiastical administration. In seeking cordial relations he admitted that he had to remove clergymen opposed to his program but after these had been accomplished, he found the relations between the Church and state improving. The president felt that an additional religious reform was needed, civil marriage. This he claimed would make it possible to attract a greater number of immigrants to Guatemala. 280

The president concluded his address with justification of the vast expenditures necessary to his program of reform, some of which he admitted were subject to charges of irregularity. Admitting that

278 Ibid., pp. 11-14.  
279 Ibid., p. 19.  
280 Ibid., pp. 19-22.
greater economy could be achieved, the president considered it more important to look at the great strides his administration had made in a very short period of time. Pacific conditions now established in the country would make it possible for the government "to continue pushing the country's progress without the sacrifices which were necessary for taking the first steps." 281

Since there are no minutes available for the proceedings of the constituent assembly in 1876, there is no way of judging the reaction of the individual delegates to the presidential address. The only known reaction is that of Lorenzo Montúfar who approved of the president's "transitory dictatorship" and asked for an absolute vote of confidence to prolong the "transitory dictatorship" for four more years. 282 According to Jesús E. Carranza the majority of the delegates, including two Conservatives, Antonio Machado and Padre Ángel María Arroyo, supported the proposal of Montúfar. 283 Montúfar offered no new justification for the Barrios program; as early as 1874 he had argued the same points, calling dictatorship the indispensable means for saving republics. By this means the president was able to surround himself with men

281 Ibid., p. 61. The president's remarks on education will be treated in the following chapter.

282 Rafael Montúfar, ed., Discursos del Doctor Lorenzo Montúfar (Guatemala, 1923), pp. 1-11.

283 J. E. Carranza, El General Justo Rufino Barrios, p. 49.
Both the president and Montúfar looked upon the dictatorship as the birthplace for democracy. According to Carlos Wyld Ospina, the president is said to have remarked that the task of establishing democracy would remain for his successor.

While Montúfar supported the president, Padre Raúl was critical in his message to the constituent assembly on October 16, 1876. He called the remarks of the president offensive, especially the accusations that Archbishop Piñol was an instigator of internal rebellions. He reminded the assembly that no one had ever presented proof for these accusations and he was certain that no proof could be found. He recalled that Archbishop Piñol gave immediate recognition to the new Liberal regime in 1871 by presiding in person in the cathedral at an act of thanksgiving for the success of the Revolution. The cordial relations between the Church and the state were later destroyed when the state passed laws against the Church. Thus the archbishop and all of his successors found themselves obliged to protest in defense of the Church. Finally Padre Raúl refused to accept the compliments of the president for his role in the improved relations between the Church and the state.

284 M. A. García, VI, 5-7.

285 Carlos Wyld Ospina, El Autócrata (Guatemala, 1929), p. 58. Ospina, who wrote after the downfall of the Liberal dictatorship of Manuel Estrada Cabrera claimed that the anticipated Liberal democracy of Barrios never materialized.
Church and state in recent years, since they implied that Raúl had opposed Archbishop Piñol. The true reason for improved relations, he said, was that the republic was now being governed by better intentioned men.286

The resolution adopted for swearing in the president and delegates of the assembly reveals the thinking of the delegates. "I swear solemnly to fulfill with loyalty and patriotism the mandate of the people and discharge in conformity with the law the duty which has been conferred upon me."287 The omission of God emphasizes the fact that the Liberal leaders intended the state to be entirely secularized.

In the final days of its session the assembly prepared an answer to the presidential message, which was a wholehearted endorsement of the administration's program. For instance the dictatorial conduct of the president was considered indispensable in defeating the clerical power which rejected Liberal principles and obstructed progress. Like the president, the assembly however was pleased to see a greatly improved relationship between Church and state in the past year. The assembly regarded this as ample proof that the basic cause for conflict between the two powers was the uncooperative spirit of the earlier Church administrators. Fortunately the assembly could report that the present

286 AC, tomo 1876, doc. 340.
2 El Guatemalteco, October 26, 1876, p. 2.
ecclesiastical administrator saw the need for cooperation and thus relations had improved. The little available information on the proceedings makes reference to a few dissenting votes to the message of the assembly. One of these was cast by Padre Ángel M. Arroyo, who approved the major portion of the message, but refused to give his approval to the assembly's observations on ecclesiastical affairs. Nevertheless the dissenters were too few to effect any changes in the message and so on October 19 the presidential and assembly messages were approved without changes by almost a unanimous vote. The assembly concluded its work on October 23 with the passage of a decree calling for the extension of President Barrios' dictatorial powers for four more years. The prolongation of dictatorial rule was considered necessary since the opportune time for drawing up a constitution had not arrived. In the meanwhile the assembly hoped that the administration would continue to prepare the people for the acceptance of a constitution.

At the end of President Barrios' first administration in 1876, it was obvious that the political power of the Church had

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289 Ibid., p. 50. 290 Ibid.
291 Recopilación de las Leyes Emitidas por el Gobierno Democrático de la República desde el 3 de Junio de 1871 hasta el 30 de Junio de 1881 (Guatemala, 1881), II, 553-554.
been broken. The regular religious communities had been suppressed and the docility of the native clergy promised more harmonious relations between the civil and religious powers. This along with the conciliation policy of Padre Raúl gave hopes for a lasting Liberal religious program.

Furthermore the year 1876 witnessed favorable developments in the neighboring republics and thus there was no fear of a foreign intervention. The Conservative regime in Costa Rica because of its geographic location presented only a remote threat, which only materialized when the two other Central American republics turned against Guatemala in 1885. But here the basic issue was not Liberalism but the unification of Central America by military force.

In spite the favorable condition of foreign affairs in 1876, there still remained the fulfillment of the educational program. This reform had started with the Revolution but as long as Presidents García Granados and Barrios struggled with the power of the Church, it remained in a secondary position. With the completion of the religious reform in 1874, the reform movement in education took on primary importance and remained so until the closing years of the Barrios administration.
CHAPTER VII

POSITIVISM IN ACTION

The Liberals after 1874 faced the task of replacing institutions abolished by the religious reform program. In no area was this more evident than in the field of education, which no longer was a religious monopoly but now was a state enterprise. While private lay and Church schools were still permitted, the main burden of education after 1871 gradually passed to the state.

The full impact of the new educational program was felt with the introduction of Positivism in the school systems. Positivism in its search for order and progress has many ramifications. Aside from educational reforms, it also seeks economic progress and political stability. While all of these factors were significant characteristics of the Liberal administration, the educational program still remained the foundation stone on which the Positivist conception of order and progress would be built.¹

¹For a more detailed account of economic progress under President Barrios see J. Fred Rippy, Latin America and the Industrial Age (New York, 1944), pp. 129-141, and J. Fred Rippy, "Relations of the United States and Guatemala during the epoch of Justo Rufino Barrios," HAHR, XXII (November, 1942), 595-605. For a laudatory account of economic progress of the period, written to attract immigrants, see Francisco Lainfiesta, Apuntamientos sobre la República de Guatemala (Guatemala, 1885).
positivism injected into education in Guatemala caused another rift between the Church and state. Positivist emphasis on material progress permitted little or no role for the Church in the Liberal educational reforms. While the Church leaders voiced their opposition to Positivist materialism, they did not fail in supporting by word and deed the economic progress of the country. For instance Padre Raúll in his pastoral of August 6, 1883, instructed the clergy and the faithful to support both in work and money the construction of the northern railroad. He admonished his priests to give more than what the civil power has requested and thus demonstrate to those who attack the Church that it is not opposed to the material progress of the country. While the Liberals held the Church with its vast property holdings responsible for economic retardation, Padre Raúll encouraged his spiritual subjects to contribute generously to economic development of the country.

Before developing the role of Positivism in education, a brief resume of Church and state relations between 1876 to 1879 is in order. The already noted decline in the intensity of the conflict between the two powers was due to a great degree to the

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2 Pastoral del M. I. Sr. Gobernador del Arzobispado Presb. Juan Bautista Raúll y Bertran, Sobre "El Ferrocarril al Norte" (Guatemala, 1883).

3 One North American historian concluded that the much talked about economic progress under Barrios fell far short of its goals. Rippy, "Relations of the United States and Guatemala during the Epoch of Justo Rufino Barrios," pp. 599-605.
conciliatory policy of Padre Raúl. Furthermore as time went on
the opportunities for strife diminished, especially when there
simply was less ecclesiastical property to expropriate. Thus it
is not surprising to find relatively few reports of expropriation
of parish property between the abortive Constituent Assembly of
1876 and the successful one of 1879.

There is no recorded expropriation of parish property for the
months of November and December of 1876. The silence is signifi-
cant since pastors formerly were conscientious in filing such
reports. Moreover they were instructed to do so by the apostolic
administrator. On the other hand there is sufficient evidence to
indicate that Padre Raúl was more determined than ever to con-
tinue his policy of conciliation. On November 27 Padre Ángel
María Arroyo reported to Padre Raúl that he (Arroyo) had been
appointed by President Barrios to the position of presidential
adviser. In accepting the appointment he admitted that the civil
government had demonstrated hostile conduct towards the Church,
but he considered this an opportunity to establish close contacts
with the president in order to protect the interests of the
Church. ⁴ The reply of the ecclesiastical cabildo written by
Padre R. Casanova fully approved the action of the priest. Padre
Casanova repeatedly emphasized the duty of obedience that all
citizens have to the civil power as long as this obedience does

⁴AC, tomo 1876, doc. 403.
not violate the laws of God. He also maintained along with Padre Arroyo that the position could serve as an excellent opportunity for the defense of the Church's rights in its struggle with the civil power. Although the cabildo and Padre Casanova saw no obstacle to Padre Arroyo's acceptance of the position, Padre Raúll indicated that for the present the question could not be resolved. The apostolic administrator's caution was based on the fact that no definite decision had been received from the Holy See in regard to the status of the Barrios administration. Nevertheless he did permit Padre Arroyo to accept the position on the condition that the priest refrain from attending the state council meetings as much as possible until more definite instructions arrive from Rome. This action did much to arouse criticism from certain clerical factions, who were displeased with his policy of conciliation. His letter of January 30, 1877, to Padre Albifana in Rome showed his impatience with his critics and he offered his resignation if Rome considered another man more capable of

5Ibid.

6Ibid. The Vatican's uncertainty about the religious policy of the Guatemalan government was one of several factors that prompted Padre Raúll to plan a trip to Rome in the summer of 1877. Archbishop Pinol advised against the trip believing that the absence of the apostolic administrator from the diocese would create additional problems with the civil government over succession of religious authority. Padre Raúll in his letter of December 6, 1877, noted that the trip was abandoned since he doubted if the president would view such a venture favorably. Ibid., tomo 1874, doc. 323 and tomo 1876, doc. 271.
protecting the interests of the Guatemalan Church. 7

Again in 1877 there were few reported expropriations. Most of the reports concern expropriation of Church lots, parish houses and parish funds. For instance the pastor of Mazatenango reported on January 10 that the municipality demanded supervision of parish funds and possession of the parish house, which was to be used as a school. 8 The reply of the ecclesiastical cabildo urged the pastor, Padre Diego Llerena, not to give up the parish house nor to relinquish the management of parish funds. If the municipality insisted on occupying the parish house, then the pastor had a right to resign without appointing a successor. 9 In Palencia the municipality needed a building for an elementary school. The pastor, Padre Manuel Jacinto, obliged by offering part of his parish residence for the purpose, but according to the pastor the offer was interpreted as a complete renunciation of the parish house. Thus the pastor went on to say that shortly after his offer private individuals came to demand other parts of the parish

7 Ibid., tomo 1876, doc. 271A. Padre Raúll was not only critical of those clergymen who opposed his policy of conciliation but also of those who thought he should be more Liberal. As a case in point, the apostolic administrator pointed to Padre Vicente Hernández who urged the government to recognize the civil marriage of clergymen. Padre Raúll feared that this hostile criticism among the clergy could lead to a schism, which would prove advantageous to the government. The replies of the archbishop show complete support of Padre Raúll's conduct. Ibid., tomo 1874, doc. 323.

8 Ibid., vol. XIV, doc. 1904.

9 Ibid.
house for a bakery. The pastor feared that in the future other persons might demand similar space for stores or municipal offices.  

The ecclesiastical government asked the pastor to protest the action to the municipal authorities and if the protest was not heeded, then the pastor might retire from his parish.  

In October of 1877 the municipality of Cobán requested the permission of Padre Salvador Solis y Luna to convert the abandoned church of San Sebastián into a theater on the grounds that it was a place for committing indecent acts. As a theater it could serve the purpose of giving moral lessons to the local inhabitants and teach them useful vocations.  

The reply of Padre Raúl on November 3 indicated that such a profane conversion of a church could not be tolerated and if a more worthy purpose for the abandoned church was found, the pastor should report it to the vicar provincial of Alta Verapaz.  

While the foregoing cases indicate that the initiative in expropriation was taken by municipalities, there are a few cases on record to show that the jefes políticos also sought parish property. In both Escuintla and Mazatenango the jefes políticos demanded either management or possession of Church funds. The jefe político of Escuintla claimed that he was authorized by

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10 Ibid., doc. 1944.  
11 Ibid.  
12 Ibid., tomo 1877, doc. 304.  
13 Ibid.
president Barrios to employ the parish funds in the repair of bridges. Similarly the jefe político of Mazatenango in calling for the expropriation of the parish house to be used as military barracks stated that President Barrios desired more appropriate quarters for the soldiers but he did not indicate whether the president had suggested expropriating the parish house. Political officials who claimed presidential authorization for these acts appear to be the exception rather than the rule. The majority of the expropriation cases were the action of local political authorities without presidential approval.

In fact, the president was willing to allow exceptions in the enforcement of his decrees. In December of 1877 the minister of government and justice received word that about eighteen nuns were still practicing the religious life in a private home. The immediate reaction of the president was to disband the community within three days, but after consultation with Padre J. Antonio Arroyo the president changed his original order and informed the priest that the nuns could continue to live together provided that there

\[\text{\textsuperscript{14}}\text{Ibid., vol. XIV, docs. 1968 and 2048.}\]
\[\text{\textsuperscript{15}}\text{Ibid., doc. 2056.}\]
\[\text{\textsuperscript{16}}\text{The president did continue issuing orders disposing of the already expropriated convent properties. For instance on September 17, 1877, the president ordered that the nationalized convent of Santo Domingo be converted into offices and a depot for the administrative agency of liquor and tobacco. }\text{El Guatemalteco}, \text{September 18, 1877, p. 1.}\]
be no Masses or chapel where they lived and provided that no priest went to the house. While the latter decision may have offered little consolation to the nuns, it does appear that the president retreated from his earlier decrees if for no other reason than prudence or perhaps fear.

The diminishing number of ecclesiastical expropriations is in stark contrast to the continued press campaign against the clergy and the Church in general. Two of the leading attackers were El Progreso and Revista de la Universidad de Guatemala. El Progreso, with its stress on economic growth, found the clergy the main obstacle to the progress of the country. The ambitions and immorality of the clergy kept the people in slavery. To remove this retarding element the strong arm of President Barrios was absolutely essential. In the same light the paper justified the president's action of expelling certain clergymen and nationalizing religious property. Some of its more vehement attacks were usually saved for the Jesuits, whom it considered the chief cause for all disorder. Generally the newspaper mentioned no names in its attack, but this was not the case when it accused Padre

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17 AC, tomo 1877, doc. 374.

18 El Progreso, January 7, 1877, pp. 2-3. In its call for progress El Progreso constantly held up the U. S. as the model for Guatemala. For example see El Progreso, June 17, 1877, pp. 1-2.

19 Ibid., August 5, 1877, pp. 1-2.
Cristobal Trujillo, pastor of El Chol, of having violated certain girls in the confessional and having committed abortion. The charge immediately brought about an ecclesiastical investigation, which exonerated the pastor and accused the mayor of El Chol of being the originator of the story. In fact, one witness in the investigation reported that the mayor had attempted to prevent the faithful in his town from receiving the sacraments by threatening the parishioners with fines, imprisonment, or even exile from the town.

The Revista de la Universidad de Guatemala devoted its columns to the furthering of cultural and educational projects, but at the same time it found room for anticlerical articles. Since a number of these articles were written by professors in the National University, they also indicated anticlericalism within the university walls. For instance in the June 15 issue an article attacking simony among the clergy was written by a university professor, who signed himself "I. P." The writer accused the clergy of exploiting the people and expressed his complete support in the government's action of abolishing the tithing and reducing parish fees—a step in the direction of abolishing clerical exploitation. The professor advocated that each pastor should receive a basic government subsidy of $1500 per year and thus bring about a leveling process for pastoral incomes. Such a plan, it

20 AC, vol. XIV, doc. 2026. 21 Ibid.
was hoped, would prevent frequent pastoral changes in search of more lucrative posts. 22

As did many Liberal publications of the day, Revista argued for religious liberty as being the indispensable means for fostering immigration and progress. For José Salazar, professor of civil law, religious freedom prevented the state from recognizing the vow of chastity—a vow that he found contradictory to God's command given to Adam and Eve in paradise, and a vow opposed to the interests of the state which seeks an increase of population to effect economic progress. 23 Revista also published short research papers presented by students which show similar anticlerical and antireligious characteristics. 24

Besides the press there were periodic pamphlets issued in 1877 attacking the Church. One such pamphlet was a reprint of the letters of the French bishop, Talleyrand. The bishop attacked the privileged position of the clergy, who by means of ignorance and fanaticism exploited the people. He also accused the Church of constantly interfering in purely temporal affairs. 25

22 Revista de la Universidad de Guatemala, June 15, 1877, pp. 4-11. While many Liberal publications found it popular to extol the material progress of the United States, Revista carried an article by Professor Antonio Batres, who warned his countrymen against this materialism. He claimed that because of this the United States has not made the cultural contributions, which Italy, France and Spain had made. Ibid., April 1, 1877, p. 8.

23 Ibid., July 1, 1877, pp. 1-3. 24 Ibid., pp. 4-6.

25 Cartas de Carlos Mauricio de Talleyrand al Obispo de Clermont y al Abate Maury (reprinted in Guatemala, 1877), pp. 6-34.
Whether or not the Church answered these or other writings is not known since the documents are silent. On the other hand the answer could have been made in the pulpit of which there remains no written record. The writer has been able to locate only one case in 1877 where Padre Raúll refuted anticlerical pronouncements. The case concerned Sixto Pérez, whose anticlerical writings appeared in *El Canal de Nicaragua*. The apostolic administrator charged that the writer was guilty of calumny and thus abused the right of freedom of the press. He demanded that the local military officer press charges against Pérez in accordance with the penal code.26 There is no further evidence to indicate that any prosecution took place. The anticlerical publications may also have prompted Padre Luis Rojas, pastor of Cajcoj, to complain to the apostolic administrator about the hostile acts against the clergy throughout the republic. His letter of November 6 complained about the demoralization of the people and the spread of new philosophical ideas. The hostility in his parish caused the pastor to leave and come to the capital where he was able to obtain the protection of the North American vice consul.27

26 AC, tomo 1877, doc. 313.

27 Ibid., vol. XIV, doc. 2087. Another example of difficulties with political authorities was Padre Lanuza, who was accused of conspiracy. Ibid., tomo 1877, doc. 341. A report also circulated that Barrios himself had murdered Padre Miguel Pagés in 1877. *La Verdad Histórica* (New York, 1895), p. 9 and M. A. García VI, 323. This writer has found no basis for the report except a reference in *El Guatemalteco*, which mentioned that the priest was
The year 1877 also saw the promulgation of two regulations, which involved ecclesiastical interests. One concerned civil recognition of marriages and the other, civil registration of birth. The marriage regulations were contained in the new civil code published in 1877. This declared marriage a civil contract but added that it was a solemn and indissoluble contract. The code recognized all marriages between foreigners if these marriages were contracted in accordance with the laws of the respective countries. Civil recognition was granted to marriages celebrated between a Guatemalan and a foreigner. Marriages between persons of different beliefs could be celebrated in accordance with civil laws. There is no evidence that the ecclesiastical authorities protested these regulations. Since the regulations involved in an unsurrection in Quiché, but no mention is made of murder. El Guatemalteco, October 15, 1877, p. 1. The only reference to an execution of a priest in 1877 was in a letter of December 6, 1877, from Padre Raúl to the archbishop but this priest's name was Padre D. G. Aguilar. AC, tomo 1874, doc. 323.

28 Código Civil de la República de Guatemala (Guatemala, 1877) pp. 13-14. The work on the code was started in 1875 under the leadership of Lorenzo Montúfar. It relied heavily on the civil codes of France, Portugal, Belgium, Spain, Chile, Peru, Columbia, Mexico, El Salvador, and Costa Rica. Ibid., pp. ii-iii. Montúfar considered the new code a break with the old retarded Spanish legal system. El Progreso, March 18, 1877, pp. 1-2. A need for a new code was already recognized by ex-President Cerna who in 1870 commissioned Dr. Mariano Ospina to draw up a new penal code and a law of procedures in criminal matters. Gaceta de Guatemala, May 16, 1870, pp. 1-3.

29 Ibid., pp. 15-16.
did not attack the marriage ceremony or the sacrament of marriage, the apostolic administrator may have felt no need to protest.

On September 15, 1877, the government ordered civil registration of all births, marriages and deaths. Prior to this time the state depended on the Church for the registrations. It appears that the main intent of the decree was to provide for a better account of vital statistics. The Church leaders offered no opposition to the new regulation. Later on difficulties did develop, but these were probably due to the fact that the people, accustomed for centuries to reporting their vital statistics to the local pastors, failed to fulfill their obligations with the civil officials.

30 El Progreso, September 2, 1877, p. 3.
31 Statistics were vital to the Positivists in determining a country's progress. El Progreso, February 4, 1877, p. 2.
32 In May of 1880 the president admitted the ineffectiveness of his civil registration decrees and this prompted him to issue an order to all pastors that they must report baptismal registrations to the political authorities. Recopilación de las Leyes, II (1881), 469-70. This order was again changed in June of 1880 whereby the civil authorities were ordered to go to the pastors to obtain baptismal registration. The order of the president indicates that the change was made out of deference to the wishes of the apostolic administrator. Ibid., pp. 476-477. In 1884 President Barrios ordered another change by fining pastors who baptized persons before they had fulfilled their civil registration obligations. Leyes Emitidas por el Gobierno Democrático de la República de Guatemala y por la Asamblea Nacional Constituyente y Legislativa (Guatemala, 1886), IV, 227.
The picture during 1878 shows little change from the preceding year in the government's policy toward Church property. There were the usual complaints by the pastors that the *jefes políticos* were ordering the parishioners not to pay the customary parish contributions. The pastors also claimed local political interference in the administration of parish funds. One pastor, padre Gabriel Dávila from Esquipulas, complained that the *jefe político* was accusing the pastor of still collecting tithes. The pastor denied the accusation but did admit that he was collecting the first fruit offerings, which he insisted the civil government allowed provided it was done on a voluntary basis. He accused the pastor of using the threat of excommunication to collect the contributions. Another report tells of the expropriation of a chapel in the parish of Patzún to be used as a storage place for liquor. While the pastor, Padre Manuel L. Morán, thought this to be the action of a private individual, nevertheless he held the local political authorities responsible since they refused to do anything about the matter. The small number of reported

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33 AC, tomo 1878, docs. 78 and 137.

34 Ibid., doc. 252 and vol. XIV, doc. 2326.

35 Ibid., tomo 1878, doc. 132. The decree of September 14, 1878, outlawed vagabonds and all other persons who did not work but made their living by begging. The decree also prohibited begging for pious purposes. *Recopilación de las Leyes*, II (1881), 201-204. *El Guatemalteco* interpreted the decree as applying to mendicant orders. *El Guatemalteco*, September 26, 1878, p. 1.

36 AC, tomo 1878, doc. 229.
cases concerning expropriation of Church property appears to indicate that this was not a serious problem in 1878. In fact, there are two cases on record in 1878 where two persons who were the holders of expropriated ecclesiastical property were willing to make restitution. In both cases the persons were near death and wished to have the ecclesiastical penalties removed. Although restitution was impossible under existing laws, both persons promised that this would be done as soon as the laws permitted. The promise was made so as to enjoin the heirs in making the re-stitution. 37

This story repeats itself during the final months of President Barrios' dictatorship—that is prior to the promulgation of the Constitution in December of 1879. For these final months there are four cases on record where either the jefes políticos or the municipal authorities sought the administration of Church or confraternity funds. 38 Whether or not this was done for more efficiency is not always clear, but the pastor of Joyabáj was certain that his parish funds were being employed to start a water system in the town. 39 Another pastor reported that the jefe político demanded the parish house in Antigua to be used as a

37 Ibid., docs. 110 and 222.
38 Ibid., docs. 18, 134, 272 and vol. XV, doc. 2394.
39 Ibid., tomo 1879, doc. 18.
house of correction. A third case involved parish lands in Comalapa, which the municipality claimed were needed for the construction of retail stores. A final case on record concerns the threat of the municipality of Monostenango to expropriate parish lands, but it is not known that the threat was carried out. In the department of Mazatenango, however, the Indians of San Gabriel and San Lorenzo sought the good offices of the apostolic administrator to intercede with the president to have their pastor's parish house, expropriated three years earlier, returned. The Indians claimed that due to the shortage of housing their pastor had to abandon the parish leaving them without the necessary spiritual aids. There is no indication that the apostolic administrator succeeded.

The number of anticlerical publications appear to have decreased somewhat in 1878. Padre Raúl's intercession with the president in December of 1877 to end the hostile attacks of the press may have helped this. Liberal El Porvenir called on the

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40 Ibid., vol. XV, doc. 2391.
41 Ibid., tomo 1879, doc. 253. Another report was the secularization of a parish cemetery in Quezaltenango. Ibid., doc. 450.
42 Ibid., doc. 186.
43 Ibid., vol. XV, doc. 2517. A similar intercession was sought from Padre Raúl by the administrator of the confraternities in San Antonio de Suchitepequez. The administrator called for the return of the property of the confraternities, which had been expropriated by the alcalde. Ibid., vol. XV, doc. 2578.
44 Ibid., tomo 1874, doc. 323.
press to attack ideas—not persons. But the plea of El Porvenir
did little to weaken the tensions between the civil and religious
authorities. For instance in September of 1878 this Liberal pub-
lication called the press a "missionary of morality and civiliza-
tion," and just as the teaching of the sciences passed from the
monasteries to civil institutions, so the preaching of morality
has passed from the pulpit to the press. \(^{45}\) Such an idea must
have appeared to the religious leaders as little improvement over
the usual anticlerical attacks. One can still find publications
at this time carrying anticlerical articles. \(^{46}\)

If there was any change of policy in the press, it was the
introduction of a new feature, Protestant literature. Padre
Rafael Coronado, pastor of Retalhuleu, was the first one on record
to protest. On July 3 he informed the ecclesiastical authorities
that there was a great influx of Protestant literature in his
area, which contained many errors of faith but was cleverly writ-
ten—a fact that made it dangerous to educated and uneducated
alike. Among this literature he reported the introduction of

\(^{45}\) El Porvenir (Guatemala), September 5, 1878, p. 114. This
paper was published by the society called "El Porvenir." The
society's statutes called for the avoidance of religious issues.
Ibid., August 6, 1877, pp. 82-85. The paper did not always adhere
to these principles but it was relatively moderate in treating
religious matters. The paper was subsidized by the government.
Ibid., p. 93.

\(^{46}\) For example see O. S. L., El Jeneral J. Rufino Barrios y
los Progresos de la República de Guatemala (Guatemala, 1878),
p. 5.
protestant Bibles containing translations opposed to Catholic dogmas. The pastor was concerned since many of the faithful in his area were ill-instructed in their faith and thus could easily be misled by these books. In fact he claimed that even the better instructed found it difficult to answer Protestant ideas. Padre Coronado made no mention of a Protestant minister in the area, who might be distributing these works, but merely reported that the distribution of the literature was made by a Guatemalan living in the port city of Champerico.\textsuperscript{47} There is no reply from the ecclesiastical authorities to indicate that the Church was gravely concerned about the introduction of Protestant religious ideas.

With the termination of the basic religious reforms in 1874, a new and more far reaching educational reform program was in the making. When one compares the religious reform program of the 1870's with that of the 1830's, one can discover few innovations. When one makes the comparison in the field of education, certain innovations appear, which show that the Liberals of the 1870's were making a radical departure from the educational program of Mariano Gálvez. The new trend in the Barrios educational program was Positivism.

In spite of the growing importance of Positivism in the 1870's, the Liberals of the period still could look to the Gálvez reform as providing models. One such model of the Gálvez program

\textsuperscript{47}AC, vol. XV, doc. 2468.
was secularization of educational institutions, as advocated by *El Guatemalteco* in the fall of 1873. Clerical education was seen as retrogressive and according to *El Guatemalteco* the Jesuits were the worst offenders in this matter. Thus the removal of the clergy from schools and the administration of schools by the state were deemed the two indispensable means for greater order and progress. The paper stated its position clearly when it concluded that "without secularization of instruction there can be no republican government, popular sovereignty, suffrage, rights and duties, but all of these can be obtained with the intervention of the government in the instruction of the people." In a later issue *El Guatemalteco* elaborated on the role of religion in a secularized system of education. The newspaper stated its opposition to the coercive laws of the Conservative Carrera regime, which forced the teaching of religion in schools. Rather the paper considered religion something "so intimate" and "so spontaneous" that its teaching ought to be the duty of the clergy and the home. Although education must be obligatory and gratuitous, the state cannot force a teacher to teach a religion which he does not accept. The state may see a citizen only as a moral and civil being but it may never penetrate into the

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48 *El Guatemalteco*, October 21, 1873, pp. 2-3.

religious conscience of its citizens.\textsuperscript{50} In its insistence on secularized education the publication rejected the plan of the French statesman, François Pierre Guizot, who admitted that the state has no right to teach religion in its name, but the state has the duty to hire religious ministers to offer courses of religion in public schools. Such a plan \textit{El Guatemalteco} considered contradictory.\textsuperscript{51} On the other hand the official publication saw the true expression of its ideas on secularized education in the writings of José Victorino Lastarría of Chile and the educational reforms of Mariano Gálvez.\textsuperscript{52} \textit{El Guatemalteco} admitted the need of religion in a society, but the need was not to be fulfilled by civil institutions. The emphasis on secularized education was further commented on by \textit{El Progreso} which observed that the highest degree of knowledge in societies is determined by the highest degree of perfection these societies have achieved in the areas of industry, science and art, all of which are intimately related to the greatest social welfare.\textsuperscript{53} Such a social perfection obviously left little or no room for religion.

The new Positivist orientation in education can be seen in the report of José M. Samayoa, minister of development, which he

\textsuperscript{50} \textit{Ibid.}, April 25, 1874, pp. 1-2.

\textsuperscript{51} \textit{Ibid.}

\textsuperscript{52} \textit{Ibid.}, February 12, 1874, p. 1 and April 25, 1874, pp. 1-2.

\textsuperscript{53} \textit{El Progreso}, April 5, 1874, p. 1.
submitted to the president on December 28, 1874, as a plan for curriculum reorganization of the newly founded Escuela Politécnica. The report regretted the overemphasis on literary courses and insisted that "liberal courses" must take predominance so the young cadets will have a scientific and practical preparation for service to their country.\textsuperscript{54} The recommendations of the minister were incorporated in the decree of December 30, 1874, which called for the establishment of courses in all the phases of engineering, land surveying, architecture, telegraphy and bookkeeping.\textsuperscript{55} The decree also provided that beginning January 7, 1875, the military school would be opened to non-resident students, who could take courses in grammar, arithmetic, algebra, geometry, English, French, geography and the practical sciences.\textsuperscript{56} The students were free to select their courses, but their competence in each course and in the selected field of concentration would be determined by examinations.\textsuperscript{57} Undoubtedly the minister was convinced of the need of a practical education for the cadets, but it is significant that the same Positivist tone can be found in his report for the reorganization of elementary education, which he submitted to the president on January 2, 1875.

The minister's report of January 2 stated that obligatory

\textsuperscript{54}\textit{Recopilación de las Leyes}, II (1876), 76-77.
\textsuperscript{55}\textit{Ibid.}, p. 77.
\textsuperscript{56}\textit{Ibid.}
\textsuperscript{57}\textit{Ibid.}
primary education is an indispensable requirement under a republican form of government. Being obligatory primary education must also be gratuitous. In analyzing the nature of public education Samayoa noted that the state should view the citizen only in a social and political sense and have nothing to do with the individual's conscience. "The conscience ought to receive its inspiration and rules from higher laws than positive laws." The minister admitted that public education should be centrally administered by the state, but this he did not consider incongruous with Liberal aspirations since the state has the duty to realize a social good when it cannot be realized in another way. The minister argued that the previous Conservative administrations left such a legacy of darkness that society no longer is capable of dispelling ignorance. After the state has taken the initial steps in enlightening its subjects, then, according to the minister, a more decentralized system of education can be expected. Here he held up the United States as a model for decentralized education. In concluding his report the minister insisted that centralization of education applied only to public schools and in no way will it be applied to private schools, which may continue offering instruction with complete freedom. In fact the minister considered the Ley de Pavón of 1852 one of the principal violations of the freedom of private instruction and the cause for the intellectual

58 Ibid., pp. 82-83.
The recommendations of the minister were immediately incorporated into the decree of January 2, 1875. The opening articles of the lengthy decree called for a union system of primary education, which was to be obligatory and gratuitous, but at the same time the right and freedom of private instruction were guaranteed. In unifying the educational system the decree called for elimination of municipal schools and the establishment of a General Board of Public Instruction under the immediate supervision of a secretary of education appointed by the government. In stating the objectives of education the decree declared that "The object of schools is the formation of men sane in body and spirit with the moral and intellectual aptitudes for citizenry in a republican and free society. . . . Since instruction is essentially civil, the directors of schools will consider the students only as moral and civil beings and according to this sense instruction will not be limited but will include the development of all the

59 Ibid., pp. 83-84.

60 Ibid., pp. 84-85. The decree required that the General Board of Education publish a weekly or semi-monthly bulletin called "La Educación del Pueblo," but there is no record that it ever was published. The decree also noted that advanced foreign countries should be used as models for educational programs, but the countries were not designated. Ibid., p. 86. The secretary of education, initially under the minister of foreign relations, became a separate ministry in 1876 with Lorenzo Montúfar as the first minister of education. El Guatemalteco, January 9, 1877, p. 1.
faculties of the soul and physical activities of the individual."61

These educational objectives became the guide in determining the curriculum for general elementary education. Article 26 provided for the teaching of reading, writing, arithmetic, weights and measures, Spanish grammar, composition and recitation, general notions of hygiene, geography and history of the country.62 For the elementary superior school the same curriculum was prescribed plus the following courses: algebra, geometry, lineal drawing, bookkeeping with commercial applications, physics, mechanics, chemistry, natural history, physiology, hygiene, cosmography, general geography, Central American geography and Central American history.63 In the primary schools for girls only the principal courses of the foregoing curriculum were recommended. The determination of principal courses was left to the discretion of the General Board of Public Instruction. In addition girls were required to be instructed in such practical occupations as sewing, home economics, and any other occupation suitable to their state

61 Ibid., p. 88.  
62 Ibid.  
63 Ibid., p. 89. The term "elementary superior school" was the designation for advanced primary education. This idea was originally inaugurated by President Mariano Gálvez in the 1830's but was discontinued by the subsequent Conservative administration. Carlos González Orellana, Historia de la Educación en Guatemala (Mexico, D. F., 1960), p. 238. In stressing practical education the decree called for setting aside a track of land, part of which was to be used for gymnastic exercises and the other for cultivation, useful to the sciences of botany, agriculture, and horticulture. Rubio, p. 254.
General methods of instructions were also outlined stressing simplicity and gradual development of subject matter. Great stress was placed on the use of intellectual faculties—not rote memory. Along with the teaching methods the decree prescribed certain disciplinary principles. There were no social distinctions in the administration of punishments and awards, relatively short periods of instructions for individual courses and prohibition of punishments, which degrade personal dignity or harm a pupil's health. The administrators of the school were held responsible in applying the proper disciplinary measures. The concluding articles concerned obligatory attendance. All children between the ages six to fourteen were obliged to attend primary schools, but optional attendance was permitted to those beyond the age of fourteen. Parents or guardians were obligated in seeing that their charges attend primary instruction. Should they fail, then committees of vigilance or the municipal authorities were to see that the children received suitable private instructions, and if not these agencies had the duty to send the children to a public school. In cases of poverty-stricken families, the children were permitted a certain number of hours during the day or week away from school so as to help their parents in domestic occupations.

64 Recopilación de las Leyes, II (1876), 89.
65 Ibid., p. 92.
66 Ibid.
In cases of extreme poverty parents were allowed to send their children to school in turns, but this permission was to be granted only in the most dire circumstances. The civil officials were also called upon to supply needed clothing to poor children. 67

From time to time clarifications and modifications to the basic law of primary instruction were issued by the government. For instance on January 20, 1875, the government decreed the establishment of a primary school for girls in the convent of La Concepción. The decree also included the establishment of kindergartens in accordance with the system of Frederick Froebel and the kindergartens in the United States. 68 The decree was more explicit in outlining the elementary curriculum for girls than the previous decree for primary education. The basic courses and the spirit of the curriculum were essentially the same as the one required in the primary school for boys. Excluding the kindergarten level the curriculum was divided into four grades. The first grade included the learning of the alphabet, English, reading, writing, various phases of music, number system, arithmetic, lineal drawing, recitation, and gymnastics. The following grades

67 Ibid., pp. 93-94. The decree established a normal school for the training and certification of teachers. It did not state if teachers in private schools had to attend this school. Rubio, p. 245. A later decree was more detailed in outlining the normal school program.

68 Recopilación de las Leyes, II (1876), 110-111.
called for amplification of the first grade courses and for certain advanced courses such as composition, French, reading of the classics, Spanish grammar, world geography, world history, elementary physiology and hygiene, world political geography, astronomy, physics, Guatemalan history, elementary chemistry, drawing, mechanical skills in all types of arts, bookkeeping, domestic economy and floriculture. For the first two grades the decree placed heavy emphasis on visual demonstration as an aid in teaching.

The year 1877 witnessed two more decrees calling for modifications in primary education. The decree of April 7, which covered primary, secondary and professional education, did not call for any essential changes in the earlier laws. It reduced the maximum age for obligatory attendance from fourteen years to twelve. For both boys and girls a new course covering the essential principles of morality and urbanity was introduced. Also a new course in agriculture was added to the curriculum for boys on the more advanced level in the elementary school. The decree was followed on May 21 by an amendment which clarified previous

69 Ibid., p. 111.

70 Ibid., II (1881), 86-87. For the improvement of elementary education the decree called for the establishment of kindergartens when conveniently possible. Ibid., p. 90. Private schools were still allowed to function but private elementary students desiring to attend secondary public schools were required to pass a government entrance examination. Ibid., p. 91.
educational reforms. Prohibition against rote memory for all children under eight years of age was reiterated. A certain degree of memorization was permitted beyond the age of eight. While primary instruction was gratuitous, parents were reminded that they would have to purchase the required school texts unless they could prove that such purchases were beyond their means, in which case the state would provide the necessary assistance. Texts were to be uniform and state approved. The amendment also showed tendencies of the Lancastrian system introduced in Guatemala in the 1830's by placing at the head of each course section the most advanced student. It did not state if this advanced student should serve as a tutor, but in all probability he was expected to keep order and render assistance while the teacher was engaged in teaching other courses. Finally the amendment warned teachers not to employ physical punishments and if such punishments are employed, a teacher could expect to be suspended temporarily from the teaching profession or should the physical punishment constitute a crime, then the teacher would be prosecuted according to the penal code. Isolating a student in a clean and well-ventilated room was considered an acceptable punishment. 71

Shortly before President Barrios terminated his second administration another educational decree was enacted, which was a

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71 Reglamento Complementario de la Ley de Instrucción Pública, Decretado en 21 de Mayo de 1871 (Guatemala, 1877), pp. 1-4.
summary of educational legislation on all levels of instructions. The decree promulgated on December 13, 1879, introduced no radical innovations, but provided clarification for and additions to earlier educational decrees. It re-emphasized the lay nature of public education. Private education was allowed to continue but under state vigilance. The maximum age for obligatory attendance was again changed from twelve years to fourteen years. Although primary advanced education was not obligatory, local authorities were requested to encourage pupils to take this extra instruction. The decree was more specific in its objectives than the earlier ones. Article 11 provided that teachers should inculcate in the students "ideas of liberty, equality, fraternity, order, progress, Central American union, love for the fatherland, love for work and in general all those ideas that elevate moral sentiments and are the basis for any well-organized society." A new course in the constitution of the republic was added to the curriculum, but this applied only to the advanced levels of elementary instruction.72 There was a reduction in number of courses. For instance there is no mention of teaching courses in weights and measures, chemistry, geometry and algebra. On the other hand these omitted courses could possibly be included in an elementary sense under such course titles as "complete arithmetic" and natural history as

72 The constitution here referred to was the new constitution, which was completed on December 12, 1879.
prescribed in the decree. Again the decree warned against the use of memory as an instructional method and recommended strongly the use of the "objective system" in the teaching of practical knowledge. Different types of punishment were specified such as deprivation of recreation, additional hours of work, bad conduct marks, isolation and in extreme cases expulsion was permitted, but in cases of expulsion the local school board was responsible in seeing that the expelled student would obtain the necessary instruction elsewhere. The final provisions for elementary education called for the establishment of additional kindergarten schools, Sunday schools, coeducational schools, and night schools. The night schools were intended for those students who could not attend the regular day sessions. Here the course of studies was the same as for the day school with the exception of a few additional courses such as elementary practical geometry, mechanics, physics and industrial chemistry. Both day and night schools were required to procure land near by for the practical study of botany and agriculture. The course program for girls was essentially the same as for the boys with the exception that the girls were required to take courses in home economics and gardening.73

73Recopilación de las Leyes, II (1881), 358-369. Coeducation on the elementary level was considered necessary for the improvement of the social relations between the sexes. It was observed that this idea was an imitation of primary education in the United States. El Guatemalteco, September 20, 1879, pp. 2-3. In the final years of President Barrios' administration two additional decrees concerning elementary education were enacted. In both
These decrees and amendments make it clear that the administration desired centralized education under the state, lay education and practical studies. To appreciate this innovation one need only compare this with the earlier Conservative educational program. Up until the time of educational innovations of the 1870's the Ley de Pavón issued on September 16, 1852, was the basic guide for elementary education. In the Ley de Pavón religious instruction and practice were made the central theme in the elementary curriculum. The law called for the teaching of the primer, catechism of Padre Ripalda, morality, urbanity, writing, and fundamentals of arithmetic. Heavy emphasis was placed on memorization in learning. Finally the students were required to learn the virtue of obedience to their parents, religious and political authorities. According to the Guatemalan historian, instances the Positivist and utilitarian orientation of the primary curriculum was reiterated. Leyes Emitidas por El Gobierno Democrático y por La Asamblea Nacional Legislativa (Guatemala, 1883), III, 283; Leyes Emitidas por el Gobierno Democrático de la República de Guatemala, IV (1886), 271-272.


75 Pineda de Mont, III, 50.

76 Ibid. According to Lorenzo Montúfar the religious atmosphere generated by the Carrera regime caused Cardinal Antoneli to remark that the two model countries in the western hemisphere were Guatemala under Rafael Carrera and Ecuador under Gabriel García Moreno. L. Montúfar, VI, 288.
pedro Tobar, this curriculum was completely out of harmony with the realities of the time since the curriculum lacked instruction in hygiene, the constitution, history and geography of Guatemala and of Central America. The administration of schools under the Conservatives was placed in the hands of the local religious and political leaders. The law provided that in each parish there must be at least two schools—one for boys and one for girls. Immediate supervision of the schools was placed in the hands of a commission composed of the pastor, a municipal official and a prominent member of the municipality who would be chosen by the pastor and municipal officials. The commission was in charge of establishing a fund, which would be used to finance the schools and aid the poor children, who lacked the financial means to attend. Not only would the fund be applied to the payment of tuition fees in the case of poor students, but it could be used

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77 Tobar, p. 15. Tobar notes that history, except sacred history, was generally neglected throughout the Carrera-Cerna administrations. He did state that the seminary in the capital under the Jesuits offered a course in world history. He found similar references to the teaching of history and geography in the preparatory school in Antigua and in the Colegio de San Buenaventura. The latter institution is reported to have offered a course in the history of Central America. Ibid., pp. 15-16.

78 Pineda de Mont, III, 47.

79 Ibid., p. 49. The fund must have received small contributions from the central government since the budgets of President Carrera provided for primary education. For example see budget report for December 1, 1851, to June 1, 1852 in AC, "Acuerdos y Decretos del Gobierno Civil de los Años de 1850 a 1869," vol. XXIII, doc. unnumbered.
to provide clothing and medical attention. Thus gratuitous elementary education under President Barrios was not a complete novelty. In fact the Ley de Pavón also provided as did the Liberals in the 1870’s for wardens to check on truancy. Neither did the Ley de Pavón always neglect the practical sciences. Girls had to complete the same elementary curriculum as the boys but in addition they were required to take courses in sewing, embroidery, home economics, and "other matters suitable to their sex." Finally according to the Ley de Pavón schools under private direction were permitted, provided the necessary license was obtained from the minister of interior after the approval of the educational program by the ministry. There was no mention of a state subsidy for private education.

There is evidence that the Liberal educational reforms could not always be enforced. On April 15, 1877, Padre José Domingo Tellez informed the apostolic administrator that in his parish of Candelaria the parish still controlled the elementary school of San Casiano. The letter stated that the government intended to nationalize the school but for an unknown reason had failed to do so. At any rate the pastor found it impossible to continue the work of the school due to lack of financial resources and so he

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80 Pineda de Mont, III, 50.
81 Ibid., p. 48.
82 Ibid., p. 50.
83 Ibid., p. 52.
requested the municipality to take charge of the school. The school had an enrollment of one hundred boys and offered courses for the first five grades. The elementary curriculum was similar to the requirements in the educational decrees of President Barrios with the exception that instruction in religious doctrine, morality and sacred history still retained an important place. The influence of the Liberal educational reforms can be seen in the curriculum for the fifth grade where there were provisions for the teaching of the history of Central America, natural sciences, hygiene, bookkeeping, and rights and duties of Guatemalan citizens. The ecclesiastical Curia assured Padre Téllez that his request would be brought to the attention of the central government. There was no further correspondence in the matter to indicate the final disposition of the case. The case of Padre Téllez' directorship of an elementary school after the promulgation of the Liberal educational decrees appears unique, but there may have been other unreported cases. Although the central government desired an immediate enforcement of its educational decrees, the fact remains that it lacked both the personnel and resources. Thus the letter of Padre Téllez was not surprising. However, with the passage of time, one would expect a significant decrease of elementary schools under the directorships of local curates.

84 AC, vol. XIV, doc. 1981/2. 85 Ibid. 86 In the presidential message to the Constituent Assembly of 1876 there was mention of municipal and private schools under
Legal decrees in their cut and dried fashion may frequently leave much unsaid. Some gaps may be filled by a study of the Liberal and Conservative reaction to the program. One of the most acceptable aspects of the Liberal program was the emphasis on a practical curriculum, which was considered indispensable for industrial development. Marco A. Soto, one of the leading educational reformers during the presidency of Barrios, observed in 1871 that economic development was the greatest need in Central America and this need can be fulfilled only through education. Thus for Soto the real Revolution of 1871 was in the realm of education and as proof of this Soto pointed to the United States as the model. 87 The role of education as one of the basic keys to progress was reiterated in the pages of El Porvenir, which called material progress "... the absolute ideal; the effective force local or private direction. The president did not say how many such schools were in existence. Mensaje y Memoria Que el Presidente de la Republica de Guatemala, General D. J. Rufino Barrios dirije a la Asamblea Nacional Constituyente Instalada en 11 de Setiembre de 1876, p. 37.

87 El Centro Americano, November 12, 1871, pp. 1-3. Marco A. Soto called for an increase in immigration, capital investments, and an introduction of modern communication systems and inventions such as steam and electricity. In regard to immigration, Soto noted the examples of the United States, Peru, Chile and Argentina. Ibid. Soto along with his Liberal contemporaries looked upon the earlier Conservative Period as an "age of darkness." Tobar significantly comments that Soto and the large majority of the Liberal reformers of the 1870's received their education under the Conservative regime. Tobar, pp. 23-24.
in all places and times, and the constant genesis of man who
works, thinks and loves.\textsuperscript{88}

The role of education as the initiator and stimulator of ma-
terial progress required a curriculum tailored to such an objec-
tive. The educational decree of President Barrios showed this
influence by the stress on practical courses. In this spirit the
\textit{Revista de la Universidad de Guatemala} could write that one of the
most fundamental principles of education was "... knowledge of
the most useful branches of human wisdom: reading, writing,
counting, mathematics, physics, physiology, mechanics, astronomy,
natural sciences, chemistry, philosophy, legislation and medi-
cine."\textsuperscript{89} A course in religion could fulfill this objective if one
studied the universe wherein are to be found the immutable, all
wise and eternal laws of God, which serve as a norm of conduct.
This type of religious course, according to the publication, did
not mean the subjugation of religious instruction to any ecclesi-
astical hierarchy.\textsuperscript{90} While the immortality of the soul was ad-
mitted the moral conduct of man was viewed purely in terms of the

\textsuperscript{88}\textit{El Porvenir}, July 24, 1877, pp. 65-67. The newspaper's
obsession with material progress went so far as publishing a
Similar glorification of scientific achievements were expressed
in \textit{El Independiente} (Guatemala), September 18, 1879, p. 4.

\textsuperscript{89} \textit{Revista de la Universidad de Guatemala}, January 1, 1873,
p. 1.

\textsuperscript{90}\textit{Ibid.}
general welfare of society. "Personal happiness is not the object of existence. The object is the development of the human faculties and the improvement of our fellow-countrymen." This same scientific religion and morality was advocated by El Guatemalteco. In an article entitled "The Official Teaching," the author (signed "Z. Z. Z.") explained that the state may not subsidize the teaching of any one religious doctrine since this is not the end of the state. Rather the state must guarantee the right of free exercise of all religious cults. Yet the state can teach religion by having the pupil study God's creation in a scientific way and thereby bring the pupil closer to the knowledge of the true God. This mission of the state does not interfere with the mission of the priest, which requires preaching, teaching, baptizing, saying prayers and Masses and performing other religious ceremonies.

El Porvenir defined this new religion of the state as "... the religion of duty, the religion of work, the religion of the rights of man, the norm of human actions, the principles of morality and philosophy." Religion in this sense takes on the same character-

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91 Ibid. and El Pensamiento (Guatemala) September 25, 1877, p. 33.


93 El Porvenir, June 25, 1879, p. 34. For similar ideas see also Ibid., March 27, 1879, pp. 332-334. This publication devoted
istics as the other practical sciences—that is it is a science that no longer needs dogmas based on faith but its acceptance is based on the observation of natural phenomena. It was in this spirit that El Pensamiento wrote that "in educated observers lies the key of all the principles of education." Therefore the Liberal argued that although his curriculum provided for no course in the study of any one specific religious dogmas, the teaching of a natural religion was not neglected. In fact, this same argument pointed to the advantage that such a natural religion would cause little or no controversial questions since the search for truth was based on observation. This meant that religion was basically an experimental science.

Whether in the teaching of a natural religion or any of the other practical sciences the criteria for evaluating an educational system was its utilitarianism. Lorenzo Montúfar, minister of

much space to religion as a purely rational science. One of the leading contributors was Valero Pujol, a native from Spain, who served in the Barrios administration in its closing years. The publication also carried rebuttals to the rationalistic articles of Valero Pujol. For examples see Ibid., October 8, 1879, pp. 145-148 and pp. 151-152; November 10, 1879, pp. 177-181; April 18, 1880, pp. 305-307; May 20, 1881, pp. 241-245; June 5, 1881, pp. 289-292; and August 15, 1881, pp. 321-325. Valero Pujol later wrote a textbook under government auspices for secondary schools. It was a philosophy of history written according to the norms of August Comte. Valero Pujol, Compendio de la Historia de la Filosofía (Guatemala, 1885).


95 The Escuela de la Merced, a government operated elementary school, did list a course in religion entitled "Historia de la Religión," which may have had strong Positivist orientation.
public instruction, in a speech delivered on December 8, 1877, at the awarding of prizes for academic achievement in the Escuela de santo Domingo remarked that 19th century progress demanded a different course of studies than that used in the past. He noted, for instance, that Samuel Morse did not conquer distance by translating Virgil; Benjamin Franklin did not study lightning by commenting on St. Thomas Aquinas; and Robert Fulton did not invent steam navigation by explaining the Bible. This for the orator was sufficient proof that the study of Latin was impractical in the 19th century. 96 He added that the true evaluation of any educational system was its ability to enlighten the citizens for living in a democratic republic. "If you desire that there be morality and justice, teach the people the laws of nature, which are the divine laws. If you truly love the fatherland, do not engulf yourself in the admiration of your temples, your streets and your markets, which compared with the temples, streets and markets of other nations are of little consequence. Teach the people and the enlightenment will turn rivers into canals, create railroads and place us in quick contact with the enlightened world. This will be the crowning of democracy." 97 For Montúfar

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96 R. Montúfar, p. 223. The speech was printed in El Pensamiento, December 10, 1877, pp. 76-77.

97 R. Montúfar, p. 223.
the two best models of education for democracy were Great Britain and the United States. President Barrios in his message to the constituent Assembly of 1876 observed with pride that his government had made important advances and that the appreciable increase of expenditure for public education was thereby fully justified. The expenditures became burdensome because the government was forced to replace the Jesuits and other religious members so as to prevent the teaching of "fanaticism" and antisocial ideas and thus bring the educational system into harmony with the needs of man in the 19th century.

There is no record of an ecclesiastical protest against the educational decrees. The apostolic administrator undoubtedly saw some merit in the educational reforms. The secularized aspects of the program could have merited a formal protest but Padre Ruíl's policy of conciliation probably dictated silence in the matter. Yet, given the opportunity, the apostolic administrator did inform the faithful concerning the Church's opposition to a materialistic education. One such case was his sermon

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98 El Pensamiento, December 10, 1877, p. 77. Similar ideas were expressed by Martín Barrundia, a member of the Barrios cabinet. El Progreso, December 3, 1876, p. 3.

99 Mensaje y Memoria Que el Presidente de la República de Guatemala, General D. J. Rufino Barrios dirije a la Asamblea Nacional Constituyente Instalada en 11 de Setiembre de 1876, p. 34.

100 Ibid., pp. 36-37.
in the cathedral on Palm Sunday of 1875. Although he admired and urged scientific progress, he remained the faithful that the stress on material progress and the consequent lack of religious instruction had weakened the religious sentiments of man. In addition all the stress on material progress had still not solved the poverty stricken conditions throughout the world. He called attention to the Scriptural phrase that "Not by bread alone does man live but by the word that proceeds from God." Padre Ángel M. Arroyo on November 28, 1875, expressed similar ideas. Padre Arroyo expressed admiration for the progressivism under Barrios, but told his listeners that sacerdotal teaching was not an enemy of public instruction, but an aid to public education. In fact sacerdotal instruction was considered an indispensable element in the success of public education, in the advancement of civilization and in the complete reform of public and private morality.

Undoubtedly similar unreported expressions must have been made frequently from other pulpits. The expressions of Padre Raúl and Arroyo were favorable to material progress but the two Church men were not reconciled to secularism in education.

101 Exhortación para el Domingo de Ramos, Hecha por El Gobernador de la Mitra Presbítero Don Juan Raúll y Bertran, en la Santa Iglesia Catedral de Guatemala (Guatemala, 1875), p. 10.

102 El Guatemalteco, December 11, 1875, pp. 2-3. Padre Arroyo gave this address on the occasion of the awarding of prizes for academic achievement in the Escuela Nacional Gratuita de San Francisco.
Neither the decrees nor the majority of the commentaries on public elementary education discussed education of the Indians among whom the illiteracy rate was the highest in Guatemala. One can suspect that President Barrios and his Liberal aids hoped that once a widespread system of public education would be established, the Indians in the course of time would take advantage of the opportunities. However one Liberal publication, *El Progreso*, thought more positive action was needed. It attributed their backwardness to a lack of education which was both the duty of the government and the private citizen to remedy. The government could fulfill its task by providing schools while private citizens (presumably those of means) could bring the Indians to the city to educate them and provide employment. It was hoped that the Indian would then return to serve as models for their communities. A similar system was employed successfully by the Dutch in Sumatra. The plantation owners also were urged to search out the best Indians and give them the proper training so as to serve as models to their fellow Indians. The Indians were to be rewarded properly so that they might have the necessary incentive to improve their lot.\(^{103}\) In a later issue *El Progreso* called for the establishment of special Indian schools. It optimistically remarked that

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\(^{103}\) *El Progreso*, September 10, 1876, pp. 2-3. The Liberal educational decrees of the 1830's called for similar private initiative to speed up the task of educating the Indians. *Recopilación de las Leyes de Guatemala*, III (1872), 33-34.
"with the enlightenment of the Indian's intelligence and impressing on his conscience an elevated idea of morality, the Indian can pursue ably the knowledge of progress and development which animates the government, contributes to the social ends, and each day makes for a greater degree of prosperity in the Republic."  

Only one or two other publications proposed special programs for bringing the Indians into the national life of the Republic. Presumably the Liberal found it foreign to his ideologies to provide for special (in the sense of privileged) educational institutions for the Indians. With his optimistic belief in human progress, he must have considered it sufficient to provide schools for all the people with the expectation that a properly enlightened man will avail himself of the educational opportunities.

104 El Pregreso, February 11, 1877, p. 2. Apparently in response President Barrios on January 4, 1881, decreed the establishment of a primary school for Indian girls in Cobán. Along with the local voluntary contributions the school was promised government aid. Recopilación de las Leyes, II (1881), 514-515.

105 As part of the program of assimilating Indians into the national life, Barrios on October 13, 1876, declared the Indians of San Pedro de Sacatepequez Ladinos if they wear the Ladino garb. Recopilación de las Leyes, I (1881), 453. The Barrios administration was mainly concerned with productive factor in the national econ 457-458; Ibid., II (1881), 69-75; La Es 1877, pp. 1-3. In 1880 one publication a special educational program for the I mala), May 27, 1880, p. 4 and August 12, 1880, p. 2. As will be discussed later Barrios opened a secondary school for Indians in Quezaltenango in 1880.

106 According to Ignacio Gómez the most pressing problem the Liberals faced after the introduction of the education reforms
Throughout the colonial period secondary education was offered either in the colegios mayores or in the university. The first attempt to make it a separate entity was initiated in the 1830's under the presidency of Mariano Gálvez in his decree entitled "Bases of Public Instruction." This arrangement was short-lived for in the 1850's under the Conservative administration of Rafael Carrera it was again offered in the colegios mayores or in the University of San Carlos. 107

With the success of the Revolution of 1871, the Liberals made a second attempt to create a separate secondary educational system. The first attempt was made in 1872 with the establishment of the Instituto Nacional de Quezaltenango. 108 A similar institution was inaugurated in 1873 in Chiquimula and another one, the following year in Antigua. 109 These sporadic efforts at secondary education took on a more definite form with the promulgation of the

was the lack of school attendance. *La Sociedad Económica*, January 14, 1877, pp. 2-3.

107 González Orellana, p. 241. According to Tobar the Liberal reformers borrowed heavily from the educational reforms of the 1830's. Tobar, p. 18.

108 This institution was both a secondary and normal school for male students. *Ibid.* It offered courses in philosophy, physics, chemistry, mathematics, rhetoric, history, theoretic and practical arithmetic, shorthand, vocal reading, typographical composition, geography, bookkeeping, Spanish grammar, English, German, French, Latin, class preparations, morality and urbanity. *El Pregreso*, February 1, 1874, p. 3.

The decree called for the establishment of six secondary schools—one in each of the following cities: Guatemala, Quezaltenango, Antigua, Chiquimula, Salamá and San Marcos. All of these were to be staffed by teachers approved by the government. Article 15 of the decree divided the curriculum into five levels of instruction. The curriculum showed a heavy Positivist orientation and included a wide range of subjects such as Spanish grammar, Latin, French, English, German, arithmetic, drawing, geography of Central America and of the world, history of Central America and general history, algebra, geometry, trigonometry, bookkeeping, anatomy, physiology, zoology, botany, chemistry, geology, hygiene, philosophy of history, cosmography, physics, mechanics, mineralogy, psychology, rhetoric, poetry, logic, Spanish and American literature, urbanity and morality.

Along with the provisions for secondary education there was established a normal school in the capital, which originally was separate from the secondary school system. According to the decree issued on January 19, 1875, the normal school was established in the nationalized seminary building of Colegio

110 Recopilación de las Leyes, II (1876), 112-113. Valero Pujol was commissioned in 1876 to supervise these secondary institutions. González Orellana, pp. 241-242.

111 Recopilación de las Leyes, II (1876), 114-115; Valladares, p. 310.

112 The normal school system was later incorporated into the
Tridentino. The object of the normal school was the formation of qualified teachers for normal schools to be established later in the departments and the training of directors for the elementary schools. The core of the curriculum was essentially the same as that for the secondary schools. Teachers destined for primary instruction were not required to take the advanced courses, which were needed only for secondary instruction or for directors of elementary schools.

The true difference between the secondary and normal curriculum was the course of pedagogy, which called for instruction in theoretical and practical pedagogy along with its most up-to-date methods. In addition the student was required to study the laws of public instruction and the duties of a school administrator. Knowledge of building schools and facilities needed for instruction was also required. The period of training was to cover three years for those students destined to be directors of normal schools or destined to teach on the advanced level of primary instruction. One year was required for those who intended to teach on the lower levels of primary schools.

Finally, annexed to the normal school there was to be a primary school, which was to serve for practice teaching.

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113 Recopilación de las Leyes, II (1876), 106.
114 Ibid., p. 107.
115 Ibid., p. 106.
116 Ibid.
117 Ibid., p. 109.
The two original decrees concerning secondary and normal instruction were periodically revised and amended. For instance, the revision of December 6, 1876, required the Central Normal School, as it was then known, to reduce its scope of instruction. The training of teachers for other normal schools was no longer its function. In addition practice teaching was now to be given in the Central Normal School and not in an adjoining primary school as previously stated in the decree of January 19. On April 7, 1877, additional revisions were made. The secondary curriculum underwent no fundamental changes but there were a few significant additions and eliminations. For example the revised curriculum called for courses in reading, penmanship, surveying, natural history, singing and music, all of which were not listed in the secondary curriculum of 1875. Singing, music and drawing were classified as electives. The revised curriculum made no mention of such earlier required courses as anatomy, botany, geology, minerology, rhetoric, poetry, Spanish and American literature. Undoubtedly some of the courses with a more limited content required by the earlier curriculum were now included in course offerings of a more general nature. For instance, the sciences of anatomy, botany, geology, and minerology could have been taught in an elementary fashion in the new course entitled natural history. Rhetoric, poetry and literature could have been included under the

118 Ibid., I, 463-465.  
119 Ibid., II (1881), 87.
course heading of reading. While there is no way of knowing the true course content, the course designations of the revised curriculum indicate a more general and elementary approach in secondary education. Two years of experience may have indicated to the educational reformers that their original curriculum requirements were beyond the grasp of the type of student that they wished to educate.

There was a special curriculum for girls. The decree exempted the girls from taking such courses as Latin, algebra, geometry, trigonometry, surveying, bookkeeping, mechanics, physics, psychology, logic, and moral philosophy. In mathematics girls were required to take courses in elementary geometry and physics. In addition they were required to take singing, music, dancing, domestic hygiene and vocational training suitable to their sex and state in life. The remainder of their curriculum was the same as that of the boys.120

On entering secondary education all students were required to present a certificate noting the successful completion of all levels of primary education. This was determined by means of a general examination and those who performed satisfactorily were to be rewarded with the title of "bachiller en artes," which was to be conferred by the rector of the university.121

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120 Ibid.
121 Ibid. The time required for the completion of secondary education was five years. The time could be shortened provided
Teacher training called for the establishment of two normal schools in the capital—one for male students and the other for female students. A similar arrangement was to be followed for the eastern and western areas of the republic. The curriculum for the normal students was essentially an amplification of the elementary curriculum for boys and girls plus the study of pedagogy, rhetoric and poetry.\textsuperscript{122}

Individuals or associations were permitted to open private schools with the authorization of the government. This required a state approved program of studies, successful completion of government issued examinations by the students, and payment of the official examination fees. All private schools were subject to government inspection.\textsuperscript{123}

The decree of April 7, 1877, was amended on the following May 21. Tuition of one peso per course was to be paid in the normal schools but the payment was not required if the minister of education found the student to be poverty stricken. It called for the reestablishment of a primary school next to the normal school for the purpose of practice teaching. Finally the normal school teachers were to be nominated by the minister of public

the student gave sufficient evidence of having mastered the material of the secondary curriculum.

\textsuperscript{122} Ibid., p. 90.
\textsuperscript{123} Ibid., p. 91.
The nomination of professors by the minister of public instruction shows the growing centralization on the secondary level. This may have been the work of Lorenzo Montúfar, who took over the duties of minister of public instruction in 1877.

The final major revision of secondary education during President Barrios' second administration occurred on December 13, 1879, with the enactment of decree 254 which embodied all previous educational reforms with a few minor changes. There was no essential change in the curriculum although a few courses such as Italian, military training and horsemanship were added as electives.

Secondary education was highly centralized. The director of the secondary institution had the right to draw up a list of teaching personnel but all approvals for teaching positions came from the secretary of public instruction. Article 163 no longer permitted the normal system to function as a separate

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124 Reglamento Complementario de la Ley de Instrucción Pública, Decretado en 21 de Mayo de 1877, pp. 6-8.

125 For a brief biographical sketch of Lorenzo Montúfar during the Barrios administration see James Grant Wilson and John Fiske, eds., *Appleton's Cyclopaedia of American Biography* (New York, 1888), IV, 375.


127 *Ibid.*, p. 373. Other duties of the secretary of public instruction included complete supervision over all phases of public instruction. Although the decree provided for the creation of departmental and municipal juntas of education, all were directly or indirectly responsible to the secretary of public instruction. *Ibid.*, pp. 403 and 405-406.
entity, but incorporated it into the secondary school. The period of instruction was to last three years. The first year was devoted to "the perfection of the courses which had been studied on the complementary level in the primary school." In the second and third year the student was expected to devote himself to the study of physiology, basic algebra and geometry, French, English and practical and theoretical pedagogy. In the study of pedagogy important stress was placed on the "system of objective teaching." For practical application of the science of pedagogy the decree required that each secondary school must have a primary school for practice teaching.

128 Ibid., p. 377. The reason for combining the secondary and normal schools was, according to González Orellana, probably an economy measure. The two systems remained united until 1887 when they were again separated. González Orellana, p. 242.

129 Recopilación de las Leyes, II (1881), 377.

130 Ibid.

131 Ibid. The educational reform act of November 23, 1882, re-emphasized the objectives of Positivism and utilitarianism in the secondary curriculum. The act also called for further centralization and unification of the educational system. Leyes Emitidas por el Gobierno Democrático de la República de Guatemala, III (1883), 291-300 and 319-322. The author of a Positivist textbook on philosophy characterized the act as embodying the basic principles of Positivism. Herrera, pp. vii-ix. An additional educational reform act issued on December 6, 1884, made no basic changes either in the secondary or normal school curriculum. Leyes Emitidas por el Gobierno Democrático de la República de Guatemala, IV (1886), 272-275.
The inauguration of the normal system was intended to provide the necessary teachers for the rapidly expanding system of education. Consistent efforts were also made to encourage teachers from foreign countries to come to Guatemala in order to reduce the teacher shortage and provide worthy models in the science of pedagogy. The president in his message to the assembly on September 11, 1876, reported that his administration had obtained teachers from the United States to staff the normal school and the school for girls. Similar efforts were made in regard to other educational institutions but it was impossible to obtain the de-

132 In 1879 El Guatemalteco expressed great satisfaction over the school of San José Calazanas under the directorship of Buenaventura Murga, who employed German and North American educational systems as models. El Guatemalteco, January 9, 1879, p. 2. Among the Latin America republics Chile ranked very high as a model—especially the Chilean writers, José Victorina Lastarrí and Miguel Luis Amunategui. On June 6, 1879, an agreement was arranged between Guatemala and Chile calling for an exchange of publications. Ibid., August 21, 1879, p. 1. With the beginning of the publication of El Instituto Nacional, a journal dedicated to primary and secondary instruction, one can find many articles on foreign educational programs and articles written by foreigners. For example see Miguel Luis Amunategui, "Influencia de la Instrucción primaria en las costumbres, en la moral pública, en la industria y en el desarrollo general de la prosperidad de los pueblos," El Instituto Nacional, I (September 1882–June 1883), 2, 17, 33, 49, 65, 81, 97, 113, 129, 145, 161, 177, 193, 209, 225, 241, 257, 273, 289, 305, 321, 337, 353, 369 and James Pyle Wickersham, "Métodos de instrucción," El Instituto Nacional, I (September 1882–August 1883), 126, 143, 144, 173, 205, 255, 283, 284, 317, 349, and 379. Mr. Wickersham served as the director of the normal schools in Pennsylvania. An agreement for the exchange of literary and scientific publications was also signed with Mexico in 1881. AGG, Legación y Consulado de Guatemala en Mexico (1875-1881), doc. B99-6-7, 4502, 93461.
sired number of teachers either from the United States or Europe. 133 During the following October negotiations for obtaining teachers from the United States continued. On October 17, 1876, Vicente Dardón, the Guatemalan minister in New York, informed the ministry of foreign relations that he had obtained the services of Madame Ernestina Martin. Her salary was stipulated as 100 pesos per month. The minister indicated that he would continue his efforts to find additional teachers. 134 Dardón's correspondence dated October 30, 1876, indicates the hiring of two additional teachers—each receiving a salary of 100 pesos per month with full reimbursement of transportation costs. One of these teachers, whose name he did not mention, was to accompany Madame E. Martin to Guatemala while the other, Miss Maria Smith, would arrive at a later date. In all cases the contract was to be of a year's duration, which was considered sufficient time for the teachers to judge if their teaching assignment would meet their expectations. Dardón was highly pleased with his selections and noted that all had graduated from distinguished schools and enjoyed a considerable number of years of teaching experience. 135

133 Mensaje y Memoria Que el Presidente de la República de Guatemala, General D. J. Rufino Barrios dirigió a la Asamblea Nacional Constituyente . . . , p. 35.


135 Ibid. Later correspondence in 1884 called for the sending of educational laws of the United States, academic programs
It is difficult to say how many foreign teachers came to Guatemala during the Barrios regime. According to Hubert Bancroft teachers from the United States and Europe were in charge of the Escuela Politécnica, the normal school in the capital and the Escuela de Belén (for females). The last one according to Bancroft was conducted on a plan developed in the United States.136 Probably the most noted foreign educator was Miss Lina Stehelin, directorress of the Escuela de Belén, or officially known as the Instituto Nacional Central de Señoritas.137 Since all the above institutions were in the capital, the indication is for the schools of law, medicine and engineering and a list of textbooks used in public institutions. Ibid., Legación de Guatemala en los Estados Unidos 1883-1885, doc. B99-6-3, 4438, 93394; Ibid., Legación y Consulados de Guatemala en los Estados Unidos del Norte, 13 Obre. 1881 a abril 1885, doc. B99-6-3, 4436, 93392. From 1881-1884 requests for similar educational material were made in Mexico. The most significant aspect of the requests for educational material in Mexico concerned the desire of obtaining various letters of Gabino Barreda, wherein he set forth his ideas on education. Ibid., Legación de Guatemala en Mexico, IX (1881), doc. B99-6-7, 4005, 93464; X (1882-1883), doc. B99-6-7, 4507, 93466; ibid., Legacion y Consulado de Guatemala en Mexico, 1879-1882, doc B99-6-7, 4504, 93463.

136 Bancroft, III, 432.

137 Díaz, Barrios ante la Posteridad, p. 274. Prior to her position as directorress of the Escuela de Belén, Miss Stehelin served as vice-directorress of the Colegio Nacional de Niñas, where Misses Otta James and Luisa Hekking, both foreigners, held the positions of directorress and teacher respectively. El Guatemalteco, September 24, 1875, p. 4. The original director of the Instituto Nacional Central de Varones (formerly Colegio Tridentino) was a Cuban by the name of Hildebrando Marti, who was shortly replaced by Doctor Santos Toruño. Ibid., p. 271.
that the central institutions had a priority on foreign teachers and administrators. Later on in 1882 efforts were made to hire foreign teachers for schools outside the capital especially for the Instituto Nacional de Señoritas de Occidente. One may easily suspect that the demand for foreign educators was never fully satisfied and this may have prompted the president on June 2, 1883, to grant ten scholarships to qualified students for studies abroad.

Decrees on secondary education like those of primary, permitted private schools to function, but few were begun or remained in operation during the Barrios period. Among the Catholic private schools there is mention of only two, the Colegio de Infantes, a seminary, and San Ignacio. On October 25, 1875, the government approved their course of instructions provided that the students matriculate in the Instituto Nacional in the capital and take the required state examinations. Approximately a month prior to the validation of courses in the Colegio de

138 *Leyes Emitidas por el Gobierno Democrático de la República de Guatemala, III* (1883), 343-344.

139 Ibid., p. 392. Another device for the improvement of teachers engaged in primary education was the inauguration of a teachers' society known as La Academia de Maestros de Guatemala on June 2, 1883. Ibid., p. 401.

140 El Guatemalteco, November 12, 1875, p. 2; *Recopilación de las Leyes*, II (1876), 169.
Infantes and San Ignacio, the president issued an order withdrawing all government subsidies for scholarships in the major and minor seminaries. It was pointed out that if these students wished the continuation of their scholarships, they would have to enter the Instituto Nacional in the capital as boarding students.¹⁴¹

There is a case on record where a private school received government aid. On February 13, 1879, the president ordered that 200 pesos be given monthly to a school founded by Professor José María Izaguirre.¹⁴² This example is an exception and may have been done to further the cause of education along all lines. There is no evidence of any similar subsidy to a school under Catholic auspices. There also is a report that President Barrios gave financial aid to a Protestant Sunday school established in 1882. According to Nevin O. Winter the president urged the Presbyterian Board of Foreign Missionaries in the United States to send a minister to Guatemala. The president assured the board that all traveling expenses and certain living accommodations for the minister and his family would be provided by the president. After the missionary opened a Sunday school, Barrios sent two of his children to the school and urged his officials to do the same. Mr. Winter claimed that "... for a time at least, the Protestant

¹⁴¹ Recopilación de las Leyes, II (1876), 156.
Mission was very popular and fashionable.\textsuperscript{143}

The administrative and curricular changes made in secondary education were similar to those on the primary level. First there was a strong emphasis on centralization and unification of the secondary system. This was effected through the office of the secretary of public education and its departmental offices. Secondly the secondary curriculum had a strong Positivist and utilitarian orientation leaving little room if any for religious instruction. The Liberal contemporary press saw this orientation as one of the outstanding advances of the nineteenth century. The Positivist influence was noted by \textit{La Civilización} in its review of a book written by Dr. Luis Bückner of Germany. In commenting on the achievement of science, the periodical observed that "today Religion can no longer leave its limited boundaries nor can it aspire to seek solutions to points at issue without exposing itself to defeat by the invincible superiority of the positivist

\textsuperscript{143}Winter, p. 191. The report of Mr. Winter is confirmed by another North American traveler in Guatemala shortly before the death of President Barrios. Helen H. Sanborn, whose father, James S. Sanborn, was associated with the firm of Chase and Sanborn, reported that the mission school along with the Protestant church was very successful, especially since it afforded the students an opportunity to learn English. Miss Sanborn indicated that the school had the hearty support of the president not because he favored Protestantism but "... because he recognized in it a civilizing and progressive power...." He showed his approval by sending his own children to the school. The traveler noted that among the populace the school was called in derision a "Protestanteria"--a shop for making Protestants. Helen J. Sanborn, \textit{A Winter in Central America} (Boston and New York, 1887), p. 119.
Thus Valero Pujol, an instructor of moral philosophy and the history of philosophy in the National Institute, claimed that religion had no connection with morality since morality was purely a rationalistic science. For Pujol morality could be reduced to the simple rule of never doing any evil and doing good in all things possible. One may suspect that there were extreme statements of the new spirit of Positivism. More representative of the Guatemalan Liberal educators might be the observations of Santos Toruno, director of the National Institute. In the new educational program the director thought both theoretical and practical aspects were necessary although he considered the latter of greater importance. He wrote that he would employ

La Civilización, September 21, 1876, p. 154. The same publication of an earlier date in commenting on the law of progress found it not in philosophic speculation but in material prosperity which is furthered by the study of science and hard work. Ibid., January 3, 1876, p. 9 and February 4, 1876, p. 21. The editors of La Civilización were Ignacio Gómez and Valero Pujol.

Valero Pujol, "De la Moral," El Instituto Nacional, I (January 31, 1883), 154. In an earlier issue Pujol announced that he had been commissioned by the government to write a text for the courses of morality and history of philosophy offered in the secondary institutions. He commented that he would not conceal the fact that "the bases on which the treatise rests are reason and liberty." Ibid., I (October 31, 1882), 59. Pujol’s text was not published until 1885. It demonstrates a faithful adherence to the philosophy of August Comte. Valero Pujol, Compendio de la Historia de la Filosofía, (Guatemala, 1885). Perhaps the most extreme expressions of the materialistic aspects of Positivism were made by Lorenzo Montúfar in a speech given on April 21, 1877, in the Escuela Normal de Guatemala. The speaker found no essential difference between animal instinct and men’s intellectual faculties. R. Montúfar, ed., pp. 169-170.
"... a practical synthesis instead of a theoretical analysis, the living dialogue of Socrates in place of the dead learning of scholasticism, tenacious repetition and the progressivism of Pestalozzi instead of the out-of-date routine of the old school and finally the use of the fruitful polemic and intellectual exchange of Lancaster in place of the refractory dogmatism of the old schools. ..." 146

The more moderate pronouncements of Santos Toruno probably did little to remove the suspicions of the religious leaders who saw a definite antireligious trend in the educational reforms. There is no specific ecclesiastical protest recorded against the secondary educational decrees. The absence of a formal protest in all probability did not prevent the clergymen in their Sunday sermons from inveighing against the Positivist orientated curriculum. Since the secondary school, especially the normal school, was a Liberal innovation, the Church was less concerned than when deprived of its influence on the primary level. In addition the Church still retained its control over Colegio de Infantes—the training place for its future priests.

More significant than the secondary educational decrees were the Liberal innovations in the university—an institution with which the Church was most intimately associated ever since its foundation in the latter part of the 17th century. The

146* El Guatemalteco, August 25, 1876, p. 3.*
university reform program was initiated with a report written by Marco A. Soto, minister of public instruction, and submitted to the president on July 1, 1875. The report called for a reorganization of the university, which the minister considered long overdue. It was observed that the guiding principles of the institution were still those Charles II set down in 1686 when the university was founded. Soto admitted that revisions were attempted by Mariano Gálvez in 1832 with the creation of the Academy of Studies but these reforms were undone under the Conservative administration of President Carrera in 1855 when the principles of Charles II were reinstated. Soto noted that with the establishment of normal schools the university no longer had the function of training primary and secondary teachers, but still retained its twofold character of cultivating the sciences and letters. In the reorganization plan Soto called for the division of the university into various faculties which would bring a certain amount of decentralization. To maintain unification of the faculties it was suggested that a superior council be formed. At the same time the minister called for an extensive and practical curriculum in each of the faculties. The author of the report was especially hostile to the age-old practice of opposition—a method employed to select qualified candidates for university chairs. He argued that the system proved impractical since many capable men might refrain from applying for a university position out of fear of losing and thus being exposed to public ridicule.
Moreover if a candidate showed vast erudition, this for Soto did not imply that the man could teach. The minister also feared that the commission in charge of the opposition did not always render an impartial decision and future candidates were discouraged. He therefore recommended that all future nominations for university chairs be made by the civil government from a list of candidates (called terna) presented by the respective faculties. Finally the minister advised the abolition of the Colegio de Abogados and Protomedicato since the duties of these two institutions were now being taken over respectively by the Faculty of Law and the Faculty of Medicine. 147

The report of the minister was immediately followed by a decree, also dated July 1, 1875, calling for a general revision of the university program. The name of the university, University of San Carlos Borromeo, was changed to University of Guatemala. Article 2 stated the purposes of the university to be the furtherance of the sciences, letters and professional instruction. As a scientific and literary corporation the university was to be composed of the professors of the faculties under the supervision of a rector. The corporation had for its objective:

(1) to employ all measures which are conducive to the diffusion of knowledge in the republic, (2) to treat and resolve questions of scientific and literary interest, (3) to hold conventions elucidating scientific themes, which possess

147 Recopilación de las Leyes, II (1876), 139-142.
practical and recognized utility, (4) to award prizes to authors of scientific and literary works, and (5) to inform the government of the convenient measures it may undertake to reward professors and students of the various faculties who merit special distinction.\footnote{Ibid., pp. 142-143. This decree automatically suppressed the pontifical nature of the university, which dated to colonial times.}

Greater civil intervention in university affairs is seen in the articles describing the top administrative offices. For instance, the government had the right to nominate the rector and vice-rector—a departure from the old practice whereby the university corporation had for all practical purposes the final word in the selection of the rector.\footnote{Ibid., p. 144.} This was the first strike at the autonomy of the university. José Mata Gavidia commenting on the royal charter setting up the university said, "The University of San Carlos did not depend on the Captain General nor the Audiencia but only on its own statutes. It had its own source of income and its students, professors and administrative body enjoyed their own fuero even in judicial affairs."\footnote{Mata Gavidia, p. 223.} The autonomy was further weakened in the articles concerning the faculties. Article 22 called for the creation of the faculty of jurisprudence and political and social sciences, faculty of medicine and pharmacy and faculty of ecclesiastical sciences.\footnote{Recopilación de las Leyes, II (1876), 145. The first faculty organized after this decree was that of law. The faculty of medicine was not organized until 1880. With later university
was to be composed of nine members nominated by the government and supervised by a governing junta composed of a dean, vice-dean, two voters called vocales and a secretary. The dean and vice-dean were to be appointed by the government whereas the remaining positions were to be filled by a majority vote of the members of the faculty. The term of offices for all members of the junta of direction was two years with the right of re-election. 152

Each faculty was required to offer a five year program with the exception of that of the faculty of pharmacy which was to be four. The prerequisite of admission to a faculty was a diploma of Bachelor of Sciences and Letters. 153

It will suffice for the present study to discuss the curriculum of only the faculties of law and ecclesiastical sciences. The required courses in the faculty of law were history of law, natural law, Roman law, international, private, civil, penal and mercantile law, judicial proceedings, forensic and parliamentary eloquence, legal medicine, comparative legislation, advanced

reforms the number of faculties was increased. González Orellana, pp. 244-245. Under the older statutes the university was divided into chairs. For instance the university reforms of 1840, which did away with the educational reforms of Gálvez, provided for twelve chairs: dogmatic theology, Sacred Scripture, canon law, law, natural law and law of nations, medicine, surgery, anatomy, Latin and rhetoric, philosophy, physics and pure mathematics. Pineda de Mont, III, 178. This was the core of the university program until the Revolution of 1871. Gaceta de Guatemala, February 15, 1869, pp. 5-6.

152 Recopilación de las Leyes, II (1876), 145.  
153 Ibid.
world history, philosophy of morality and law, science of legislation, diplomacy, constitutional and administrative law, political economy and statistics. 154 The program of studies in the faculty of ecclesiastical sciences included advanced Latin, moral and dogmatic theology, Sacred Scriptures, canon law, comparative history of religions, ecclesiastical history and sacred oratory. 155 The new ecclesiastical curriculum contained innovations which were not part of the curriculum enacted by the Conservative administration in 1840 and 1855. For instance the older regulations required a theological program of only three years whereas the Barrios program called for five years. This was due to the fact that many of the courses required by Barrios for a doctor's degree in theology were required by Carrera for a bachelor's degree. There was no ecclesiastical history or comparative history of religions in the educational program of President Carrera. 156 One may strongly suspect that the course in the study of comparative religions had a Positivist orientation, but this undoubtedly depended on the theological convictions of the instructor.

154 Ibid., pp. 145-146. 155 Ibid., p. 146.

156 Pineda de Mont, III, 185 and 206. The Carrera law of 1855 also contained provisions for the establishment of a university chapel, which had been abolished by the Gálvez reforms. Ibid., p. 204. The Barrios reforms contain no such provision.
In accordance with the recommendations of the minister opposition for the selection of professors was abolished. Although the faculty had the right to submit a *terna* for a vacant chair, the civil government made the final selection. 157 This gave the political authorities another important voice in university affairs.

The decree also provided for certain student directives such as rules for attendance at classes and requirements for the degree of doctor. In addition to the prescribed course work the degree required a written and oral examination. The written examination was to cover the student's field of concentration while the oral examination was limited to the student's thesis. 158

The concluding articles were a brief resume of the duties of the university to the civil government. The university through the rector was expected to seek the approval of the civil government over all regulations essential to the promotion of the sciences and letters, library, publication, incorporations, policies of the superior council, faculties and professors and over everything which concerned the economic administration of the university. 159 Such a broad power obviously offered the civil authorities many opportunities to intervene in university

157 *Ibid.*, II (1876), 146. For the appointment to chairs by opposition see Pineda de Mont, III, 207.

158 *Recopilación de las Leyes* II (1876), 147.

This basic law of superior instruction was amended on December 7, 1875. Of special significance are those changes which affected the faculty of ecclesiastical sciences. Article 2 of the amendment, or reglamento as it was called, provided that "The doctors of the faculty will be those ecclesiastics who undertake a career in conformity with the disposition of the organic law of superior instruction and the present reglamento. This does not deprive any licenciado or national doctor of his rights acquired in the use of his titles or free exercise of his functions. The only thing that is declared is that no one will be a doctor in the faculty of ecclesiastical sciences of the National University, nor will he enjoy the rights and preeminence flowing from the title as long as his incorporation in the faculty has not been verified." The conditions of incorporation were set down as follows: (1) presentation of the candidate for incorporation before the governing junta along with the title desired (2) satisfactory completion of prescribed rights called derechos and (3) taking the required public examination for the degree of doctor.

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160. The decree abolished the Colegio de Abogados and the Protomedical, since the functions of these institutions were now performed by the faculties of law and medicine respectively. 
Ibid. The Colegio de Abogados, dating to colonial times, was first abolished by Gálvez but was re-established under Carrera on November 11, 1843. Pineda de Mont, III, 216.

161. Recopilación de las Leyes, II (1876), 178.
162. Ibid., pp. 178-179.
These regulations gave the National University and indirectly the civil authorities an important voice both in the conferring of doctoral degrees on ecclesiastics and in the selection of ecclesiastics to chairs in the faculty of ecclesiastical sciences. Further interference is evidenced in article 12 which called for a monthly public conference during which a student in the faculty was required to deliver a paper. Article 13 urged the metropolitan prelate to attend the conferences and also to encourage clergymen resident in the capital to do likewise.\textsuperscript{163} Finally in article 21 the apostolic administrator was solicited to urge punctual assistance at classes for those destined for Holy Orders.\textsuperscript{164} The \textit{reglamento} was more specific than the previous educational reform in listing the required courses for ecclesiastical degrees. Besides breaking down the courses into a five year program, no significant changes were made in the ecclesiastical curriculum.\textsuperscript{165} The intent of the basic law of superior instruction and the \textit{reglamento} was to develop a better educated clergy, yet by the very fact that the state university was in charge of clerical higher education, it meant the development of a truly national clergy. In short the state both provided for and controlled clerical education. Thus the policy of centralization in education affected not only the laymen but it also

\textsuperscript{163}Ibid., p. 179. \hfill \textsuperscript{164}Ibid., p. 180.

\textsuperscript{165}Ibid., p. 181.
offered the state the opportunity to direct the education of the clergy. This does not imply that under the old colonial statutes of the university, which were in vogue when Barrios issued the new university reforms, the university rector and his governing board had been completely free from all civil intervention. For instance in the establishment of new chairs the state had always insisted on its right to approve such innovations. 166 At the same time under the old system the civil government as the special protector of the university stated its right of nominating one or two commissioners, who had the right of visiting the university and assisting the governing board whenever such assistance was deemed convenient. The commissioner(s) had no voting power but his main duty was to submit a regular report concerning university affairs to the government. 167 These colonial statutes make it clear that at least theoretically the authority in the university rested with the university administration. The university reforms of Barrios permitted no such autonomy and had the president been as successful in his control over the education of the clergy as he was in other areas of education, a truly national Catholic Church would have been inevitable.

166 Pineda de Mont, III, 209.
167 Ibid., p. 211. The university governing board consisted of nine members. Two of these were listed as council of state and four, as clergymen. All were nominated by the civil government. Ibid., p. 204.
On November 20, 1876, Barrios ordered the establishment of a second national university in Quezaltenango. This university was designated as the University of the West and was governed by the same statutes as the National University in the capital. A second university was to provide wider diffusion of knowledge and greater convenience for the students in the western areas in obtaining higher education.

The following year on April 7 the president enacted decree 179, which amended his earlier decrees on university education. The number of faculties was increased to six: law, notary, medicine, pharmacy, philosophy and letters, and physical-mathematical and natural sciences. The studies of notary were separated from the faculty of law, pharmacy from medicine and the new faculties of philosophy and the physical-mathematical and natural sciences were added. There was no longer any mention of the faculty of ecclesiastical sciences.

The curriculum of the faculty of law had few changes. Courses were added in canon law and Spanish and American

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168 Recopilación de las Leyes, I (1881), 460-461. In 1882 the president suppressed the faculty of medicine and pharmacy in the University of the West because most students were coming to the capital to study these professions. Leyes Emitidas por el Gobierno Democrático de la República de Guatemala, III (1883), 217.

169 Recopilación de las Leyes, I (1881), 460-461.

170 Ibid., II (1881), 88.
The new faculty of philosophy and letters called for a three-year program and listed the following curriculum: psychology, logic, ethics, history of philosophy, Greek language and literature, Latin literature, Spanish and American literature, French, English, Italian and German languages, advanced world history, and American history. This new faculty did not adequately replace the earlier faculty of ecclesiastical sciences since such courses as theology and metaphysics were lacking.

The decree prescribed that in conferring of both the degree of licenciado and doctor the signature of the chief of state and that of the minister of education were required. Again the state was assuming more university functions which hitherto were considered functions of the university corporation. In article 59 the government showed signs of reversing an earlier position when it permitted the use of opposition in awarding chairs, but added that the civil government had the right of nomination of professors for all official establishments. Article 68 provided for the creation of a national council of

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171 Ibid. 172 Ibid., p. 89. 173 Ibid. 174 Ibid., p. 92. The university Review recommended that serious consideration be given to the nomination of foreign professors to certain university chairs; for example, an Anglo-American for courses in engineering and mechanics, a Frenchman for courses in physics and chemistry and a German for the moral and philosophic sciences. Revista de la Universidad de Guatemala, I (December 15, 1877), 1-2.
public instruction located in the capital. The council was to be composed of the university rector and six persons—all nominated by the state.175 The minister of public instruction had the right to preside over the meetings of the council but he did not have the power of voting.176 Among the duties listed the council could propose to the government the necessary laws and reforms for public instruction, the creation or suppression of any educational institution, general media conducive to the spread of education in the republic, the annual budget for public instruction, teaching programs or modifications of existing ones and an annual report to the government of its activities.177 Although the council had substantial power in public education, it still was subject to the minister of education. Article 71 stated that the minister of public instruction had "supreme direction and inspection" of all public instruction.178

On December 13, 1879, the president issued decree 254 which included a general summary of university statutes with few significant modifications. The object of professional education was stated as the furtherance of knowledge required in scientific and literary professions. The number of faculties was reduced to four. The faculties of notary and pharmacy were again combined

175 *Recopilación de las Leyes*, II (1881), 92-93.
176 Ibid., p. 93. 177 Ibid. 178 Ibid.
with those of law and medicine respectively. A new faculty of
engineering was introduced.\textsuperscript{179} Again there was no mention of a
faculty of ecclesiastical sciences. The curriculum of the
faculty of law and notary contained no significant innovations
except that students in the faculty were now required to take
history of philosophy.\textsuperscript{180} The curriculum for the faculty of
philosophy and literature, as it was now designated, was one more
of literature than philosophy. Out of a total number of nine
courses only three could be classified as philosophy and among
these three the history of philosophy received the most em-
phasis.\textsuperscript{181}

In the selection of candidates for university chairs there
appears to be a retreat from earlier pronouncements. Article 243
still gave the civil authority the right of nomination but added
that the university could conduct oppositions for the vacant

\textsuperscript{179} Ib\textsuperscript{id.}, p. 378. Along with the educational reforms special
societies were formed to advise and aid the government in its
reform program. One such society was the Scientific Society of
Engineers of the Republic, which advised in matters of road
construction, census taking, property evaluations and scientific
advances in other countries. Rubio, pp. 340-341. In 1877 the
Scientific Literary Academy was founded to spread scientific
knowledge. \textit{El Guatemalteco}, May 25, 1877, p. 2. Another society,
\textit{El Porvenir}, received a monthly government subsidy of 100 pesos
to aid the general diffusion of knowledge. \textit{Ibid.}, August 11, 1877,
p. 1. A Society of Immigration was formed in the same year to

\textsuperscript{180} \textit{Recopilación de las Leyes}, II (1881), p. 382.

\textsuperscript{181} \textit{Ibid.}, p. 394. The writer has taken the liberty of
classifying logic, psychology and ethics as philosophy courses.
chairs. This idea is further elaborated in article 299 which provided that "Professors will be nominated by the government but if in the judgment of any of the governing juntas there ought to be any opposition for a vacant chair in the faculty, then the secretary of public instruction will be advised accordingly so that the matter may be conveniently resolved." This may indicate a lessening of government intervention in university affairs. Once again however it called for the establishment of the superior council of public instruction. Although the decree does not say so, this council appears to be the same as the previously mentioned national council of public instruction and in all probability the new council was intended to replace the older one. The new council was to consist of a president, deans of the faculty and a secretary. Both the president and secretary were to be nominated by the government. The term of office for each member was two years with the right of re-election. The government had the right to increase the membership in the council whenever it deemed it convenient so that eventually all areas of public education might have the proper representation. Thus the government through its own minister of education and through its right of nomination in the new council maintained a powerful

182 Ibid.
183 Ibid., p. 399.
184 Ibid., p. 400.
voice in all educational matters.

There were minor innovations in university educational programs after the passage of the Constitution in 1879. These innovations are beyond the scope of the present study; nevertheless, some of these reforms need be mentioned here since they clarify previous university changes. For instance, the university regulations of November 23, 1882, made no changes in the number and scope of faculties. Nor were there any substantial changes in the curriculum of the faculty of law and notary and the faculty of philosophy and literature. What is significant in this regulation and all previous ones is that the faculty of philosophy and literature was always mentioned last and received the least amount of space of all the faculties. One may suspect that the Positivist "Liberal" was indicating his prejudices against the humanities. In commenting on the courses of psychology, logic, ethics and aesthetics in the faculty of philosophy and literature, article 249 stated that these "... will be studied with all the extension possible, noting the critical judgments of the various schools and systems and giving preference to the Positivist system." The courses in history were to be taught in a very

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185 *Leyes Emitidas por el Gobierno Democrático de la República de Guatemala, III (1883), 301-305. The faculty of philosophy and literature added a new course called aesthetics. Ibid., p. 305.
186 Ibid., p. 312.
fundamental and complete manner principally from a literary viewpoint and with a concluding philosophical summary of the subject matter. 187

In the provisions concerning the administration of the university the government still retained its former control. The regulations stated that the governing junta of each faculty was to be elected by the members of the respective faculty. 188 At the same time the government still retained its right of final approval in the appointment of professors although the use of opposition was permitted. 189 In fact the secretary of public instruction was given the power to nominate a board of examiners to administer opposition. The nominations should be made "with the assistance of all of the professors of the faculty." 190 Upon the completion of the opposition the respective governing junta was to confer the chair upon the candidate selected by the board in charge of opposition. Both the governing junta and the board of examiners were reminded that the candidate in addition to possessing the necessary qualifications as a teacher must also have the necessary moral character. Should any difficulties arise about the moral aptitude or any other qualification, the secretary of

187 Ibid.
188 Ibid., p. 301.
189 Ibid., p. 318. Here there was no change from previous regulations since the consent of the minister of education was required to use opposition.
190 Ibid.
public instruction was to be consulted so that the matter might be resolved accordingly. 191 This, of course, meant that in final analysis all professors depended upon the good will of the government in their appointment to or retention of chairs. The continual expansion of state intervention in university affairs prompted Manuel Valladares, a critic of Barrios, to write that "the autonomy of the university was replaced by the invincible jurisdiction of the ministry of public instruction over the faculties, which annulled the social and political influence of the Faculty of Doctors." 192 The same writer then reminded his readers that the policy of centralization of power not only affected education on all levels but was a characteristic of the policy of the Liberal regime in all aspects of national life. 193

There was much in the university reform program which the religious leaders could not accept. Undoubtedly the most repugnant aspect was the state's attempt to supervise the education of the clergy. The disappearance of the faculty of ecclesiastical sciences indicates that this part of the program did not prove successful. Even though the president appointed ecclesiastics to chairs in the ecclesiastical sciences, Padre Raúll insisted on his right and duty to educate his own seminarians. 194 In an undated

191 Ibid. 192 Valladares, p. 310.
193 Ibid., pp. 311-312.
194 As examples of the appointments of clergymen to chairs in the ecclesiastical sciences see El Guatemalteco, October 24, 1875.
letter, but certainly some time after the president's decree of July 1, 1875, concerning higher education, the apostolic administrator informed the president that since the students of the Colegio de Infantes were dedicated to the service in the cathedral choir, the attendance of the students in the state university was impossible. Furthermore according to the priest the Colegio de Infantes had procured endowed chairs and thus the students could take the same courses in the seminary as were being offered in the university. The apostolic administrator pointed out that for some time the rector of the university had approved of this arrangement especially since the students had performed well in their examinations—a fact that reflected the competency of the seminary professors. In conclusion Padre Raúll desired that the president issue the necessary order so that this arrangement could be continued and in addition he sought validation for the curriculum in the areas of Latin, philosophy, mathematics, theology, canon and civil law without undergoing an examination administered by the university.195 The courses on the secondary level

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195 AC, tomo 1874, doc. 460. The request of Padre Raúll was...
had already received the required validation from the civil administration on October 25, 1875, but there is no reply on record to indicate that a similar validation was granted for the courses in the seminary on a university level. Since April 7, 1877, there was no mention in President Barrios' decrees on university education about a faculty of ecclesiastical sciences. The civil authorities may have deemed it prudent to forego this aspect of university reform. 196

If Padre Raúll encountered obstacles in offering university courses in the seminary, he still had the possibility of sending some of his seminarians to the Colegio Pio Latino-Americano in Rome. This seminary was founded on April 15, 1862, by Cardinal Antonelli to educate seminarians from Latin America—especially seminarians from those countries where the civil authorities interfered with the work of the Church in the education of its future priests. 197 In a letter of March 10, 1880, Padre Agustín Santinelli, S. J., rector of the colegio, requested financial

probably filed by mistake in this tomo.

196 The final reference to a purely ecclesiastical course in the university was that of canon law, which the president ordered suppressed on August 27, 1879. No reasons were given for the suppression. El Guatemalteco, September 2, 1879, p. 2. According to the report of Padre Raúll there were 200 students in the Colegio de Infantes in 1879 and he attributed the fact that the seminary was still in operation to the capable administration of its rector, Padre Alberto Rubio. AC, tomo 1874, doc. 323.

197 AC, tomo 1874, doc. 159.
assistance from the Latin American bishops to further the training of men for the priesthood. He added that "since the enemies of the Church would rejoice at seeing the seminarians, the chosen ones of the Holy See, decline in number with a grave danger to the Church, the superiors of all the foreign colegios in Rome believe themselves obligated to appeal to the zeal of their respective bishops for the purpose of sending new students and thus frustrate the impious designs of the enemies of the Church."  

There is no evidence that Padre Raúll ever attempted to send any of his seminarians to study in the colegio in Rome. At any rate the existence of such a seminary in Rome could be used in emergency if the state persisted in its plan of supervising clerical education.

Padre Raúll not only protested civil intervention in the training of the clergy but also refused to comply with the wishes of the civil authorities to support the monthly conferences for the clergy sponsored by the faculty of ecclesiastical sciences. The dean reminded the apostolic administrator that according to the civil regulations he should urge his clerics, who had not completed their theological studies, to do so in the university. He insisted that all of these regulations were intended for the formation of a more educated clergy. "This will once more convince the Supreme Government that the creation of this Faculty in

\[198\] Ibid.
the National University is not sterile and that the clergy is called by its ministry to occupy a distinguished place in the Scientific and Literary Body of the Republic. Padre Raúll on January 27 of the same year answered that he did not consider it necessary to urge his clerics to attend these conferences, since the clergy with very few exceptions was fully conscious of its high mission. But if the clergy felt the need of such training, it could take the opportunity of seeking the desired courses in the university. Furthermore the religious leader considered obligatory attendance at these conferences highly impractical due to the shortage of clergymen and heavy clerical duties. To order attendance at these conferences would only add further burdens. Finally Padre Raúll considered it advisable to encourage his priests who had not completed their theological studies to do so in the university as long as it did not interfere with their clerical obligations. Although Padre Raúll's answers indicated that his failure to comply with the civil regulations was due to their impracticability, he also strove to prevent his seminarians or clergymen from coming under domination of an educational system completely controlled by the state.

The doubts of the apostolic administrator about a state controlled university were partially confirmed by the speeches given during the inauguration ceremonies of the university on

199 Ibid., tomo 1876, doc. 24. 200 Ibid.
July 1, 1875, and by the appointment of Lorenzo Montúfar as the first rector of the newly reformed National University. The rector opened his address by saying that the republic was now moving out of the epoch of intellectual slavery and darkness. This epoch, according to the speaker, had developed the sterile science of metaphysics into an endless labyrinth by means of the casuists of moral theology. All of this prejudiced mathematics, history, political and social sciences. Dr. Montúfar concluded as follows: "Gentlemen, as you well know, it was Dr. Mariano Gálvez, chief of the old state of Guatemala [in the 1830's] who inaugurated the Academy of Sciences, from where graduated many of the most distinguished men who in this moment honor me with their attendance."201 Although some of the Gálvez reforms remained on the books in the early part of the Carrera period, the fact remains that the majority of the university trained men of the 1870's received their education during the "age of darkness." The next speaker, Ignacio Gómez, observed that no longer was it convenient for the state to have an opinion about fine arts nor should the state concern itself with any "classic or romantic dogma." But the state must concern itself with "positive things," which if properly subjected to discussion will in no way do violence to individual tastes. "It does not pertain to a

201 *El Progreso*, October 17, 1875, p. 2.
government to see that epic poems or dramas are written but it does correspond to the government to see that scientific investigations are pursued. Furthering such investigations aids the general advance of the human spirit without taking part in any school [of controversial thought]."202 The third speaker for the occasion, Padre Ángel M. Arroyo, who served as the vice-dean of the faculty of ecclesiastical sciences, was expectedly more moderate in his pronouncements, especially in his comments on the "age of darkness." The priest's main observations were directed to the need of a better educated and more virtuous clergy—a need that now could be adequately fulfilled with the inauguration of a university faculty of ecclesiastical sciences.208 These observations, with the exception of those of Padre Arroyo, must have aroused little enthusiasm among students or faculty in theology.

In all of their educational reforms the Liberals placed much stress on utilitarianism as an educational objective. This held true not only for the primary, secondary and university levels of instruction but also for the establishment of vocational schools.204 According to the Liberals of the 1870's all

202 Ibid.

203 Ibid., p. 3.

204 For the laws establishing vocational schools see Recopilación de las Leyes, II (1876), 125-127; El Guatemalteco, September 22, 1877, p. 1; Reglamento para la Escuela de Artes y Oficios (Guatemala, 1880), pp. 3-5 and 19-22; Recopilación de las Leyes, II (1881), 150 and 433; Plan de Estudios y Reglamento
schools must develop useful citizens who ultimately would contribute to the general prosperity of the republic.

This objective can best be illustrated by a reported anecdote of the president's visit to a class of sewing and embroidery in a public primary school for girls. The president was shocked to find that one of the girls did not know how to make a buttonhole. The president reportedly said that while girls learned embroidery, drawing, and other things of little value, the schools failed to teach the students those things which have an immediate utility. The reporter commented that "This determined an evolution in primary instruction in Guatemala and it was the foundation stone later on for the practical schools for women." The president's concern for education of immediate utility was certainly an accepted goal by the time of his inauguration as constitutional president in 1880, even though many of the president's educational decrees were still far from being completely implemented. The Secretary of Public Instruction, Delfino Sáchez, in his report for 1880 lamented the retarded state of useful studies in the past history of Guatemala. He asserted that this state of retardation

Interior de la Casa y Escuela de Negocios (Guatemala, 1886), pp. 3-5. As an aid to the general diffusion of knowledge, President Barrios on October 18, 1879, decreed the establishment of a national library to house the books of the Sociedad Económica, the university, the Escuela Politécnica, the Escuela de Artes y Oficios and the nationalized convents and monasteries. González Orellana, pp. 271-272.

205 Quiñones, pp. 17-18.
... was principally motivated by some absurd beliefs and ideas, which were a legacy from colonial times, and which were instrumental in perpetuating the arbitrary classification of practical and liberal arts—an erroneous and pernicious distinction which alienates the worker from the truly useful studies in order to incline him to others which on account of being theoretical are of less importance to him.

If our country in order to be prosperous is to be active and industrious, it was necessary to rectify the ideas which held sway over the arts and dignify, if it can be so expressed, the different crafts, giving them the scientific base which ought to be had so that our citizens, far from considering them as degrading, may see them as noble and lucrative occupations which honor the person who dedicates himself to them.206

The same stress on practical education and enobling the useful crafts was reiterated by Sánchez in his comments covering the entire gamut of the educational program of Barrios. He saw in this program "... new horizons in which students can utilize their faculties and fortify their drowsy energy with the acquisition of indispensable knowledge in order to live in a civilized society."207 In the process of recognizing and enobling the useful sciences and occupations, the Positivist "Liberal" relegated the liberal arts to an inferior position.208

206 Memorias de las Secretarías del Gobierno de Guatemala, pp. 22-23.

207 Cited in V. M. Díaz, Barrios ante la Posteridad, pp. 267-268.

208 As late as 1935 Juárez Muñoz could still write that practical education was one of Barrios' greatest achievements. Juárez Muñoz, "Acto Solemne en la Sociedad de Geografía e Historia el 18 de julio de 1935 del Centenario de Reformador, Justo Rufino Barrios," Anales de la Sociedad de Geografía e
The Positivist "Liberal" became obsessed with statistics in showing educational progress under President Barrios just like statistics became the determining factor in evaluating all material progress in the republic. Unfortunately numbers tell only part of the story and that part may be less important than giving the historian a clue as to the nature and quality of instruction. Fortunately for a more precise evaluation of educational progress under the Liberals, there are periodic reports which afford some evidence as to quality of instruction and also dispel some of the optimism that certain statistical reports give.

Educational statistics prior to the Revolution of 1871 and in the early years of the Liberal regime are rather limited. According to an educational report for 1866 there were 248 schools in the republic with a total enrollment of 8,074 students, of which 6,130 were male and 1,944 were female. In addition there were 203 male adults and 45 female adults. There

Historia, XII (December 1935), 155. The writer was made very much aware of the long range effects of Barrios' educational reforms while attending a conference of Hispanic American and Spanish educators in Guatemala in 1960. The educators were greatly concerned over the need of reestablishing the liberal arts to a position where they would merit the same respect as accorded to the legal, medical and engineering sciences. For a similar reaction see Mata Gavidia, pp. 418-420.

209 The significant role of statistics is seen in the establishment of an office of statistics on December 27, 1879, within the ministry of development. V. M. Díaz, Barrios ante la Posteridad, p. 294.
were 252 teachers in charge of these schools. The estimated population for 1866 was 1,250,000 inhabitants and if this figure is correct it would mean that barely less than 1 percent of the inhabitants attended school and that there was one school for each 5,040 inhabitants. The appropriation of the municipalities for public education was $28,240.

The educational report for 1868 under the Conservatives covered the capital only. According to the resume of Manuel José Beteta, secretary of the ayuntamiento there were 1,438 boys enrolled in the schools of the capital and another 1,201 were attending the colegios. The enrollment of the university was 237 and 913 girls were attending schools. The grand total for the...

210 González Orellana, p. 217. Of the 252 teachers 206 were male and 46 were female.

211 Ibid. The figure of 1,250,000 does not include the inhabitants of the departments of Izabal and Petén. A more exact calculation of the percentage of persons enrolled in schools would be to determine the percentage on the basis of the number of persons of school age rather than the total population. This cannot be done since the population figures were not broken down according to age brackets.

212 Ibid. It must be remembered that prior to the Liberal educational reforms of the 1870's primary education was the responsibility of the municipality. The central government had a budget for public instruction but this was generally used only for the university and schools conducted by religious congregations. For example the government budgets for 1862 and 1863 called for an annual appropriation of $7,000. AC, Acuerdos y Decretos del Gobierno Civil de los Años 1850 a 1869, vol. XXIII.
capital was thus 3,789.²¹³ Allowing for the proportionate increase in population between the educational report of 1866 and that of 1868, one can safely conclude that almost one-half of the student enrollment was concentrated in the capital. This is not surprising since the capital had the majority of educational institutions and teachers. It points out at the same time the necessary emphasis that the subsequent Liberal program made in furthering education outside of the capital.

The first available report on education after 1871 was the one of 1874 submitted by Ramón Rosa. This was one year before President Barrios inaugurated his educational reform program. The report roughly covers the first three years of the Liberal period. There were 358 primary schools for male students with an enrollment of 14,216 students and 183 primary schools for female students with an enrollment of 6,312 students. The monthly subsidy for the educational program was given as $4,317 monthly or $51,804 annually.²¹⁴ In commenting on the educational report of 1874 González Orellana stated that the number of primary schools had been doubled since 1866. In comparing the

²¹³Gaceta de Guatemala, February 15, 1869, p. 6.

²¹⁴González Orella, p. 236; El Guatemalteco, October 6, 1874, p. 1. According to El Guatemalteco educational statistics for the department of Petén were not available. The report included only schools subsidized by the government.
primary school enrollment he found that where the 1866 report showed a student body of 8,074 the one of 1874 showed an enrollment of 20,528. 215 Again the department of Guatemala, which included the capital, ranked first in the number of schools and students. Its total number of primary male and female schools was 58 with a total enrollment of 3,940 and a monthly government subsidy of $1,170. 216 This figure is only slightly higher than the figure for total enrollment of the capital (3,789) given in the report of 1868. It should be remembered that the report of 1868 included all levels and types of educational institutions, whereas the report of 1874 included only state supported primary schools. The report of 1874 did not include the few remaining private institutions nor did it include institutions of higher learning such as the university. But when one keeps in mind that the report of 1874 covered the department of Guatemala while the one of 1868 covered the capital only, the increase on the primary level must have been negligible. The lack of a substantial increase in the capital can easily be explained by the fact that in the suppression of the religious orders the state took over the convent or monastery schools without increasing the

215 González Orellana, p. 236.

216 Ibid. The department with the smallest number of schools and students was Izabal, which had three primary schools with an enrollment of 116 students and a monthly government subsidy of $20. Ibid.
number of schools or enrollment. The slight increase undoubtedly was due to the establishment of new schools in the departmental area outside the capital. Yet the overall increase of schools and students throughout the entire republic definitely supports the Liberal aspiration of a more general diffusion of knowledge. It is a credit to the Barrios-García Granados regimes that the objective was well on its way during the initial years of the Liberal administration.

The first educational report after the enactment of the Liberal educational program was made in 1876. The survey which covered the educational institutions only in the capital presents the following picture.

**EDUCATIONAL SURVEY OF THE CAPITAL IN 1876**

<table>
<thead>
<tr>
<th>TYPES OF SCHOOLS</th>
<th>NUMBER</th>
<th>PROFESSORS</th>
<th>STUDENTS</th>
<th>MONTHLY SUBSIDIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>National University in the Capital</td>
<td>1</td>
<td>15</td>
<td>211</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Public Institutions for Male Students</td>
<td>16</td>
<td>64</td>
<td>2,162</td>
<td>11,778.25</td>
</tr>
<tr>
<td>Public Institutions for Female Students</td>
<td>9</td>
<td>24</td>
<td>771</td>
<td>2,046.00</td>
</tr>
<tr>
<td>Private Institutions for Male Students</td>
<td>5</td>
<td>33</td>
<td>273</td>
<td>---</td>
</tr>
<tr>
<td>Private Institutions for Female Students</td>
<td>13</td>
<td>40</td>
<td>321</td>
<td>---</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>44</strong></td>
<td><strong>176</strong></td>
<td><strong>3,527</strong></td>
<td><strong>$15,824.25</strong></td>
</tr>
</tbody>
</table>

aIncludes primary, secondary and vocational institutions
bIncludes primary and secondary institutions

---

217 *El Guatemalteco*, September 11, 1876, p. 4.
Comparison with Beteta's survey of 1868, indicates a decline in the total enrollment of 262. The decline is larger when compared with Ramón Rosa's report of 1874 which showed 3,940 students in attendance on the primary and secondary levels. The university enrollment also showed a decline. Whereas Beteta's report showed 237 university students, the survey of 1876 showed only 211 students. Similarly there is a decline in the number of schools in the capital between the reports of 1874 and 1876. The former report indicated 58 schools (excluding the university) while the latter listed 44 (including the university). In spite of the decline in the number of students and schools between 1874 and 1876 the increase of the monthly governmental appropriation is substantial. The report of 1874 showed a meager monthly subsidy of $1,170, while that of 1876 showed a monthly appropriation of $11,778.25 for male institutions and $2,046.00 for female institutions. The sharp rise indicates the determination with which the Liberals sought to push their educational reforms. Another significant feature of the survey of 1876 was the number of private institutions, which totaled 18 with an enrollment of 594. Since the private institutions included the seminary, Colegio de Infantes, which undoubtedly had the largest enrollment of the private institutions at this time, the enrollment in the other private institutions was relatively small. Needless to say these institutions suffered from financial difficulties and depended mostly on tuition income and philanthropy. The Colegio
de Infantes was subsidized by the Church and was the only school listed as having a cleric as director, Padre Alberto Rubio. Reference has already been made to the fact that the Colegio de Santiago y San Ignacio was sponsored by the Church. All other private institutions had laymen or laywomen listed as directors. 218

In the closing years of Barrios' second administration, educational surveys became more common. In fact beginning with the survey for 1878, which was submitted by José Antonio Salazar on March 15, 1879, the ministry of public instruction issued annual reports. The following three surveys for 1878, 1879, and 1880 present a fairly adequate picture of public instruction for the concluding years of the president's second administration. The surveys fail to list the number of teachers on the primary levels nor do they afford information on the monthly subsidies given by the government for the various types of educational institutions.

218 Ibid. Many of these private institutions exist down to the present day and some have served as a means whereby parents provide a religiously oriented education for their children.
## Educational Survey for 1878

<table>
<thead>
<tr>
<th>Types of Schools</th>
<th>Number</th>
<th>Professors</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>National University in the Capital</td>
<td>1</td>
<td>26</td>
<td>544</td>
</tr>
<tr>
<td>University of the West in Quezaltenango</td>
<td>1</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Secondary and Vocational Schools</td>
<td>7</td>
<td>81</td>
<td>797</td>
</tr>
<tr>
<td>Night Schools</td>
<td>19</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Primary Schools for Boys</td>
<td>407</td>
<td>--</td>
<td>13,442</td>
</tr>
<tr>
<td>Primary Schools for Girls</td>
<td>165</td>
<td>--</td>
<td>7,380</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>600</td>
<td>107</td>
<td>28,163</td>
</tr>
</tbody>
</table>

*Survey merely indicates that the university had been established in 1876 with 13 chairs*

*The secondary school in San Marcos had suspended its functions due to the lack of students*

*10 of the professors were classified as student teachers*

*The only monthly subsidy indicated in the survey was for primary schools. The total monthly subsidy was $24,751.74, of which $4,568 came from the municipalities*

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### Educational Survey for 1879

<table>
<thead>
<tr>
<th>Types of Schools</th>
<th>Number</th>
<th>Professors</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>National University in the Capital</td>
<td></td>
<td>28</td>
<td>114</td>
</tr>
<tr>
<td>University of the West in Quezaltenango</td>
<td></td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>Secondary and Vocational Schools</td>
<td>7</td>
<td>81</td>
<td>981</td>
</tr>
<tr>
<td>Primary Schools for Boys</td>
<td>440</td>
<td>--</td>
<td>19,255</td>
</tr>
<tr>
<td>Primary Schools for Girls</td>
<td>167</td>
<td>--</td>
<td>7,453</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>616</strong></td>
<td><strong>119</strong></td>
<td><strong>27,828</strong></td>
</tr>
</tbody>
</table>

### Educational Survey for 1880

<table>
<thead>
<tr>
<th>Types of Schools</th>
<th>Number</th>
<th>Professors</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>National University in the Capital</td>
<td></td>
<td>28</td>
<td>110</td>
</tr>
<tr>
<td>University of the West in Quezaltenango</td>
<td></td>
<td>8</td>
<td>22</td>
</tr>
<tr>
<td>Secondary and Vocational Schools</td>
<td>9</td>
<td>83</td>
<td>1,078</td>
</tr>
<tr>
<td>Primary Schools for Boys</td>
<td>480</td>
<td>--</td>
<td>23,319</td>
</tr>
<tr>
<td>Primary Schools for Girls</td>
<td>186</td>
<td>--</td>
<td>10,998</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>677</strong></td>
<td><strong>119</strong></td>
<td><strong>35,527</strong></td>
</tr>
</tbody>
</table>

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[220] Ibid., p. 17. The report was submitted by Defino Sánchez, minister of public instruction, on February 20, 1880.

[221] Ibid., p. 33. The report was submitted by Delfino Sánchez on February 28, 1881.
Comparison of the primary and secondary enrollment figures with the survey of Ramón Rosa submitted in 1874 shows a notable increase on these two levels. Rosa reported a total enrollment of 20,528 whereas by 1878 this figure had risen to 27,619. There was a slight increase for 1879 when the enrollment numbered 27,689 and a considerable increase in 1880 when the survey showed an enrollment of 35,395. The increase was partially due to the increase in population. The estimated population of Guatemala in its first official census in 1880 was 1,400,000. According to this estimate the enrollment on the primary and secondary levels constituted approximately 2 1/2 percent of the population. This is a considerable improvement over the year 1874 when the enrollment on the primary and secondary level stood at 20,528. If a conservative estimate of the population in 1874 is calculated at 1,250,000, then the percentage of students enrolled would be slightly over 1 1/2 percent. Despite the improved percentage figure of 1880, the Liberals must have realized that their objectives of a more general diffusion of knowledge was

222 Ibid., Annex No. 8, p. 7. The official figure according to the census was 1,215,310, but the minister of development thought that this figure should be increased at least by 15 percent to include the inhabitants who generally flee to the mountains to avoid census taking. Ibid. Francisco Lainfiesta, one time minister of development under Barrios, was more conservative in his estimate of the population in 1880. He gave the figure 1,278,311, of which 951,624 belonged to the indigenous race and 326,487 belonged to the white or mixed race. Lainfiesta, p. 6.
far from being achieved.

Beginning with the survey of 1874 when the number of primary and secondary schools was given as 541, one can detect a steady increase of schools on these levels. The report for 1878 showed 598 primary and secondary schools, 1879 showed 614 and 1880 showed 675. The increase in the number of primary and secondary institutions is partially due to the fact that the figures from 1878 on include vocational and night schools.

The one aspect of the surveys that does not speak well for the Liberal educational program is the overall decline in university enrollments. According to Beteta's survey of 1868 the university enrollment was 237. By 1876 the enrollment had declined to 211—a decline that was perhaps partially due to the fact that Guatemala had been at war with her neighbors. The survey for 1878 showed a very notable increase; the reported enrollment was given as 544. Yet without a word of explanation by the minister of public instruction the combined enrollment of the National University and the University of the West dropped to 139 in 1879 and to 132 in 1880. Both the educational survey for 1879 and 1880 break down the university enrollment figures according to faculties. The faculties listed are those of law and notary, medicine and pharmacy and engineering. There

223 The educational surveys from 1881 to 1883 inclusive show that university enrollments varied slightly from the two surveys of 1879 and 1880. The survey of 1881 showed an enrollment of
is no mention of the faculty of philosophy and literature. One wonders if the Positivist Liberals forgot this statistic or were students actually discouraged from undertaking such a university program.

Another index to Liberal progress or lack of it in education is the annual expenditure for public instruction. The educational surveys of 1870 to 1880 present an inadequate picture in this respect. Fortunately a financial report of 1884 provides much information not only of the Liberal regime in the field of education, but also of the late years of the Conservative regime before 1871.

GOVERNMENTAL EXPENDITURES FOR PUBLIC INSTRUCTION FROM 1861 TO 1878

<table>
<thead>
<tr>
<th>YEAR</th>
<th>EXPENDITURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1861</td>
<td>$ 7,921.75</td>
</tr>
<tr>
<td>1862</td>
<td>9,245.93</td>
</tr>
<tr>
<td>1863</td>
<td>1,991.00</td>
</tr>
<tr>
<td>1864</td>
<td>3,546.25</td>
</tr>
<tr>
<td>1865</td>
<td>2,099.31</td>
</tr>
<tr>
<td>1866</td>
<td>7,033.25</td>
</tr>
</tbody>
</table>

143; 1882 showed 137 and 1883 showed 133. AGG, doc. 3688, Memoria de la Secretaría de Instrucción Pública (March, 1884).

224 Memorias de las Secretarías de Estado del Gobierno de Guatemala, pp. 17, 29-31 and 33.

225 AGG, doc. 3688, Memoria de la Secretaría de Instrucción Pública (March, 1884).
<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1867</td>
<td>16,437.31</td>
</tr>
<tr>
<td>1868</td>
<td>2,299.87</td>
</tr>
<tr>
<td>1869</td>
<td>10,799.00</td>
</tr>
<tr>
<td>1870</td>
<td>1,999.87</td>
</tr>
<tr>
<td>1871</td>
<td>no figure given</td>
</tr>
<tr>
<td>1872</td>
<td>21,608.06</td>
</tr>
<tr>
<td>1873</td>
<td>25,661.82</td>
</tr>
<tr>
<td>1874</td>
<td>64,779.05</td>
</tr>
<tr>
<td>1875</td>
<td>141,038.44</td>
</tr>
<tr>
<td>1876</td>
<td>81,551.68</td>
</tr>
<tr>
<td>1877</td>
<td>200,230.16</td>
</tr>
<tr>
<td>1878</td>
<td>346,800.24</td>
</tr>
</tbody>
</table>

The figures prior to 1871 present an inadequate picture since the expenditure includes that of the central government. It does not include the expenditures of the municipalities for public education which carried the financial burden for public education on the primary level. For instance taking the educational report of 1866 which listed the municipal expenditures as $28,240.00 and adding this to $7,033.25 spent by the central government for the same year, one finds the total expenditure to be $35,273.25. The reader should recall that before 1871 the central government's appropriation went also to the university and educational institutions conducted by the religious. Finally there is an extreme variation in the expenditures from 1867 to 1870. This undoubtedly was caused by the periodic invasions of
the Liberal forces from Mexico, which caused the Cerna regime to reduce its educational expenditures so as to use the extra money for military purposes. The same explanation probably holds true for the Liberal regime in 1876 when a considerable portion of state funds were diverted to paying for the costs of the war with El Salvador.

Beginning with 1879 the surveys for educational expenditures were more detailed and thus afford a better view of expenditures for the various levels of education. During the last two years of President Barrios' administration the expenditures for public instruction read as follows.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>GOVERNMENT EXPENDITURES</th>
<th>MUNICIPAL EXPENDITURES</th>
<th>PRIVATE EXPENDITURES</th>
<th>TOTAL ANNUAL EXPENDITURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1879</td>
<td>$ 9,213.25</td>
<td>$ 5,174.50</td>
<td>$ 1,087.62</td>
<td>$185,704.44</td>
</tr>
<tr>
<td>1880</td>
<td>11,657.51</td>
<td>5,229.66</td>
<td>1,178.12</td>
<td>216,783.48</td>
</tr>
</tbody>
</table>

**PRIMARY INSTRUCTION**

**SECONDARY INSTRUCTION**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PRIMARY INSTRUCTION</th>
<th>SECONDARY INSTRUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1879</td>
<td>93,056.58</td>
<td>93,056.58</td>
</tr>
<tr>
<td>1880</td>
<td>97,251.00</td>
<td>97,251.00</td>
</tr>
</tbody>
</table>

**VOCATIONAL INSTRUCTION**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PRIMARY INSTRUCTION</th>
<th>SECONDARY INSTRUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1879</td>
<td>27,516.00</td>
<td>27,516.00</td>
</tr>
<tr>
<td>1880</td>
<td>46,095.42</td>
<td>46,095.42</td>
</tr>
</tbody>
</table>

---

226 Ibid.
The expenditure survey for these two years indicates that the central government still depended upon the revenue from municipalities and private individuals to finance primary instruction. There appears a significant increase in annual expenditures both in the primary and vocational levels. For instance the increase on the primary level was $31,079.04 while on the vocational level it was $18,579.42. This increase undoubtedly paralleled the new institutions that were being opened on these levels during the two year period. On the other hand the governmental expenditures for university education show a significant decline of $8,026.08 which may have been partially due to a decline of seven in enrollment, but at the same time the number of university chairs was increased from 52 to 61. 227

The minister of public instruction in the report presented to the assembly on April 22, 1884, pointed with pride to the increased state expenditures on public instruction. According to

227 Ibid., The decline in annual expenditures for the university continued down to 1883, the final year covered by the survey. Similarly the number of university chairs declined without a significant increase in university enrollment. By 1883 there were 40 chairs and 133 students with an annual expenditure of $24,903.96. Ibid.
the memoria the Conservative regime during the years 1861 to 1870 spent $63,373.54 on public instruction whereas the Liberal regime during a comparable period (1872-1883) spent $2,672,322.92. While this may appear to be an enviable record, it becomes less so when expenditures for public instruction are compared with the expenditures of the ministry of war. The fact remains that throughout President Barrios' administration the annual expenditures for the ministry of war never went below $1,100,000. The educational budget for the same period never surpassed $400,000 per year. The ideal of a greater educational budget than a military one was not achieved during the Barrios administration. But the preceding Conservative regimes were even further from reaching this goal.

In spite of some evidence of educational progress there were a considerable number of voices in the Liberal ranks which expressed dissatisfaction with various aspects of the educational

228 Diario de las Sesiones de la Asamblea Legislativa de Guatemala, Guatemala, 1884, p. 3.

229 AGG, doc. 3566, Memoria que la Secretaría de Hacienda y Crédito Público de la República de Guatemala presenta a la Asamblea Legislativa de 1886 (Guatemala, 1886), p. 4. The report in justifying the $2,103,727.89 military expenditure for carrying out Guatemala's war for the Central American union in 1885 observed that this increase was insignificant since previous military expenditures had never gone below $1,100,000.

program. The Daughters of Charity were still directing and teaching in the state orphanage in spite of the fact that the Liberal program called for secularized education. Finally September 23, 1880, the Daughters of Charity were released from their duties. Fernando Cruz reported to the assembly on March 1, 1881, that article 18 of the Constitution of 1879 called for secularized public instruction and this provision could not be fulfilled if the state permitted the Daughters of Charity to continue teaching in the orphanage. In the same breath Cruz reported that the Daughters would be allowed to offer their services for the government hospital of San Juan de Dios, if they so desired. Delfino Sánchez, Minister of Education, in his report of February 28, 1881, was more explicit as to why the Daughters could not be tolerated in the orphanage. The minister labelled the teaching of the Daughters of Charity pernicious since they were inculcating in the minds of children "... those habits of false humility and true hypocrisy; those customs which clash with the dignity and tenderness of those being educated and those ideas ... which are opposed to the ultimate fulfillment of the duties that man has as a member of a family or of a community and principally as a citizen of a modern Republic

231 AGG, doc. 7562, Memorias de Gobernación 1881 a 1908, p. 19.

232 Ibid.
which aspires to realize the ideals of a democracy."\textsuperscript{233} The religious as teachers had little utility since \textldots{} it does not contribute to the formation of youths in the future who can dedicate themselves to various occupations which permit them to obtain the necessary income for their livelihood."\textsuperscript{234} During the eighteen years the Daughters of Charity directed the orphanage, they have made no worthwhile contributions to the physical and intellectual development of youth \textldots{} nor have they formed a single woman qualified for domestic occupations. \textldots{} \textsuperscript{235} Yet Sánchez was silent about the plan of Cruz, which called for the Daughters to serve in the general hospital.

Since the services of the Daughters of Charity were no longer deemed necessary in the orphanage by 1880, one would think that the number of teachers had increased sufficiently so that the state was able to staff its institutions with lay teachers. This was not the case as shown in a report given by the ministry of education in February of 1880. The report considered the lack of well qualified teachers one of the greatest drawbacks in the educational program. The report showed disappointment with the graduates from the normal schools which

\begin{itemize}
\item \textsuperscript{233}\textit{Memorias de las Secretarías de Estado del Gobierno de Guatemala}, p. 10.
\item \textsuperscript{234}\textit{Ibid}.
\item \textsuperscript{235}\textit{Ibid}., pp. 10-11.
\end{itemize}
produced few youths qualified for teaching and as a result it was necessary in many instances to employ persons who were far from possessing the knowledge and qualifications which are required in the discharge of their duties." 236 The report went on to complain about the insufficient number of advanced primary schools and primary schools for girls. 237

Although the official reports made periodic references to various shortcomings in the educational program, little if anything was said about special training for the Indians. The presidential order of February 9, 1880, calling for the inauguration of a school for Indians in Quezaltenango, was a concerted effort to encourage education among them. 238 The institution, which was known as the Colegio de Indígenas de Quezaltenango, was a secondary school and showed an enrollment of twenty students and three teachers during its initial months of operation. The government provided an annual subsidy of $2,100. 239 The Liberals still believed however that the Indians would attend the regular

236 Informe de la Dirección e Inspección General de Instrucción Pública (Guatemala, 1880), p. 4.
237 Ibid., p. 5.
238 El Guatemalteco, February 24, 1880, p. 3.
239 Informe de la Dirección e Inspección General de Instrucción Pública, Statistical addendum with pages unnumbered.
public institutions. This certainly appears to be the tenor of the remarks made by Delfino Sánchez in February of 1881. He noted that the new civil code had destroyed the differences between the castes which had been introduced by colonial and Conservative legislation. He insisted that the Liberal administration was doing this through the school system which did away with differences in language, customs and civilization. He hoped that the end result would mean a raising of the intellectual level of the indigenous race. What the minister of education really meant was that the Liberal regime of Barrios hoped to bring the Indian into the national life through a general and widespread system of education. This had been the goal of the previous colonial and national administrations, but advances toward the objective had always fallen far short of the mark.

In spite of the many shortcomings of the Liberal educational program, one cannot but be impressed with its ideals and scope. Even the anti-Barrios writer, Manual Valladares, admitted that the Liberals under Barrios made great progress in education, which was the main goal of the administration. The shortcomings that did exist, Valladares thinks, should be traced mainly to

240 Memorias de las Secretarías de Estado del Gobierno de Guatemala, p. 12.

241 The Liberals of the nineteenth and twentieth centuries did not succeed in wiping out illiteracy. C. Reginald Enock wrote in 1913 that 80 percent of the Guatemalans were illiterates. C. Reginald Enock, The Republics of Central and South America
the fact that many times the program was badly organized. The program of the Liberals becomes more impressive when one recalls that not only did the government push for wider diffusion of knowledge but it also had to fill the educational vacuum left by the departure of religious societies. In a matter of a few short years the government had converted religiously oriented and in most cases religiously controlled schools into a completely secularized school system. The fact that the new public school system inaugurated in the 1870's did not achieve the desired results in subsequent years may have been due more to the quality of men in charge of the program after 1880 than to the educational reform program itself. The fact that Guatemala today still faces the task of eliminating widespread illiteracy is sufficient evidence of the immensity of the task, which the Liberals of the 1870's sought to undertake. No one can deny however the new orientation in education introduced by the Liberals in 1875. In the words of M. A. Herrera the educational reforms of 1875 initiated "... a new course of ideas


242 Valladares, p. 310.

243 A report given in 1884 shows that by 1883 there were 53 private primary schools in operation with an enrollment of 1,898 and with an administrative and teaching personnel of 215. The expenditure for 1883 was listed as $80,891.44, the bulk of which was borne by private individuals. Memoria de la Secretaría de Instrucción Pública, p. 11.
and started to awaken the intelligence from the lethargy which had been produced by the rigid and inflamed atmosphere of metaphysical and clerical instruction." The legacy of Positivism bequeathed by the Liberals of the 1870's had far more reaching consequences than the much discussed increase in the number of schools, teachers and students.

244 Herrera, p. xiv.
CHAPTER VIII

CONSTITUTIONALIZING THE REFORM

The Liberals by 1879 could point with pride to their reform program in the religious and educational spheres. Although many of the reforms aroused opposition in Conservative circles during the initial years of operation, by 1879 the Liberal administration had its program solidly established. While the reformers in the early 1870's may have been concerned that their work might be undone as was the Liberal program of Mariano Gálvez in the 1830's, there seems to have been little to fear in 1879. The correspondence between Padre Raúll and Archbishop Píñol in 1878 and 1879 is more concerned with the financial difficulties of the Church than with devising programs to combat the Liberals. The archbishop in his letter of July 5, 1878, complained bitterly about his financial straits. He noted that since collections for the archbishop's fund have ceased, his income has been almost nil. Furthermore, his income from his property in Guatemala has been all but eliminated due to increased government taxes. In conclusion he wrote that he was living on charity in a school in Havana, Cuba, and he hoped that Padre Raúll would be able to offer some
The letters of the apostolic administrator make it clear that he could do little for the archbishop in his financial difficulties. On July 1, 1878, Padre Raúll informed the archbishop that the Church had serious financial problems since the government had failed to make the promised compensations. He again complained of financial difficulties in his letter of April 18, 1879. The archbishop did not find the conduct of the Guatemalan government unusual, and he reminded Padre Raúll that the government's failure to make compensation for nationalized Church property was merely a repetition of events in other countries which had suffered the same fate.

Financial difficulties also plagued the formerly cloistered nuns. In his letter of February 6, 1878, the archbishop advised Padre Raúll to grant the nuns permission to leave the country so that they might continue their religious life elsewhere. The permission was to be granted only if the nuns had the necessary means to pay for the costs of transportation. The apostolic administrator wrote on June 1, 1878, that permission to leave for the

1AC, tomo 1874, doc. 323. 
2Ibid.
3Ibid. An ecclesiastical inventory dated December 25, 1880, shows that the metropolitan Cathedral received 60,168 pesos from the civil government from 1875 to June of 1880. Ibid., tomo 1880, doc. 332.
4Ibid., tomo 1874, doc. 323.
5Ibid.
United States and Spain was given to four nuns while other nuns still continued to practice their religious life in Guatemala as best as they could under existing circumstances. The letters of the apostolic administrator and the archbishop make it clear that many of the formerly cloistered nuns who remained in Guatemala were not receiving the promised state subsidy for their livelihood.

Padre Raúll in 1879 was still concerned about the adverse criticism of his conduct as apostolic administrator. In his letter of August 20, 1879, he made reference to letters criticizing his conduct which had been sent to the archbishop. He mentioned no names but merely observed that due to his limited capacities he could have made errors. He assured the archbishop that all of his actions were undertaken with the best of intentions and that he would send a report of his administration that would fully justify him. He concluded with the remark that in spite of all the adverse circumstances the religious fervor of the people was very great. The archbishop's reply of November 11, 1879, assured Padre Raúll that he had received no critical letters over the administrator's conduct and furthermore should such letters

6 Ibid. 7 Ibid. 8 Ibid. As an example of his good intentions Padre Raúll informed the archbishop that in the recent celebrations of the feast of Corpus Christi all services were held inside the church since he feared that processions outside the churches would become an occasion for irreverence. Ibid.
arrive the archbishop promised that the proper judgment would be
made in the matter and that Padre Raúll need have no worries in
this regard.9

The death of Pope Pius IX and the election of Pope Leo XIII
may have caused Barrios to be more optimistic about improving his
relations with the Holy See. Pope Leo XIII had invited the presi-
dent to attend his elevation to the papacy.10 In his reply
shortly after February 20, 1878, the president expressed his ap­
preciation for being asked and added, "I accept, Most Holy Father,
the manifestations of benevolence, with which Your Holiness has
favored me. I assure you sincerely that the same sentiments will
guide my conduct in the relations with the Vatican and making sup­
plications that the Pontificate about to be inaugurated may be a
glorious one. . . ."11 In spite of the president's acceptance he
did not permit the publication of the letter of felicitation sent
by Pope Leo XIII to Archbishop Pinol. Padre Raúll in his letter
to the archbishop dated April 18, 1879, informed the archbishop
that the letter of felicitation was in his possession but that it
was not permitted to be published in Guatemala.12 The apostolic

9 Ibid.

10 El Guatemalteco, April 25, 1878, p. 2. The president may
have been aware of Pope Leo XIII's favorable overture to Bismarck
of Germany in order to improve Church and state relations in that
country.

11 Ibid.

12AC, tomo 1874, doc. 323.
administrator was not clear as to who prevented the publication but apparently the government feared that such a publication would justify the conduct of the exiled archbishop and indirectly serve as an indictment of the government's religious policy.

The correspondence between Padre Raúl and the archbishop does not point to any new difficulties in the relations between the Church and state. The tenor of the correspondence does not voice approval of the existing religious policy but indicates a spirit of resignation rather than expectation that the situation will improve with the passing years. Perhaps both clergymen, although they never said so, saw in the election of Pope Leo XIII a possibility for improving the lot of the Church in Guatemala. Since Pope Leo XIII had shown an early inclination to deal with anti-clerical republican regimes in Europe, one might assume that the clergy in Guatemala saw a possible improvement of Church state relations. The occasion was the drafting of a new constitution.

President Barrios at the end of 1878 felt that the time was ripe for such a document. His decree of November 9 called for a constituent assembly for the purpose. He noted that the country no longer faced the instability that it faced in 1876 when the previous draft was attempted. He thought that now was the time to relinquish his dictatorial powers that he had received in 1876 for he believed them to be contrary to the democratic principles of the Revolution.13 The decree provided that the con-

13 Recopilación de las Leyes, II (1881), 209.
stituent assembly was to consist of sixty-one elected delegates, who were to assemble in the capital on March 15, 1879, to begin work on the constitution and consider all matters proposed by the government. All citizens were qualified to be elected as delegates with the exception of certain civil officials as jefes políticos. These civil officials could not be elected in the districts in which they performed their civil functions, but they could be elected as delegates in another district in which they had no civil functions. The same rule applied to parish curates.

The procedure in the election of delegates generally followed the rules laid down for the elections to the constituent assembly of 1876. The deputies represented all shades of political opinions. The group included Conservatives, clerics, moderate and radical Liberals (Jacobins). One writer described it as "an assembly of all components with a very Barrista eclecticism." According to one Guatemalan writer, F. Hernández de León, even the working class had its representative. José Francisco Quesada must have been the only one in this category since his description of other delegates indicates that they were

16 Hernández de León, I, 369.
17 Ibid.
either men of wealth or military personnel. The complete list of delegates as given by Casimiro Rubio shows that a considerable number of delegates had held or were holding important civil positions in the Barrios administration. The only clerics in the convention were Padres Manuel de León Morán and Ángel María Arroyo. The former did not participate in the deliberations of the convention because two days after the opening of the convention on March 15 he submitted his resignation, stating that he was unable to obtain a substitute pastor for his parish in Patzún. It is possible that he was pressured into resigning by the Conservative elements in the clerical ranks. Padre Ángel Arroyo's acceptance of the position of adviser to Barrios had met opposition from the same source. Padre Raúll provisionally approved the appointment of Padre Arroyo because he thought it could serve the best interests of the Church. There is no evidence that further criticisms were voiced against the election

18 Ibid., pp. 368-369.
19 Rubio, pp. 368-369. For brief comments on the background of some of the delegates see Hernández de León, I, 368-369. Among the prominent members in the convention were José Antonio Salazar, José Farfán, Ramón A. Salazar, Martín Barrundia, Manuel Herrera, José Arzu, Francisco Lainfiesta, José María Samayoa, Delfino Sánchez, Manual Lisandro Barillas (became president on the death of Barrios in 1885), Manuel Aparicio, Padre Manuel de León Morán, Lorenzo Montúfar, Vicente Beltranena, Antonio Machado, Manuel J. Dardón and Padre Ángel María Arroyo.
of these two clerics as delegates at this time.

The preparatory junta for the constituent assembly sought the good will of the apostolic administrator by sending him an invitation to attend the installation ceremonies of the assembly scheduled for 11:00 a.m. on the 15th of March but the cleric excused himself from attending, pleading illness. Reasons of prudence may have dictated his action since the Holy See's attitude towards the Barrios regime had never been fully clarified. His presence at the installation ceremony could give the impression that both he and the Holy See approved the religious policy of Barrios.

The opening session of March 15, 1879, was mainly concerned with the election of Doctor Farfán as president of the assembly and the swearing in ceremonies of the delegates. The militant secularism of the convention is demonstrated by the pledge which replaced the usual oath taken by the delegates: "I promise to fulfill with loyalty and patriotism the mandate of the people and to discharge faithfully the mission which has been conferred upon me." Following the precedent set by the delegates in the

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21 AC, tomo 1879, doc. 101.

22 AGG, Actas de la Asamblea Constituyente 1879, pp. 9-10. These actas were not published and are in manuscript form.

23 Ibid., p. 10.
constituent assembly of 1876 there was no reference to God.

In the fifth session March 21 the assembly took up the task of answering the presidential message of November 9, 1878. This had called for the convening of a constituent assembly together with a general report of the administration's activities dating back to the president's assumption of power in 1873. The message included the reports of his various ministries, such as the educational survey of 1879 noted in the previous chapter.\textsuperscript{24} In his remarks on the Church and state relationships the president observed that

The relations of the state with the Church have not changed. I have continued developing the principles of liberty which safeguard civilization in religious matters, attending only to repress the aspirations of fanaticism. With the establishment and recognition of civil marriage by our codes, some Guatemalans have celebrated the contract of matrimony directly before the departmental political authority with the formalities assuring their validity.\textsuperscript{25}

The assembly in a lengthy reply found the action of the president and his administration wholly acceptable and it was observed that there was no abuse of the dictatorial powers which the assembly had given the president in 1876.\textsuperscript{26} Special credit was given the president for his furtherance of progress, internal peace and

\textsuperscript{24}V. M. Díaz, Barrios ante la Posteridad, pp. 315-320.
\textsuperscript{25}Cited in ibid., p. 319.
\textsuperscript{26}AGG, Actas de la Asamblea Constituyente 1879, pp. 32-33.
order and good relations with foreign countries and the Church. The reply commented on the latter by stating that, "It is satisfactory [to note] that the relations between the state and the Church have presented no difficulties once your political program adopted ample religious liberty, repression of fanaticism and the institution of civil marriage in accordance with modern civilization." 27

During the same session a committee of seven was elected to formulate a constitution. The delegates appointed for the task were Delfino Sánchez (president of the commission), Lorenzo Montúfar, José María Samayoa, Manuel Dardón, Antonio Machado, José Salazar, and Cayetano Díaz. 28

In keeping with the militant Liberalism of the convention was the proposal made by Lorenzo Montúfar during the sixth session on March 26. He suggested that the title "don" be eliminated as a form of address in the convention since it was difficult and monotonous for the secretary to record and for the delegates to hear. Ironically Montúfar argued that even during the Conservative years of 1839-48 such a form of address was not used on the assembly floor. 29 There was no action taken on the

27 Ibid. A more radical civil marriage decree was enacted shortly before the assembly terminated its activities in December of 1879.

28 Ibid., pp. 34-35.

29 Ibid., p. 36.
matter at the time, but later sessions show that the secretary used the word "ciudadano" instead of "don" in recording the addresses that the delegates directed to each other. One finds it difficult to understand why "ciudadano" should be less difficult and monotonous to record, but it certainly had more of a French revolutionary ring than did the noble title of "don."

By November of 1879 the committee in charge of drafting the constitution had terminated its work. The debates over the draft version started on November 22 with a discussion of article 1. According to this article "Guatemala is a free nation sovereign and independent. It delegates the exercise of sovereignty to the authorities which the constitution establishes." Curiously enough the discussion that followed showed no awareness of the implications of the word "sovereignty." For instance, no delegate raised the question whether or not sovereignty was limited. The only question raised was whether or not an addition should be made to the article—namely to define the specific boundaries of the country. Lorenzo Montúfar argued against the addition on the grounds that defining a specific boundary could cause unfriendly reactions on the part of

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30 Rafael Montúfar, ed., Diario de las Sesiones de la Asamblea Constituyente de 1879 (Guatemala, 1927), p. 40.
of foreign powers. The article was accepted as proposed by the commission.

As might be expected, a considerable portion of the debates were spent arguing the pros and cons of the articles concerning the relationship of Church and state. The opening debate on the religious question came up in the session of December 1.

Article 24 provided that "The State does not recognize an official church, but the exercise of any cult in the interior of a church is a religious guarantee for Guatemalans and foreign residents in the Republic. The Government exercises inspection over all cults for the conservation of public order." The delegates, Martín Barrundia and Rafael Arroyo, immediately proposed an amendment to the article. The amendment stated that "The exercise of all religions without preeminence of any one remains guaranteed within the interior of the churches, but its free exercise cannot be extended to the execution of subversive acts or practices incompatible with peace and public order, nor does it give the right of opposing civil or political duties." The amendment appears to add little to the original article except that it spelled out in clearer terms the limitation of the

31 Ibid., pp. 40-42. Here undoubtedly Montúfar had in mind the age old boundary dispute with Mexico over the Chiapas and Sonorusco areas, which was not settled until 1882.

32 Ibid., p. 91. 33 Ibid.
practice of cults within churches.

Lorenzo Montúfar immediately took the floor to argue in defense of the original article. His opening remarks were directed to Padre Arroyo, who while favoring religious toleration supported the recognition of an official church. According to Montúfar the dogmas of any religion, while they may be true, cannot be proved and as long as dogmas lack demonstrable proof the state cannot impose an official religion on its subjects. Montúfar failed to understand how Padre Arroyo could accept the position that dogmas cannot be proved and yet not accept the logical conclusion that flows from the premise. 34 The delegate continued his observation by noting lessons in history which prove the folly of official religions. He pointed to the error of Napoleon Bonaparte in declaring Catholicism the official religion of France. He claimed that the religious intolerance of Spain against the Jews and Moors was one of the chief reasons for her decline. He accused the French clergy and particularly the Jesuits of exerting their influence on the courtesan of King Louis XIV in his revocation of the Edict of Nantes and the consequent bloodshed. 35 Montúfar next directed his remarks to Antonio Machado, who advocated both an official church and religious liberty. This position, Montúfar found totally contradictory.

34 Ibid., p. 92. 35 Ibid., pp. 92-95.
In order to have liberty of cults, it is necessary that all cults may be equal before the law, just as to have civil liberty, it is necessary that all men may also be equal before the law; and all cults cannot be equal before the law if one of the cults is sustained by state revenues, state authorities and state laws. When there is an official religion [or] an official church, there is no liberty of cults: there is no more than simple tolerance. 36

He bolstered his argument with historical references to the intolerance in those countries where an official religion was established such as Russia, the papacy's persecution of the Jews, and England's attacks against the Catholics. 37 Montúfar sarcastically reminded Machado that the article was offensive to no religious belief or practice; in fact these were guaranteed by the constitution. 38 Furthermore Montúfar saw no merit in the argument that an official religion was needed in Guatemala because it was a Catholic country. He noted that Guatemala with a population slightly over one million inhabitants was two-thirds Indian. These practiced idolatry and therefore were not Catholics. 39 In conclusion he attacked the popes who he said opposed popular sovereignty and freedom of religion. He especially singled out Popes Boniface VIII, Gregory VIII, Innocent III

36 Ibid., p. 96  
37 Ibid., pp. 96-97.  
38 Ibid., p. 97. The recorder of the session noted that the satire of Montúfar was received with much laughter and applause.  
39 Ibid., p. 98.
and Pius IX.\textsuperscript{40} As proof he quoted Pope Boniface VIII, who he said stated that "No government comes from the people; all governments come from God."\textsuperscript{41}

The argument of Montúfar failed to convince a number of delegates. Rafael Arroyo came to the defense of his proposed amendment, which he claimed was needed to combat the irreligious notes of the original article. He argued that his amendment guaranteed the liberty of cults and yet made the state conscious of the fact that religion was necessary for the welfare of society. Liberty of cults he argued would be most conducive to immigration to Guatemala.\textsuperscript{42}

The next speaker, Mariano Micheo, made a bitter attack on Montúfar. He accused him and other members of the assembly of becoming involved in disputes over religious dogmas when the avowed purpose of the assembly was to draw up a constitution. Dogmas, he said, were not matters for legislation. According to

\textsuperscript{40}Ibid., pp. 98-99.

\textsuperscript{41}Ibid. Apparently Montúfar had in mind the statement of Pope Boniface VIII in his \textit{Unam Sanctam} which reads: "There is no power but from God: and those that are, are ordained of God." Paulet, I, 595. In this same speech Montúfar deplored the excesses of the French Revolution especially under Robespierre, when he attempted to inaugurate an official cult to the Goddess of Reason. On the other hand he pointed to the extraordinary progress of the United States, which has no official religion. Speech is cited in V. M. Díaz, \textit{Barrios ante la Posteridad}, pp. 349-355.

\textsuperscript{42}Diario de las Sesiones de la Asamblea Constituyente de 1879, p. 101.
Micheo the only thing that the fundamental charter ought to do is to provide "... that no one would be persecuted for his political and religious opinions and in addition the exercise of all cults is absolutely permitted." 43

Both Raimundo González and Padre Arroyo went further than previous speakers in attacking the proposed article. Both pleaded the necessity of an official religion. González admitted that it was beyond the duties of the state to become involved in matters of conscience, but he insisted that article 24 in not recognizing any religion was attacking the beliefs of the majority of the Guatemalans, who preferred the Catholic faith. This, according to the speaker, is an historical reality in Guatemala and must be "respected and favored before the laws which are made by the representatives." 44 Next González turned his attacks on Francisco Lainfiesta. He accused him of advocating that the only true road to God was through reason. In a prolonged recital of crimes throughout history the speaker asserted that many of these were committed in the name of reason. 45 In favoring an official religion González attacked Montúfar's statement that the state cannot recognize an official religion since the state may not legislate in such matters. González noted that recognition of an official religion does not entail

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43 Ibid., p. 102.  
44 Ibid., p. 103.  
legislation but merely recognizes the will of the nation, which demands that its beliefs be protected and respected. 46 Gonzalez' severest attacks were directed against political fanaticism, which he said he abhorred just as much as religious fanaticism. In describing political fanaticism he remarked that "... in discussing the greatest questions, principles are falsified, logic is forgotten, reason does not judge independently and from here there are declared as evident truths, propositions which are very far from meriting such an honor, and to this category corresponds the article under discussion." 47 He concluded that as a good Catholic, of which he was proud, he would not vote for the article. Even Rousseau in his Emile, he noted, stated that "it is a great presumption on the part of man to change religion, and in other passages he [Rousseau] offered the opinion that among the religious errors that God pardons with much facility are those we from childhood draw from our parents." 48 Neither could he accept the arguments from history as proposed by Montúfar since for González they were not applicable to the case. In short the speaker considered the article atheistic and contrary to popular sentiments. 49

Padre Arroyo in his defense of an official religion admitted

46 Ibid. 47 Ibid., p. 105.
48 Ibid. 49 Ibid., p. 106.
that the state could not impose an official religion which is accepted and practiced by all the people. According to Padre Arroyo it made little difference that two-thirds of the inhabitants (Indians) committed many religious errors, as Montúfar maintained. In principle these Indians were Catholics and they had fallen into error due to lack of proper instruction. What these people needed were zealous and understanding pastors to provide the necessary instruction. 50 Like González, Padre Arroyo argued that society needed religion and he noted that the French Revolution with its ideas of liberty, equality, and fraternity offered licenses to commit crimes since these ideas lacked a religious foundation. On the other hand he observed that Napoleon saw this error and thus openly recognized the need of the Catholic religion even though he may have done this purely for political motives. Padre Arroyo used the argument of Adolphe Thiers to show that religion was the foundation stone for a good society and state. 51 Padre Arroyo's sharpest attack came when he discussed the concept of liberty.

The public liberties are not public licenses; liberty consists in the right of each one to exercise his faculties within the limits of the law; liberty does not withdraw man from the influence of authority nor from the obedience to laws; liberty is not nor can it come under the influence of fallacy and calumny . . . ; it cannot be a resource for intrigue, astuteness, and force against the rights of man; no one public liberty may be exercised as a detriment to

50 Ibid., p. 107. 51 Ibid., pp. 107-108.
the prestige which authority ought to have over the people it governs. Therefore, I am not [and] I cannot be in agreement with the liberties which the constitutional project proclaims in an absolute sense. 52

Padre Arroyo concluded his address with a plea to the assembly to avoid sarcastic attacks on religion and to respect religious dogmas and sentiments. 53

The final address in the debates on article 24 was given by Antonio Machado, a member of the committee in charge of drafting the constitution. Machado's arguments paralleled the observations made by Raimundo González and Padre Arroyo. The delegate saw no need to refute Montúfar's observations drawn from history since these historical events had no relationship to the article under discussion. He also refused to accept Montúfar's contention that Guatemala must use the United States as a model for religious liberty. He admitted that the United States had made great progress through its policy of separation of Church and state—a policy that was indispensable because of the religious pluralism in the United States. This solution the speaker found unacceptable in Guatemala where the Catholics constituted the vast majority and where the Catholic tradition must be respected. 54 He stated that

52 Ibid., p. 109.

53 Ibid., p. 110. The recorder noted that Padre Arroyo's address received brief applause.

54 Ibid., pp. 110-111.
The government ought to live in harmony with the Church and have with it relations that procure the advancement and welfare of each institution. If these relations are broken, if the respective authorities do not maintain them, then, gentlemen, the Government will not be able to intervene in all those affairs in which it is convenient to intervene in order that in all the departments and in all the towns of the Republic there may exist the necessary order for the conservation of peace and tranquility in the Nation. There are opportune measures of avoiding serious inconveniences, which although they can be remedied after they have happened, prudence dictates and advises that they be prevented beforehand.\textsuperscript{55}

Machado favored liberty of cults for the same reason as did Montúfar—namely for the furtherance of immigration. This position did not prevent the delegate from advocating state support for the religious ministers of the principle cults in Guatemala. He argued that

\textldots the public treasury is nothing more than the obolus which each citizen places in the national coffers in exchange for services received and for which the [citizen] should contribute according to his means to the formation of the public treasury. Shall society then not have the most perfect right that from the public treasury the ministers of cults may be paid, [and] that it [society] may pay all that which signifies social welfare and which tends to satisfy the aspirations of the individuals that constitute the nation?\textsuperscript{56}

In conclusion Machado pointed out the practical advantage of his position. As a Catholic he favored liberty of cults because in the future he might be in a country where Catholics are in the minority and under such circumstances he hoped that the other

\textsuperscript{55}Ibid., p. 112.

\textsuperscript{56}Ibid., pp. 112-113.
religious sects, which are in the majority, would respect the Catholic minority. 57

After the address of Antonio Machado the assembly took up the task of voting on the amendment proposed by Machado to article 24. The amendment provided that "The public or private exercise of any cult remains guaranteed to the Guatemalans and foreigners in this Republic. The Government exercises inspection over all the cults in respect to the [maintenance] of public order." 58 The amendment was defeated by a vote of thirty-four to eleven. 59 After the defeat of Machado's amendment Padre Arroyo proposed another amendment, which read, "The public power, recognizing the fact that the majority of the Guatemalans profess the religion of the Catholic Church, guarantees their cult, public and private, reserving for itself the inspection which concerns the conservation of public order." 60 The amendment of Padre Arroyo was not seriously considered by the assembly since as José Miguel Parro noted Padre Arroyo waited until the very last minute to introduce his amendment. 61 Instead the assembly took up the previous amendment of Martín Barrundia and Rafael

57 Ibid., p. 113. 58 Ibid., p. 114.
59 Ibid. 60 Ibid., p. 116.
61 Ibid. Padre Arroyo defended his action by stating that he had written out the amendment but forgot to bring it along to the assembly. Thus he had to rewrite it while he was in the assembly.
Arroyo which passed by a vote of forty to eight. 62

In the session of December 2 the assembly began debate on article 25, which guaranteed the right of peaceful association, but prohibited "the establishment of religious congregations and all kinds of institutes and monastic associations." 63 An amendment was offered by Antonio Machado, which guaranteed the right of peaceful association without arms ... but for the establishment of any religious community in the Republic, the authorization of the government and the approval of the assembly is necessary. 64 Although the amendment gave the civil authorities an important voice in the founding of religious communities, it did leave the door open for the re-establishment of the suppressed religious communities. In defense of his amendment Machado noted that these communities have rendered noteworthy humanitarian services in the past and thus they should not be prohibited outright. Rather the government should reserve the right of determining if humanitarian services had been rendered by the communities. 65 The delegate argued that the constitution contained provisions guaranteeing freedom of thought, freedom of teaching, religious liberty and right of peaceful association, but in spite of these freedoms article 25 absolutely prohibited

62 Ibid.

63 Ibid., p. 121.

64 Ibid.

65 Ibid., p. 122.
religious communities. To avoid this contradiction the speaker recommended "... that the Government and Assembly, applying the criteria of public necessities and conveniences, admit or not admit those religious associations which correspond to these necessities and conveniences and fulfill the aspirations of modern life." 66

Next Padre Arroyo asked the members of the committee whether the article included all religious associations. The priest especially wanted to know if the article included religious associations that do not have perpetual vows—namely the Daughters of Charity. Padre Arroyo insisted on an answer to this question before he would explain his opposition to the article. 67 José María Samayoa, a member of the committee, offered Padre Arroyo an inconclusive answer by merely re-reading the article and left it up to Padre Arroyo to interpret it as he pleased. 68 Padre Arroyo again took the floor and pointed out that the main issue at stake is to determine who has the right to determine the existence of religious and monastic associations. Is it the Church or the State? If the Church determines the status of religious associations, then the Church has the right to suppress or establish such associations. If this power belongs to the state, then the members of the committee ought to indicate what status the

66 Ibid., pp. 122-123.  
67 Ibid., p. 123.  
68 Ibid.
Daughters of Charity hold in light of this article. Again Padre Arroyo insisted that before such an article could be incorporated in the constitution, the committee must clarify the article and not avoid the issue. He asked if there was any member of the committee willing to defend the article. "Or is it desired to attack an institution and an individual right without explaining the how or the why, and without clearly defining the meaning in which the committee spoke or the criteria by which the [committee] was inspired?" In answer to Padre Arroyo's question José M. Samayoa noted that religious communities in the first place violate nature by taking vows of chastity. Secondly by taking vows of obedience to another power other than the state, religious associations lack all utility. Thus to incorporate in the constitution a provision permitting the establishment of religious associations would be the same thing, according to the speaker, as the government permitting the establishment of slavery. Finally he observed that to allow religious communities to re-enter the country would be a censure of the government which had already expelled them.

Next Lorenzo Montúfar in a lengthy address took up the defense of the article. In his introductory remarks he attacked religious communities through a study of history. He noted that

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69 Ibid., The recorder noted that Padre Arroyo was applauded upon concluding his remarks.

70 Ibid., p. 124.

71 Ibid.
there was no mention of monastic institutions in the Bible and that these institutions were not introduced until after the time of Constantine. With the beginning of monastic life came many abuses, which caused popes from time to time to regulate or abolish monastic institutions. He especially noted that Pope Clement VIII said that no religious community might be established without the approval of those persons to whom the community could either bring harm or usefulness. He also gave the example of Pope Clement XIV's suppression of the Jesuits. After his arguments from history Montúfar defended the suppression of religious communities on economic and political grounds. He stressed the state's right to suppress or prohibit religious associations as inherent in the concept of sovereignty. He pointed out that Guatemala had not been the only country that had used her sovereign right to suppress religious associations. European countries such as Spain, Portugal, and France had done so as also had been done by other republics in the New World. His arguments based on economics challenged the assembly to list the goods that have been produced by religious associations. He did admit that they had produced useful goods in the past, but these goods had no value in the nineteenth century. For instance he commended the monks for their work in the cultivation of new lands, but now monks were no longer needed to remove mountains since machines

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72 Ibid., pp. 125-126. 73 Ibid., p. 126.
were the great movers of the epoch. He noted the example of the
monks in the Philippine Islands, who taught the natives how to
weave cloth but he added that today people weave, "... not as
an abbot weaves in his cloister, [but] weaving is done by means
of those powerful machines which have been exhibited in the ex­
positions in Philadelphia, Paris, London, etc., and those machines
are not monastic machines." 74 Neither did he consider monastic
institutions justified by reasons of charity, for he found a new
and different concept of the administration of charity in the
nineteenth century. In the civilized world charity no longer en­
couraged vagrancy, whereas religious communities in their works
of charity fostered laziness since

thousands of beggars, who withdrew themselves from work in
the fields, from industry, from crafts, etc., went to the
doors of the monasteries to beg, because they knew that at
those doors they would be given all the necessary means of
livelihood. ... Today a child is taken from the cradle,
is fed, is watched over, is educated physically and morally,
is given a career and thereafter is presented to society in
order that he may seek a promising future. Contemplate,
Gentlemen, this system of exercising charity in the nine­
teenth century with the system of exercising it when there is
given a piece of bread to beggars at the doors of the con­
vents! 75

Montúfar called religious men and women "an infinity of religious
[who] are dead arms for industry, agriculture [and] commerce."
He asked his listeners to consider whether these religious are
mendicants or do they possess goods. If they are the former, then

74 Ibid., pp. 126-127. 75 Ibid., p. 127.
they can be considered a heavy charge on civil society. If they possess property, then society is confronted with an establishment of "dead hands," who are a threat to the development of public riches. Whatever consideration may be given to the monasteries, the speaker was convinced that in the nineteenth century these institutions were an exotic growth and as such the government had the most perfect right to call for their suppression.76

Montúfar touched on many significant issues in his address but like his colleague Samayoa he did not answer the question posed by Padre Arroyo—namely did the article prohibit the Daughters of Charity. The question was raised again by Padre Arroyo after Montúfar's address. The priest reiterated his support of the Machado amendment by saying that the provision would allow the government to permit the establishment of religious communities if such societies were deemed good for the public welfare. Since the religious societies had made important contributions to society in the past, the priest saw no reason why the societies could not make similar contributions again and thus benefit the state as they had done in the past.77

Next Padre Arroyo called the delegates' attention to the existence of the Congregation of the Mission and the Daughters of Charity.

76 Ibid. The recorder noted that Montúfar's remarks received brief applause.

77 Ibid., pp. 128-129.
Charity, both of which in the strictest terms of canon law did not constitute monastic institutions since they did not take perpetual vows. "But, Gentlemen, they form societies, they live the common life, they have a vow of virginity, which is renewed year by year, [and] they are subject to a superior general and immediate superiors." In view of these points, Padre Arroyo suggested that the members of the committee might wish to qualify the term "monastic association" and thus indicate whether or not the prohibition of monastic institutions applies to the Daughters of Charity. In his conclusion the priest urged the assembly not to suppress the Daughters of Charity who had made an enviable record in humanitarian work not only in Guatemala but also in Europe—especially during the Crimean War. "I invoke, Delegates, your generous sentiments in favor of the poor, the orphan [and] the needy, and I hope that you will conserve always among us that magnificent, brilliant and most fruitful institution."

Montúfar's answer again avoided the issue raised by Padre Arroyo. He complimented the clergyman for his poetic remarks concerning the Daughters of Charity, but the speaker indicated that the Daughters were irrelevant to the question under consider-

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78 The priests of the Congregation of the Mission had entered Guatemala with the Daughters of Charity to serve as their spiritual directors. They had not been suppressed by the religious reforms.

79 Ibid., p. 129.

80 Ibid. The recorder noted that the address was greeted with brief and enthusiastic applause.
ation. The real point for Montúfar was whether the new constitution should leave the door open for the re-establishment of religious associations. To permit such a possibility meant for Montúfar the denial of the principles of the Revolution of 1871 since one of the basic principles of the Revolution was the abolition of "dead institutions." "The duty of men who sustain the principles of progress is to sustain the ideas of the revolution. It is necessary to terminate the Conservative regime of 30 years and initiate a life of progress and welfare for the country. For this, it is necessary to consign to the fundamental law doctrines and principles, which fortify and secure those great ideas, whose triumph was obtained in San Lucas." Montúfar reminded Padre Arroyo that during the Middle Ages it was logical to hand over teaching duties to religious since this was an age of darkness and only among the religious was there learning. In spite of this Montúfar still maintained that the teaching by the religious during this period brought great evils. He accused the monks of taking advantage of the darkness of the age to propound false doctrines, such as the False Decretals, which proved fatal to societies. Such teaching could no longer be tolerated in the nineteenth century since the progress of this century—such as telegraphy, railroads, steam and the telephone—was not due to

81 Ibid., pp. 130-131. San Lucas refers to the military victory of President Barrios over ex-President Vicente Cerna in 1871.
Shortly after the address of Montúfar a vote was taken on article 25. The recorder of the assembly minutes did not give the number of votes for or against, but merely indicated that the proposed article passed without amendment and that the passage was approved "with great enthusiasm and applause."\textsuperscript{83}

By December 11, 1879, the Constituent Assembly had terminated its debates on the proposed constitution. With the exception of the debates concerning the establishment of an official religion and the prohibition of monastic institutions, there were no other important religious issues raised in the constituent assembly. Yet there were other provisions which had a religious significance, but these received little or no attention in the debates. Article 18 under Title 2, which listed personal guarantees, provided that "Primary instruction is obligatory; sustained by the Nation, [and] it is lay and gratuitous."\textsuperscript{84} Article 21 under the same title provided that "All can freely dispose of their goods, provided that it be done without transgressing the law. However entail and all bequests made to dead hands [meaning religious corporations] remain absolutely prohibited, except those which

\textsuperscript{82}Ibid., p. 131.

\textsuperscript{83}Ibid., p. 132. The speeches of Lorenzo Montúfar made in the Constituent Assembly of 1879 can also be found in R. Montúfar, pp. 54-83.

\textsuperscript{84}Ley Constitutiva de la República de Guatemala decretada por
are destined for charitable establishments." Since both articles 18 and 21 were merely a reaffirmation of the earlier presidential decrees, the assembly did nothing more than to approve constitutionally the actions of the president. To have acted otherwise could only have been interpreted as a censure of the president's conduct.

Title 2 also contained two articles which could prove advantageous to the Church. Article 26 guaranteed freedom of speech and press without previous censorship. While this could be interpreted as a right for Church leaders to air their opinions in public, the fact remains that Padre Raúll, as has been already noted, complained about the civil restriction placed on his publications because these publications might incite acts of disobedience against the civil authorities. There appeared no evidence in 1879 to indicate that the civil authorities were ready to inaugurate a more lenient policy in regard to public utterances made by the religious authorities. Another possible advantage

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85 Ibid.
86 Ibid., p. 7.
87 Enrique Guzmán, a Nicaraguan traveler in Guatemala during the final months of 1884 and the beginning of 1885, found little freedom of the press in the country. In commenting upon the major newspapers at the time he concluded that their objective was the glorification of the president. Guzmán, pp. 49-53.
to the Church was article 27 which permitted private instruction. The article can be viewed as a constitutional guarantee for the Church's operation of the seminary, Colegio de Infantes, but with the prohibition of religious associations the Church had little hope of inaugurating a widespread private educational system. The most that could be expected was that Catholic laymen would step in and fill the vacuum left by the departure of religious members. The guarantee of the inviolability of property as stated in article 28 held few advantages for the Church. The inviolability of personal property did not hold true where public interests were involved, but even here the state obliged itself to make compensation whenever it was found necessary to expropriate property. Since by 1879 a good portion of the property of the Church (except churches) and religious corporations had already been expropriated, the guarantee of the inviolability of property meant little or nothing to the Church with the possible exception of the guarantee of compensation, which the president had already promised. The guarantee was essentially concerned with property of individuals and not property of religious corporations. Possibly under this article the Church could place its title to property in the name of a private citizen, but this,

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88 *Lev Constitutiva de la República de Guatemala*, p. 7.

89 *Ibid.* The constitution made no reference to nonreligious corporate property. Presumably this type of property was considered private property.
as the reader may recall, had already been attempted shortly before the decrees of expropriation. Such a change of title was not honored by courts and there is no reason to believe that times had changed in 1879.

Title 4, which listed executive qualifications, duties and powers, included provisions with a religious significance. These admittedly had less significance than the ones mentioned above. For example article 65, paragraph 4, stated that the candidate for the presidency must be of the lay state. On the other hand no such qualification was deemed necessary for candidates for the assembly. Article 70 under the same title stated the "oath" of office for the executive and shows the militant secularism of the constitution. The prescribed "oath" or "promise" read, "I solemnly declare to discharge with patriotism the office of President and observe and see that the Constitution of the Republic may be observed with fidelity." The omission of the word, God, as a witness to the solemn declaration is significant, but it may be recalled that this declaration did not differ in spirit from the declarations required from the members of the constituent assemblies of 1876 and 1879 upon assuming their duties. It was another effort to separate civil and religious matters.

The most telling evidence of the assembly's willingness to

90 Ibid., p. 15.
91 Recopilación de las Leyes, II (1881), 341.
accept the proposed constitution was the approval of article 39 without any serious opposition. The article which was listed under "guarantees" provided that "If the territory of the nation is invaded or attacked or for any motive the public tranquility is threatened, the President, in agreement with the Council of Ministers, will be able to suspend by decree the individual guarantees . . . stating if the suspension includes the entire Republic or one or various departments of the Republic and giving an account to the Assembly in its next sessions." 92 The same presidential power in shorter terms was reiterated in article 77, paragraph 18, which stated that the president can "suspend the guarantees in agreement with the Council of Ministers, when public order demands it." 93 When article 39 came up for the discussion in the assembly, no member presented arguments in favor of limiting the president's power in the suspension of guarantees. José Mariano Micheo expressed some opposition to the article but his opposition was mainly concerned with its vagueness. However he was quick to acknowledge that he favored the article. 94 In answer to Micheo's proposal for a more explicit article Padre Arroyo voiced his support of the article without further changes or

92 Ley Constitutiva de la República de Guatemala, p. 8.
93 Ibid., p. 18.
94 Diario de las Sesiones de la Asamblea Constituyente de 1879, p. 139.
additions. He admitted that in countries where public order was assured, an article with greater limitations on the president's power to suspend guarantees would be acceptable. This was not the case in Guatemala and thus such a limitation would be anti-Liberal. He argued that the government needed wide powers to defend itself so that it could further the greatly needed progress. He concluded that once the executive obtained popular confidence, he was thereby endowed with "all the force and all the faculties necessary for repressing every attempt of subversion against public order." The article encountered no difficulty in its passage, and one may suspect that Padre Arroyo expressed the sentiments of the majority of the assembly. Thus the assembly felt that even with the inauguration of the constitutional period a mild form of dictatorship was necessary so as to further the work of progress and prepare the country for more Liberal democracy at a later date.

It is obvious in reading all the debates over the Constitution of 1879 that the central issue of sovereignty was for all

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95 Ibid. In addition to suspension of guarantees the president had power of inspection of public and private instruction and direction of public instruction, watching over administration of justice, appointing justices of first instance from the list submitted by the Supreme Court of Justice, raising and directing of armed forces, guarding the collection and administration of public revenue and decreeing the use of revenue in accordance with the laws and commutation of penalties and issuing pardons. Recopilación de Las Leyes, II (1881), 342-343.
practical purposes avoided. One possible explanation might be that the representatives were not aware of its significance—especially in regard to relations between the Church and the state. Yet there is evidence that at least some members of the assembly were conscious of it—especially Lorenzo Montúfar, who probably more than any other member was responsible for the drawing up and obtaining passage of the constitution. According to Jesús Carranza, the moral influence of President Barrios and the work of Lorenzo Montúfar in the assembly were the two most important factors in pushing through the Constitution. 96 Carlos Wyld Ospina, a critic of the Barrios administration, considered the constitution the personal work of Montúfar. 97 Yet it was the same Montúfar who shortly after the passage of the constitution became very much involved in the concept of sovereignty in his short publication entitled El Evangelio y el Syllabus y un Dualismo Imposible. 98 The first article "El Evangelio" has a

96 Carranza, p. 61.

97 Carlos Wyld Ospina, El Autócrata Ensayo Político-Social (Guatemala, 1929), pp. 71-73. This work is mainly concerned with the dictatorship of Estrada Cabrera (1898-1920). The author contends that Lorenzo Montúfar was not only responsible for the dictatorship of President Barrios but also for the subsequent Liberal dictatorships, since the Constitution of 1879 was written for a dictatorship—not a democracy.

98 El Evangelio y el Syllabus y un Dualismo Imposible was originally published as three separate articles. El Evangelio and El Syllabus were published in Costa Rica in 1884 and Un Dualismo Imposible was published in San Salvador, El Salvador, in 1886. All were written while Lorenzo Montúfar was in voluntary
typical Positivist ring wherein he showed how the ancient pagans explained purely natural phenomena through religion. With the march of civilization many of these notions were destroyed. Montúfar found much to praise in the coming of Christianity but he claimed that the teachings of Christ were corrupted by subsequent leaders of the Church especially after Constantine made it an official religion. With the decline of Christianity came the "prolonged night of the Middle Ages." Here the author became involved in a long list of injustices perpetrated by popes and Church leaders such as persecution of non-Catholics, killing of heretics, attempts at regicide and expulsion of the Jews and Moors. He concluded that the Church no longer could be considered as founder by Jesus Christ since the faculties given by Christ to his disciples did not involve ruling politically or becoming involved in mundane affairs.

The second article, El Syllabus," cited various articles from the Syllabus of Pope Pius IX. Commenting on the various canons in the Syllabus he noted that canon XVII declared persons to be excommunicated who held that eternal salvation can be had outside the Church. Montúfar answered that "It is a principle of exile after his break with Barrios over the boundary negotiation with Mexico in 1882. Wilson and Finke, IV, 375.

99Lorenzo Montúfar, El Evangelio y el Syllabus y un Dualismo Imposible (Guatemala, 1922), p. 8. This issue is a reprint made by the Partido Liberal Federalista de Guatemala.

eternal truth that the law does not oblige those who do not know it." His most significant observation was that canon XIX destroyed national sovereignty since it did not permit civil authorities to determine their jurisdictional limits and made civil governments dependent on ecclesiastical power. This for Montúfar was the most absolute ultramontanism. The author then pointed out that ultramontanism essentially meant the destruction of the state. For Montúfar it was impossible to conceive of the existence of two sovereignties over the same nation or to conceive of a dependent sovereignty, yet this was the position of ultramontanism which desired to retain the supremacy of the pope over the state. Montúfar argued that "If the State is dependent, it is not sovereign: the only sovereign then is the Pope." This position according to Montúfar was a negation of the foundation of modern popular constitutions, which declare that sovereignty belongs to the nation without any other limitation. "Those who affirm that the Pope has the domination over heaven and earth; that he is the lord of kings and peoples, attack the independence

102 Ibid., p. 51.

103 Ibid. Canon XIX is a condemnation of the position of those who hold that "The Church is not a true, perfect, and entirely free society, nor does she enjoy peculiar and perpetual rights conferred upon her by her Divine Founder; but it appertains to the civil power to define what are the rights and limits within which the Church may exercise authority. Poulet, II, 593.

104 Montúfar, El Evangelio y el Syllabus y un Dualismo Imposible, pp. 51-52.
of the State and produce a conflict with constitutional principles. 105 He pointed out that the position of ultramontanism could not be found in the gospels or in the teachings of the apostles. Rather Christ in his instructions, "Give to Caesar that which is Caesar's and to God that which is God's," established a clear dividing line between the Church and the state. Thus the principle of the independence of the Church and state proceeded from the gospels but the ultramontanists have attempted to destroy it by having the Church invade temporal authority. 106 He reiterated the foregoing position when he commented on canon LX, which he claimed condemned sovereignty and called for governments by divine right. 107 In his comments on other canons he noted that canon XXVIII was opposed to the constitutions of all countries of the Catholic world since it opposed the civil pase required by these countries for the publication of a papal bull. "If the governments did not have the right of denying the pase to bulls, the only government of the Catholic people would be the Pope." 108

Montúfar also took issue with the Syllabus since he claimed it attacked the freedom of teaching. He observed that canon XXII made it necessary for a writer or teacher to ask bishops and monks before expressing ideas. 109 He claimed that canons XLV, XLVII and

105 Ibid., p. 52.  
106 Ibid., pp. 52-53.  
107 Ibid., p. 55.  
108 Ibid., pp. 53-54.  
109 Ibid., p. 53.
XLVIII had a similar effect since they placed the right of teaching in the hands of the clergy, who offer no light or hope of progress. 110 Finally he remarked that canon LXXVII required a country to close its doors to foreigners and sever its relations with the cultured world. "If we were to observe that canon, we would live isolated, advancing rapidly toward barbarism." 111 The writer in concluding his comments stated that in no area of Christ's teaching did He give to Peter the power for disposing of governments, or for burning alive 5 million men, or for damning the study of geography, or for stopping the advance of progress under the pretense of detaining it as Josue detained the sun." 112

The final article, "Un Dualismo Imposible," which was dedicated to the Faculty of Philosophy, Humanities and Fine Arts of the National University of Chile, concerned the possibility of two sovereignties within a nation. As the title suggests the author considered this impossible. He began by observing that men are different not only in race but also because of environment. The states must strive to accommodate these differences and the

110 Ibid., p. 54.
111 Ibid., p. 56.
112 Ibid., p. 57. The reference to geography concerns an earlier remark of Montúfar when he claimed that a certain council of Salamanca pronounced Columbus a heretic because he insisted that the earth was a sphere. Ibid., p. 49.
failure to do so is one reason why the Roman Empire proved to be an illogical entity. Yet the Church in her contention that she had jurisdiction over the souls of men and indirectly over their bodies attempted to accomplish the same thing that the Roman Empire tried and failed to do. The popes tried to impose their doctrines by declaring persons heretics who disagreed. The Church failed in this mission; this was evident in the defeat of the Church in the Protestant Reformation and Treaty of Westphalia in 1648, which resulted in religious toleration as a law of nations. 113 The clergy desired to control education so as to render people docile and therefore subvert the governments which might be opposed to the interests of the clergy. 114 No nation with such clerical power could be free or independent. Moreover an article in the constitution read: "Sovereignty resides exclusively in the nation. All publicists, whatever school of thought they may profess, are convinced that the sovereignty of the people consists in the fact that the people govern themselves, by their own authority and as it pleases them, without any other power having the faculty to intervene in their constitution and laws." If a nation does not have this all inclusive power, then according to Montúfar the state is not sovereign. 115 He returned again to attack the Syllabus of Pope Pius IX, which he claimed contained

113 Ibid., pp. 65-71.  
114 Ibid., pp. 74-76.  
115 Ibid., pp. 76-77.
provisions that violated sovereignty. One such provision was canon XXVII wherein the pope refused to recognize the civil pase in regard to publications of bulls. This he considered a violation of a constitution which insists on the state's right to use the pase. He also attacked the Syllabus on the grounds that it denied popular sovereignty. "The Syllabus does not recognize the sovereignty of the people and instead of recognizing it, it condemns it: Therefore the constitutions and the Syllabus cannot coexist. It is necessary that either the Syllabus disappears or that the fundamental modern laws disappear. There is no half-way point in that dilemma." Thus Montúfar viewed the Church and state relationships as an endless conflict. He pointed out that "it is an error to believe that the president and the bishop can march together along the same path. Their union is impossible as is the union of an individual who goes North and the other who goes South." Thus the only solution for Montúfar was to follow the example of the United States. He then attacked his Liberal colleagues who wished to create an official church and control the clergy through the patronato. By making the clerics official functionaries of the state these clerics will only have additional means to gain power over civil authorities. In addition the patronato had proved to be a joke since the pope could

116 Ibid., p. 78.  
117 Ibid., p. 79.  
118 Ibid.  
119 Ibid., p. 80.
reject the names presented by the civil authorities if they did not meet his approval. He accused the Liberals of being unaware of the fact that the constitution and the Syllabus are incompatible. There could be no harmony "between the functionary of the State who is called a bishop and the functionary of the State, who is called president."\footnote{120} In conclusion he pointed out "that it is necessary for those struggles [between the Church and the State] to end in which there is always one great victim, humanity. These will disappear by declaring by fundamental law the independence of the Church and the State."\footnote{121} Montúfar expressed similar ideas in a speech that he gave in the Club Liberal in Guatemala on September 2, 1885. He denied clergymen the right to hold political positions since they were subject immediately to the pope and could not aspire to higher positions unless they had the approval of the pope. These clerics according to Montúfar knew very well that they could not serve two masters. "I [Montúfar] do not know what an ecclesiastical minister would do in carrying out the Encyclical and the Syllabus and at the same time pushing the country along the path of progress [and] following the laws of modern civilization."\footnote{122} He reminded his

\footnote{120}{\textit{Ibid.}, p. 104.}
\footnote{121}{\textit{Ibid.}, p. 105. It is interesting to observe that a socialist writer of the 1930's could practically use the same argument as Montúfar in regard to sovereignty in the relationship between Church and state. Vidaurre, p. 108.}
\footnote{122}{R. Montúfar, p. 292.}
listeners that the patronato was an illusion since no pope would ever find a Liberal candidate acceptable.\textsuperscript{123} He remarked that his idea of independence of Church and state was defeated in the Constitution of 1879 because the advisers of President Barrios urged the president to retain the patronato so that the state could maintain its superiority over the clergy.\textsuperscript{124}

Montúfar manifests without a doubt an extreme Liberal position and he himself admitted that many of his Liberal colleagues were unwilling to go along with him all the way. Yet it is significant that he as the most influential Liberal of the day in Guatemala did not bring these points up for discussion in the constituent assembly of 1879. The full implication of Montúfar's concept of unlimited sovereignty could have elicited strong reactions from Conservatives and moderate Liberals alike. Perhaps reasons of tact and politics prompted silence in the matter. The Liberals needed a constitution to justify their claim that Guatemala was taking its position alongside the modern republics of the nineteenth century. As long as there was no constitution, there was the dictatorship of President Barrios approved by the constituent assembly of 1876. Such a government was an anathema

\textsuperscript{123}Ibid., p. 284.

\textsuperscript{124}Ibid., p. 283. The anticlerical El Horizonte in an article entitled "No debe ser libre" argued against a free Church in a free state in Central America since the Catholic Church would use its freedom to destroy the state. \textit{El Horizonte} (Guatemala), November 19, 1881, p. 1.
to the Liberal creed.

Did the Constitution of 1879 fulfill the Liberal aspiration of terminating dictatorship in Guatemala? The study of subsequent history evokes a decidedly negative answer. One need cite only the dictatorial regimes of Estrada Cabrera (1898-1920) and Jorge Ubico (1931-1944). With the possible exception of the Conservative regime of Rafael Carrera (1844-1865) Guatemala has had few dictators that parallel the authoritarian rule of Cabrera and Ubico. While the admirers of President Barrios may argue that subsequent presidents subverted the Constitution of 1879 and thus made themselves dictators, the fact remains that many Conservative and Liberals writers are convinced that the constitution failed to end the Barrios dictatorship. Even the chief formulator of the constitution, Lorenzo Montúfar, admitted that a truly Liberal constitution was an impossibility as long as Justo R. Barrios was president. \(^{125}\) In analyzing his role in the drafting of the Constitution, Montúfar compared the constitution to a lion’s cage which was made of silk threads with a wide door. In noting the motives of the constitutional committee, on which he served, Montúfar remarked, "So we determined that the cage should be very large and that it should have a large door so that the lion might pass in and out without breaking the threads . . . Barrios did not

\(^{125}\) Chester Lloyd Jones, _Guatemala Past and Present_ (Minneapolis, 1940), p. 51.
observe the fundamental law. The Constitution was no more than an ornament in Guatemala, as a bouquet of flowers might be. The lion does not go out of his cage by its large door. He amuses himself . . . rather in breaking the silken threads one by one."\textsuperscript{126} The Positivist historian of the Revolution of 1871, Mariano Zecena, stated that the constitution in reality placed all central power in the hands of the president "... in order that the caudillo might fulfill his missions of implanting revolutionary principles without the obstacles of a restrictive law which would have been necessary to violate at each moment. It was, in the end, the work of an epoch and of a man, not of a people."\textsuperscript{127} He argued that the constituent assembly considered it necessary to place in the hands of the president "all the most dear interests of the patria. The work of the delegates of 1879, which concerns the fundamental basis of the republican and representative system and individual guarantees, appears to be more the result of the concession of an omnipotent political power, of a transitory epoch and of an experiment, than the work of a people who were agitated in search for liberty."\textsuperscript{128} Manuel Cobos Batres, a Conservative writer, observed that students from the primary grades to the professional schools have been taught that the

\textsuperscript{126}Montúfar cited in \textit{ibid.}  
\textsuperscript{127}Zecena, p. 94.  
\textsuperscript{128}\textit{Ibid.}, pp. 91-92.
Constitution of 1879 was truly Liberal and advanced for its time.\textsuperscript{129} This view he rejects since the constitution remained silent on such important points as individual guarantees and since it centralized all branches of power in one man. Rather the constitution, according to Cobos Batres, should have contained "... precepts superior to all laws, precepts untouchable by all authority." This he claimed the United States did in limiting the power of Congress in the first amendment.\textsuperscript{130} He argued that other republics such as El Salvador, Honduras and Nicaragua had restricted the power of the assembly. For instance laws relative to the press, state of siege, and electoral rights had a constitutional character and could not be altered by an "ordinary assembly."\textsuperscript{131} Since the Constitution of 1879 lacked such restrictions, the author thought that the individual guarantees of the Conservative Constitutional Act of 1851 were much more Liberal than the ones of 1879.\textsuperscript{132}

Manuel Cobos Batres attacked the Constitution of 1879 and the principle of separation of Church and state. He admitted that the union of Church and state had many advantages but since enemies of Catholicism had used the patronato for their own nefarious purposes, the union of Church and state had proved to

\textsuperscript{129} Manuel Cobos Batres, \textit{Carrera} (Guatemala, 1935), p. 93.  
\textsuperscript{130} Ibid., p. 94.  
\textsuperscript{131} Ibid.  
\textsuperscript{132} Ibid., p. 95.
be most dangerous to the Church. The Church may have had certain economic advantages under the patronato, but even these advantages the Church could afford to forego if there were separation of Church and state as had been established in other Catholic countries.\textsuperscript{133} The Church in Guatemala, according to the Concordat in effect to 1871, received an annual state subsidy of 4,000 pesos plus income from tithes. Thus the total income from these two sources was anywhere from 15,000 to 18,000 pesos. He argued that tithing in particular served as a basis for enemies to attack the Church and felt that the Church would have been willing to give up the sources of income if there had been effected a friendly solution in terms of separation of Church and state as was done in Brazil and Chile.\textsuperscript{134} He considered it curious that the Liberals advocated the separation of Church and state as a sign of true national progress but yet in 1935 (when Cobos Batres wrote these lines) the leading progressive states in Latin America were Chile, Argentina and Costa Rica—all of which had a union of Church and state.\textsuperscript{135} In fact, he accused the leading Liberal of the Barrios administration, Lorenzo Montúfar, of advocating principles that violated the separation of Church and state. He attacked the ideas of an article written by Montúfar

\textsuperscript{133}\textit{Ibid.}, p. 96.  \textsuperscript{134}\textit{Ibid.}, pp. 96-97.  \\
\textsuperscript{135}\textit{Ibid.}, p. 97.
on October 23, 1891, in El Partido Liberal since Montúfar argued that the state had the right to restrict the emission of pastoral edicts, a right that even the Conservatives failed to recognize. Cobos Batres pointed out that the Constitution of 1879 made the Church a subject of the state. This subjugation resulted from article XXIV, which although allowing freedom of cult gave the state power to resist certain religious exercises which were declared either subversive, incompatible with public order or opposed to the fulfillment of civil and political obligations.

He claimed the majority of the Latin American republics of the nineteenth century recognized the religion of the majority as an official religion. Many of these republics were parties to concordats, which granted the patronato. This was incorporated into their public law. Instead of stating that the Constitution of 1879 truly realized Liberal aspirations, the defenders of the Constitution should have stated that their principal object was the centralization of power and the termination of clerical influence. Then Cobos Batres felt that he would have been able to agree with the defenders of the Liberal creed and the Constitution

136 Ibid., pp. 97-98.
137 Ibid.
of 1879 that their policy was truly stated. He could not see how the Liberals had achieved their goal of separating the Church and the state.

The Constitution of 1879 was not unique as a Liberal experiment. The Guatemalan Liberals were acquainted with the Liberal constitutions of other Hispanic American republics, especially the Mexican Constitution of 1857. Manuel Herrera, minister plenipotentiary of Guatemala to Mexico in 1879, remarked that Guatemala viewed the Liberal progress of Mexico with great admiration: "The government of Guatemala continues along the same luminous path of the Liberal governments of Mexico; the people of Guatemala sympathize vividly with this people [of Mexico], and the initiated institutions and dominant ideas of the country, whose government I represent, are identified with the ideas and institutions initiated by the Mexican government." 139

The close parallel between the Mexican and Guatemalan constitutions should not appear surprising. The comparison of the two reform movements reveals differences, but these are differences of degree rather than essence. Secularist influence is evident in both constitutions. While the Mexican Constitution of 1857 invoked the name of God in its preamble—an invocation that is absent in the Guatemalan Constitution—both documents called for

138 Ibid.
139 El Guatemalteco, January 22, 1880, p. 2.
a simple promise or affirmation in the place of a religious oath when a candidate took office. 140 A broad statement of sovereignty, which received a minimum amount of attention in the constitutional debates in Guatemala, finds a similar expression in the Mexican Constitution. According to the latter "The national sovereignty is vested essentially and originally in the people. All public power emanates from the people, and is instituted for their benefit. The people have at all times the inalienable right to alter or modify the form of their government." 141 This differs little from the Guatemalan Constitution which stated that "Guatemala is a free nation, sovereign and independent. It delegates the exercise of sovereignty to the authorities which the constitution establishes." 142

The parallel of the two documents becomes particularly striking in the religious provisions. Both constitutions permitted ecclesiastics to retain the right of suffrage, but the ecclesiastics in the Mexican Constitution were ineligible to

140 The "oath" of office for the Mexican presidency read as follows: "I do solemnly affirm that I will defend and enforce the Constitution of the U.S. of Mexico and the laws arising thereunder and that I will faithfully and conscientiously perform the duties of President of the United States of Mexico to which I have been chosen by the people, having ever in mind the welfare and prosperity of the nation." H. N. Branch, ed., The Mexican Constitution of 1917 Compared with the Constitution of 1857 (Philadelphia, 1917), p. 68. See also ibid., p. 104.

141 Ibid., p. 33.

election as president of the Republic or as national representatives. The Guatemalan Constitution denied eligibility to ecclesiastics only in regard to the presidential office, although Lorenzo Montúfar argued that the ecclesiastics should be ineligible to serve in any government position. To accomplish the objective of separation of Church and state both constitutions placed public education under the control of the state, abolished ecclesiastical fueros, and prohibited religious corporations from acquiring and administering real estate except that destined immediately and directly for the purposes of worship. Whereas the Guatemala Constitution was very specific in guaranteeing religious freedom and not recognizing any official religion, the Mexican constitution remained silent on these points. Nevertheless according to Mecham the Mexican Constitution did provide for religious liberty since article 6 guaranteed liberty of conscience, "and the liberty of cults was no more than a particular kind of liberty of conscience." Both constitutions gave the state the

143 Mecham, p. 437.
144 R. Montúfar, Discursos del Doctor Lorenzo Montúfar, p. 292.
145 For a summary of the religious provisions in the Mexican Constitution of 1857 see Mecham, pp. 436-437.
146 Ibid., pp. 437-438. Mecham claimed that the Mexican Liberal delegates, who approved the constitution, remained silent on these points because of the fear of a Conservative reaction.
147 Ibid., p. 438.
right to intervene in religious practices if it was felt that the practices were inimical to public order, but the procedure for the intervention was not explained in either document. The Mexican Constitution did not go as far as the Guatemalan Constitution in abolishing religious associations. Article 5 of the Mexican Constitution nullified the compulsory observance of religious vows and thus did not call for the outright suppression of religious associations as was demanded in Guatemala. The moderate language of the Mexican Constitution nevertheless caused Mr. Mecham to conclude that "... it contained the germ of their suppression." In actual practice La Reforma in Mexico suppressed only two religious societies, the Jesuits and the Daughters of Charity. Although the suppression of religious associations in Guatemala was much more extensive, the Guatemalan Liberal never found it necessary to include the Daughters of Charity among the suppressed religious associations. Mexican religious reforms such as civil marriage, state ownership and control of cemeteries and prohibition of religious demonstrations in public including the wearing of clerical garb found an echo in Guatemala.

Finally neither constitution solved the problem of the caudillo. Article 29 gave the Mexican president considerable

148 Ibid., p. 436. A later amendment to the Mexican Constitution in 1873 under the presidency of Sebastian Lardo de Tejada proclaimed the illegality of monastic vows. Ibid., p. 454.
latitude to suspend the constitutional guarantees in "cases of invasion" and "grave disturbances of the public peace." A similar provision, the reader may recall, was incorporated in the Guatemalan Constitution. Perhaps as a justification for such broad powers the Mexican Liberal could well agree with the Guatemalan Liberal, who argued that a strong executive or centralized authority is an essential preparatory step in developing democratic institutions. This argument was strongly supported by the Guatemalan Positivist historian, Mariano Zeceña, who stated that the "scientific" development of history shows that strong governments are necessary to prepare for Liberal ones. In fact Mr. Zeceña found the form of government to be of secondary importance as long as "... public and individual liberties are guaranteed, all classes of society have a participation in public affairs; and all the collective interests and all the parties concur to the government. For the rest the scientific ideal is the pseudo-aristocratic form of government." A strong executive to insure order and progress and prepare the way for democracy was an essential part of the Positivist creed.

While the Constituent Assembly was in the final month of deliberation on the new constitution, President Barrios issued

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149 Branch, p. 27. 150 Zeceña, p. 74.
151 Ibid., p. 75.
several decrees which further restricted the activities of the Church. On October 7 the president decreed the establishment of a jury to protect and judge writers accused of violating the freedom of the press. The president argued that a special jury was necessary in these cases so as to afford a more practical application of the principles of freedom of the press as contained in the Penal Code.\footnote{Recopilación de las Leves, II (1881), 294.} Article 5 of the decree provided that members of the jury must be citizens in full exercise of their rights, know how to read and write, may not belong to the ecclesiastical state and may not exercise any official function which has related jurisdiction.\footnote{Ibid., p. 295.} Article 10 held the director of the printing firm responsible for publication of all unsigned articles or those signed with fictitious names.\footnote{Ibid.} The use of fictitious names in the polemical broadsides was very common and undoubtedly the president hoped to curtail some of the more extreme publications. In actual practice the decree offered little advantage to the Church which had no official publication. Even where the apostolic administrator desired to issue a pastoral, he was unable to do so because of the government's prohibition as happened in the case of the letter of felicitation sent to Archbishop Piñol by Pope Leo XIII. Since clerics were prohibited from serving on

\footnote{Recopilación de las Leves, II (1881), 294.}
\footnote{Ibid., p. 295.}
\footnote{Ibid.}
the jury in charge of judging questions involving the freedom of the press, the Church's opportunities to defend itself against hostile attacks were most limited.

A decree with far more reaching consequences was the one issued on November 15, which called for the municipal administration and inspection of cemeteries. Article 3 provided that the fees charged by the municipality for burials must be exclusively employed to defray the costs for the conservation and improvement of cemeteries. The decree was followed by a regulation of the same date, which gave a list of fees for the various types of burials and ordered that "Every cadaver should be buried in a public cemetery, established by previous authorization and it was prohibited to bury cadavers within the city." The secularization of cemeteries was a logical consequence of the decrees prohibiting the Church from holding certain kinds of property but ostensibly the secularization was decreed as a sanitary measure. The secularization of cemeteries meant a loss of revenue for the Church since the Church no longer received the money from the sale

155 Ibid., p. 315.
156 Ibid., p. 316. As early as July 11, 1877, the president decreed that a certain plot of ground on the outskirts of the capital should be set aside for a general cemetery. Ibid., pp. 150-151. According to a published list of burial fees in the new general cemetery the fees ranged all the way from $300.00 to no fees for those who were too poor to pay. "Aviso," January 1, 1882, CHS.
157 Recopilación de las Leyes, II (1881), 315.
of cemetery plots. The Church still retained her right to withhold Catholic burial rites from those Catholics who failed in their religious duties. The complaint of Padre S. J. Santizo, pastor of San Cristobal, concerning the loss of revenue due to the secularization of cemeteries may well have been the complaint of many other pastors. Padre Santizo in his letter of August 7, 1880, wrote that the decree of secularization of cemeteries was put in effect in July of 1880 and would cause a considerable loss of revenue. He calculated that by the end of the year his parish would lose approximately $450. The pastor claimed that it was impossible to defend the Church's customary burial fees since to do so could be interpreted as inciting opposition to civil laws. Both Padre Raúll and the exiled archbishop in their correspondence of February and April of 1880 stated their opposition to the decree and complained about the consequent loss of revenue. Neither writer offered an estimate of the financial loss envisioned.

158 AC, tomo 1880, doc. 189. Since San Cristobal is a rather commonplace name in Guatemala, it is difficult to locate the parish. Padre Santizo stated that his parish was composed of Indians and this in all probability would place the parish in the highlands of western Guatemala. It may be in the department of Quezaltenango where Padre Santizo served as vicar in 1874. At any rate the sum of $450 is high especially if his parishioners were mostly Indians whose financial resources were limited.

159 Ibid.

160 Ibid., tomo 1874, doc. 323.
The initial effort at establishing the institution of civil marriage was made in the Civil Code and Procedure promulgated on March 8, 1877. Since the civil marriage provision in the code concerned only non-Catholic foreigners, it had no effect on the Catholic Guatemalans who continued the practice of religious marriages. The first basic departure from the traditional practice of marriage came two days after the president decreed the secularization of cemeteries. The decree of November 17 made it obligatory that all marriages be celebrated before a civil authority and in accordance with the formalities prescribed by the respective articles in the Civil Code. The marriages celebrated without the required formalities would not be recognized "as true and legitimate for the civil effects."\(^{161}\) According to the decree marriage is a contract and therefore should be celebrated before the civil authority. The president also made it clear that the citizens were still free to solemnize the marriage in a religious ceremony of their choice, but the religious ceremony does not have any legal effects.\(^{162}\)

The official *El Guatemalteco* in commenting on the civil marriage decree a few days later offered no additional reasons for the need of civil marriage but the publication did observe that

\(^{161}\)Recopilación de las Leyes, II (1881), 321.

\(^{162}\)Ibid.
the president's decree was greatly influenced by French legislation on civil marriage. The publication cited the thesis of a certain French writer by the name of Block who advocated that "... the faculty of marrying is a natural and civil right, and that it belongs to all members of society without distinction of cult, rank and fortune." Block asserted that there are only two real impediments to marriage. First, no second marriage may be contracted before the dissolution of the first and secondly marriage between a parent and his offspring or between brother and sister was prohibited. Block claimed that the latter impediment was dictated by "moral sentiment" whereas the first impediment resulted from French customs and social organization. El Guatemalteco concluded that the civil marriage decree of Guatemala corresponds closely to the spirit of the French law.

Arturo Ubico, secretary of government and justice, in his annual report to the assembly given in March of 1880 added perhaps the most cogent reason of all for civil marriage. He argued that:

only in virtue of a delegation of sovereignty on the part of the State in favor of the Church, has the Church been able to intervene with the exclusion of any other authority in the celebration of matrimony, but this being a contract that affects of a manner so direct the interests of society, the State cannot abandon it, but on the contrary it is the

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163 El Guatemalteco, December 4, 1879, p. 2.
164 Ibid.
165 Ibid.
duty of the state to watch that it may be celebrated with all the solemnities necessary for its validity and stability, [and] that the fulfillment of these formalities may be of an authentic manner and through the medium of the state's legitimate authorities. 166

A similar idea was expressed by Benigno Cartas in a speech given upon his investiture with the degree of law on May 24, 1878. In the past the Church had extensive jurisdiction over the legislation and regulation of marriage. This he felt was not a proper right of the Church but rather a right delegated to it by the state when there was a close union of Church and state. 167 El Bien Público, an extremely anticlerical periodical, stated that "If the state can given laws relative to the individual and society, it certainly can give them in respect to the family, which is the union of various individuals and the basis of society." 168 The publication concluded that "if religion, as modern principles proclaim, is merely a private right and if the state recognizes the liberty of all cults, it would be illogical to demand that marriage should be religious since in that case it would have to favor one religious sect over the other." 169 Neither

166 Memorias de las Secretarías de Estado del Gobierno de Guatemala, March 1880, p. 4.

167 "Discurso pronunciado por don Benigno Cartas en el Acto Solemne de su Investidura de Licenciado en Derecho," Revista de la Universidad de Guatemala, II (June 1, 1878), 12.

168 El Bien Público (Quezaltenango), March 27, 1881, p. 1.

169 Ibid. The publication devoted a series of articles to civil marriage but these were of such a polemical nature that the
the civil marriage decrees nor the commentaries on civil marriage make it clear whether or not the religious ceremony may precede the civil one. It was evident that the state could recognize only those marriage contracts that had been made before the proper civil authorities. This was considered a function proper to the state's exercise of sovereignty and the Church in the past only enjoyed the right to exercise this function in so far as the state had delegated it the power.

The question of civil marriage again came up in the assembly in April of 1881. The assembly noted that even though the president had decreed civil marriage in 1879, the decree was being frequently violated by those who contracted a religious marriage but failed to fulfill the civil ceremony. This according to the assembly meant that the offspring from these religious marriages were illegitimate in the eyes of the state and thus neither the contracting parties nor the offspring could enjoy the legal rights flowing from such a union. In light of this fact the assembly legislated on April 26, 1881, that although the state respects the right of celebrating a religious marriage, the civil celebration of marriage must precede the religious celebration. Article basic issues were overlooked. The series included one interesting observation, that the priest because of his influence over women became allied with the wife against the husband in a religious marriage. Ibid., April 7, 1881, p. 1; April 10, 1881, p. 1 and April 28, pp. 1-2.

Recopilación de las Leyes, II (1881), 571.
provided that any religious official who administered a religious marriage prior to the fulfillment of the civil requirements would incur a fine from fifty to five hundred pesos. The same penalty would be applied to the contracting parties who secretly entered the matrimonial state without fulfilling the civil requirement and if a minister of the cult participated in this secret celebration of marriage, he also would suffer the same fine. 171

The passage of the civil marriage legislation fulfilled the desires of President Barrios expressed through his minister of government and justice, Fernando Cruz. Cruz presented the administration's reform to the civil marriage decree of March 23. 172 The measure was included in the report of the committee in charge of drawing up the legislation. The report was presented to the assembly on March 30. It reiterated the fact that no marriage would be recognized by the state unless the civil requirements had been fulfilled and thus all marriages not performed before the proper civil authorities would have no legal effects--such as inheritance rights for children. The state must view all marriages not contracted before a political authority as concubinage. 173 In order to eliminate illegal unions the minister pro-

171 Ibid., pp. 571-572.
172 El Guatemalteco, March 30, 1881, pp. 3-4.
posed that sanctions be formulated by the assembly similar to those in France. He argued that the state must do all in its power to eliminate evils flowing from illegal marriages—that is marriages contracted only before religious ministers.

If marriage is a social act of the greatest transcendence; if the state and civil condition of persons are and ought to be under the safeguard and guarantee of the civil law; and if it rests upon the [civil] authority to avoid everything that in the future can be the origin of disturbances and confusions in the family, whose morality and condition is reflected in society, it appears unquestionable that it is an imperious duty of the legislator to obviate with an efficacious remedy that which can be in the future a most grave evil.174

The minister expressed much concern over the fact that ignorant women were contracting marriage without fulfilling the civil requirements and as a result such a woman became nothing more than a concubine in the eyes of the state since she enjoyed no legal rights in regard to marriage.175 In light of this situation the minister felt it necessary to propose a reform that would prohibit the celebration of religious marriages without fulfilling the civil requirements. At the same time the minister was convinced that the reform would not interfere with individual rights. For instance, it was pointed out that a man or woman still retained

174 Ibid.
175 Ibid. At least on two occasions the minister had been urged by the jefes políticos of the department to inaugurate a civil marriage law, which would require the civil ceremony to be performed before the religious ceremony. The jefes políticos claimed that this would be one way to prevent the many violations of the president's civil marriage law. Informe con que da cuenta
the right to live in concubinage although the parties concerned
could not claim the proper legal rights resulting from a civil
marriage for their offspring. On the other hand those who
wished to enter the matrimonial state and did so only through a
religious ceremony either acted out of ignorance or knowingly
flouted the law. If they acted out of ignorance, then the state
had the obligation to make it clear to the parties that such
illegal unions not only jeopardized their own private interests
but also the interests of their children and society. In the
second case it became even more obvious that the state must inter-
vene to prevent illegal unions. The reform, as the minister in-
sisted, was concerned only with those who wished to contract valid
marriages and in order to do this, it must be done according "to
the prescriptions established by society." If Guatemala failed
in this, she will face the same problem that the French legisla-
ture faced--namely an ever increasing number of illegal unions,

el Señor Jefe Político de Sacatepequez al Sr. Ministro de Gober-
nación y Justicia, de la vista practicada en los pueblos del
Departamento, en el Año de 1880 (Guatemala, 1881), pp. 4-5; La

176 Diario de las Sesiones de la Asamblea Nacional Legislativa
de Guatemala (Guatemala, 1881), p. 2. Related to the "right" of
concubinage was the "right" of prostitution, which was legalized
by the president along with extensive regulations for houses of
prostitution on December 31, 1881. Leyes Emitidas por el Gobierno
Democrático de la República de Guatemala, III (1883), pp. 91-93.
which have not met the civil requirements. The minister was convinced that the proposal of the administration did not violate any religious principle. The reform did not prohibit religious marriages, but it was merely intended that the civil requirements should not be neglected. According to the minister:

The [civil] authority does not penetrate into the sanctuary of one's conscience nor does it attack the beliefs and sentiments of individuals; he who believes that religion ought to sanctify his marriage, and he who, for any other motive, desires or judges convenient that it [religion] be interposed are the complete masters of their action, and for this there is created no obstacle nor are they opposed with any impediment. They must fulfill and respect the civil law which the state requires, for the rest they have complete and ample freedom in respect to that which they believe is due to the religion that they profess. They must give to Caesar that which is Caesar's and the Government does not desire to prevent that they must give to God that which they judge ought to be given to God.

Finally the official pointed out the advantage of penalizing the minister of the cult for administering the illegal union instead of the contracting parties. The minister noted that this was in accordance with French marriage legislation. Since the great majority of people were ignorant and thus less responsible for violating the law, the minister of the cult, who is an educated man and fully aware of violating the law when he administers a

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177 Diario de las Sesiones de la Asamblea Nacional Legislativa de Guatemala, pp. 2-3.

178 Ibid., p. 3. Later on the floor of the assembly the minister buttressed his arguments by stating that the sentiments of the people are not violated since the assembly in showing its approval of civil marriage represented and expressed the will of the people. El Bien Público, May 1, 1881, pp. 1-2.
religious marriage before a civil marriage, bears the greater respon­sibility.\textsuperscript{179} The report then outlined the civil marriage proposal which contained no essential differences from the law that received the final approval of the assembly on April 23, 1881.\textsuperscript{180}

The administration's proposal was strongly defended on the floor of the assembly by Lorenzo Montúfar. His speech on April 6 attacked the traditional backwardness of the clergy. He accused them of using the threat of excommunication against those who advocate liberty of conscience in religious beliefs. He went on to cite various nations in which the state legislated in regard to marriage. The list included England, the early Roman Republic, Spain, Austria and even the Guatemalan legislature during the previous Conservative regime. Thus he found no reason why Guatemala in 1881 should hesitate to legislate in these matters.\textsuperscript{181}

Another defense of civil marriage was presented by the Delegate E. Martínez Sobral, which was published while the reform was under consideration in the assembly. Martínez rested his case on the fact that the family is the basic unity of society and as such it comes under the jurisdiction of the state. If the state relinquishes its jurisdiction over the family, especially marriage,

\textsuperscript{179}Diario de las Sesiones de la Asamblea Nacional Legislativa de Guatemala, pp. 2-3.

\textsuperscript{180}Ibid.

\textsuperscript{181}R. Montúfar, pp. 110-114.
the state actually is relinquishing to a certain degree its sovereignty. Martínez accused the Church of overstepping its limits in the past and not heeding the admonition of its Founder, Who said, "My kingdom is not of this world." The Church was especially guilty in exceeding its limits in matrimonial questions, but even here any decrees issued by the popes or councils lacked the force of law in Catholic states if the pase was not given. This according to Martínez was sufficient evidence to show that even where the Church was the dominating influence, the state still retained its rights and dignity. In view of religious liberty "consecrated by the Protestant reform and generalized afterwards by the saving principles of the modern age" civil marriage was the only marriage that a state could recognize. When the state regained its original jurisdiction over marriage, it merely meant that the state was regaining its "supreme right of organizing the family and the consecration of the constitutional guarantee of

182 E. Martínez Sobral, Breves Observaciones acerca del Matrimonio Civil y Sobre el Proyecto de Ley Relativo a la Precedencia de Ese Contrato a las Ceremonias Religiosas (Guatemala, 1881), p. 4. El Guatemalteco admitted that the religious marriage may have had its reason for existence in the past but "... today [these religious ceremonies] cannot or should not continue to disturb the order, the moral personality and the right which the laws of true sovereignty establish and sanction." The publication noted that marriage is essentially a consent given by the persons intending to marry and as such has nothing to do with religion. El Guatemalteco, April 6, 1881, p. 4.

183 Ibid., p. 7.
liberty of conscience." Thus Martínez argued that a state which does not recognize an official religion "... ought to accept only, in the sphere of law, civil marriage, without relating it to sacraments, which neither constitute nor possess earthly power." He criticized the opponents of Liberalism for directly or indirectly encouraging the common people not to fulfill the civil marriage requirements. This placed the common people in a precarious state since their religious marriages were not recognized by the state. The results of these illegitimate unions, according to Martínez, were the lack of civil effects in regard to the married persons and their offspring, lack of protection and aid, which a husband should give his wife, and the lack of paternal authority and assistance which the father should offer his children. These results are responsible for children being abandoned to their own fortunes, the murder of infants and scandalous conduct in the home.

Martínez next took up the question whether the fulfilling of civil marriage requirements deprived a person of liberty. The answer provided no new approach since Martínez insisted that the persons wishing to enter the matrimonial state were completely free in having a religious ceremony if the civil requirements were fulfilled beforehand. It is merely the intention of the state to

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prohibit illegitimate unions, but the state could not interfere in a religious marriage, which takes place after the civil marriage has been performed. 186

There is no evidence that the civil marriage reform encountered any serious opposition on the floor of the assembly. According to Padre Raúll only two representatives opposed the law, Padre Ángel Arroyo and a certain Aguirre. 187 Padre Arroyo in his remarks of April 6 opposing the reform indicated that he would not defend the clergy against the anticlerical attacks of Lorenzo Montúfar but like Montúfar he considered himself in the front ranks in defending the public liberties of modern civilization, since political ideas are great only in so far as they are intimately related to religious ideas. Padre Arroyo added that the exaggerations of the "reds" were nothing more than constant attacks on liberty. He pointed out that liberty needs the safeguard of religion and that people are more advanced to the degree that they respect the original rights which God has given to society. Padre Arroyo stated that if he attacked the liberty of cults it was due to the fact that all the people of Guatemala were Catholic and it was the state's duty to protect these popular

187 AC, tomo 1881, doc. 91, p. 10. The minutes of the assembly covering the sessions during which the reform was considered could not be located in the AGG.
religious sentiments. 188 He opposed civil marriage since he considered it an attack on the constitution, which guaranteed public liberties and he considered obstacles to religious marriages a violation of the guarantee of religious liberty. 189 The priest concluded by reminding the assembly that the Church respected civil laws but that the government should not meddle in religious affairs. If the government now insisted on establishing civil marriage over the ecclesiastical sanction, it was mainly due to the fact that the government had failed to obtain the sanction for its actions from the Catholic people of Guatemala. This Padre Arroyo called a cowardly confession on the part of the government. He feared that if the government continued in this thinking and applied it to public finances, it would eventually mean that the curates would not be able to administer the other sacraments without first having to pay a required civil contribution. 190

Padre Raúl expressed his opposition to the civil marriage reform both in his letters to Archbishop Piñol and in a pastoral issued shortly after the passage of the civil marriage reform. The first reaction of Padre Raúl came in a letter to Archbishop Piñol dated February 28, 1880. This was approximately three months after the president made civil marriage obligatory, without

188 V. M. Díaz, Barrios ante la Posteridad, p. 374.
189 Ibid.
190 Ibid., pp. 374-375.
requiring the civil ceremony to precede the religious one. The apostolic administrator merely notified the archbishop of the decrees of civil marriage and secularization of cemeteries and that in all of these matters he requested the president to safeguard the interests of the Church, but he added that his appeals were of no avail. 191 It was in this letter that the apostolic administrator commented on the recently approved constitution. He reported that it was impossible to prevent the anti-Catholic provisions in the constitution. He added a note of gratitude for the work that Padre Arroyo had done in the assembly in seeking modifications of certain anti-Catholic provisions. Although Padre Arroyo's proposals were defeated, he was satisfied that the Church's side in the case was presented. 192 A second reference to the civil marriage came in the letter of March 11, 1880, also addressed to the exiled archbishop. Again Padre Raúl did not elaborate on the reasons for his opposition to civil marriage but merely reported that the Church was experiencing problems in the matter. 193 On April 17, 1880, the archbishop replied that the decrees in regard to secularization of cemeteries, parish funds and marriages made it more difficult financially to sustain the cult. The archbishop saw no other hope in the matter than to ask

191 AC, tomo 1874, doc. 323.
192 Ibid.
193 Ibid.
for divine intervention. The archbishop in the same letter reported that he had seen the constitution but he did not desire to make any comments on the document which he considered an affront because it established a permanent state of persecution against the Church. He complimented Padre Arroyo for his defense of Catholic interests on the floor of the assembly, and he hoped that all other members of the clergy would be willing to make the necessary sacrifices in defense of their faith. Similar sentiments were expressed by the archbishop in his letter of May 19, 1880. The correspondence of Padre Raúll dated June 12, 1880, and addressed to the archbishop reported the reception of documents from the Holy See, which were delivered by Padre Pedro Lleras. The documents included the encyclical of Pope Leo XIII concerning marriage which contained pertinent advice in regard to civil marriage and divorce.

There is no evidence that Padre Raúll published Pope Leo XIII's encyclical but it did serve as a basis for his pastoral on marriage issued on May 2, 1881. The pastoral was the first public expression of opposition to civil marriage and undoubtedly the recent action of the assembly which required civil marriage before the religious one prompted Padre Raúll to express the

194 Ibid.
195 Ibid.
196 Ibid.
197 Ibid.
Church's position publicly and advise the faithful as to what should be done in future marriages. The pastoral, which was directed to the clergy and faithful, pointed out the need for clarification of the Church's doctrines on marriage in view of the many errors that have been propagated. The apostolic administrator pointed to the divine institution of marriage in the Garden of Eden. He claimed that due to the weakness of man marriage was degraded and so Christ in His teachings again raised marriage to the level which God had established in the Garden of Eden. Thus marriage was not purely a civil and profane agreement but a natural and sacred contract, which is indissoluble. It was a sacrament which seeks supernatural grace and calls upon God as a witness and judge. This is no new doctrine since popes and ecumenical councils have proclaimed this on many occasions. At this point the apostolic administrator referred to the encyclical of Pope Leo XIII, in which marriage was called a "nuptial bond sanctified by religion" and could never be separated from the sacrament. Thus the civil act without the sacrament cannot be considered a valid union for the faithful. Again he referred to the encyclical when he reminded the faithful that the Church intervened in marriage only "to defend that which is subject to the divine law" and she did not dispute the right of the state to regulate marriage in temporal affairs. On the other hand marriage

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198 AC, tomo 1881, doc. 91, p. 7. 199 Ibid. 200 Ibid.
was of divine origin and as such the state could never annul it, dissolve it, or alter it.

Therefore, you will understand, venerable Brethren, that a judgement can be formed about a Catholic state, which disregards the sacred principles and wise dispositions of Christian law on marriage, creates a nuptial morality completely its own, of a purely human character, under formalities and with guarantees merely legal, and afterwards in so far as the state is able, it imposes itself on the conscience of its subjects by force, substituting it for a religious and sacramental union without which the nuptial union among Christians cannot be licit, honored or stable. 201

Since the civil marriage reform passed by the assembly did not recognize the religious marriage, the apostolic administrator urged the faithful to render "material submission" to the law but to keep intact the integrity of their religion. He declined all responsibility for the law but urged the clergy and faithful not to disturb public order. 202

The second half of the pastoral edict concerned regulations in regard to the performance of religious and civil marriages. First the curates were instructed to make sure that all dispensations needed by the two persons desiring to enter the matrimonial state be obtained from the ecclesiastical government. Next the two persons were advised to present themselves before the civil authorities to fulfill the civil requirements. When these conditions have been fulfilled and all other canonical requirements satisfied, the curates could proceed to administer the sacrament. Secondly the curates were reminded that the civil marriage was not

valid in the eyes of the Church and thus the faithful who had fulfilled only the civil requirements were not allowed to use the marriage act without the most grave sin. The curates were instructed that if at all possible the religious ceremony should be administered on the same day as the civil ceremony. Third, curates were allowed to administer the religious marriage in cases of danger of death without seeing that the civil requirements be first fulfilled, but the curates must make every attempt possible to see that the civil requirements are first fulfilled. The fourth regulation concerned the persons who contracted a civil marriage without fulfilling the religious requirements. These persons were deprived of "all rights and graces which the Church dispenses abundantly to her children in this life or in death."

In these illegitimate unions the curates were admonished to do everything possible with all charity in effecting a Catholic marriage. The fifth regulation provided that in the case of danger of death the dispensations needed from the ecclesiastical government could be waived. The sixth instruction concerned the baptism of offspring from persons who have contracted only civil marriages. Here the curates were instructed to enter the names of the offspring as the children of a civil union—thus indicating that the children are illegitimate. Neither was the curate permitted to have persons united only by a civil marriage to act as baptismal sponsors or to give the post partum blessing to the mother. The final regulation encouraged the curates to study the
encyclical of Pope Leo XIII especially in those matters that pertain to the civil marriage question. The apostolic administrator concluded the edict with a plea to the faithful to offer obedience to the laws of God, the Church and the state.

There is little evidence that the civil authorities made any effort to prohibit the promulgation of the pastoral. In fact the only case on record is that of Padre Pedro Lleras, pastor of San Pedro de Zcatepequez. Padre Miguel García, pastor of Tocaná, on June 24, 1881, informed the apostolic administrator that Padre Lleras had been imprisoned in San Marcos because he read and explained the pastoral to his parishioners. Padre García added that since the condemnation of civil marriage was most clear he could not understand why a priest should be pronounced guilty when he condemned civil marriage. Apparently Padre García was concerned about his own situation since he asked the apostolic administrator what his conduct should be. Padre García had already read the pastoral and was expecting to follow up the reading with a short explanation.

The letter of Padre García offered no clue as to who was responsible for the arrest, but one may strongly suspect that this was another case where a local jefe político took matters into his own hands without the sanction of the central civil authorities. This suspicion is strengthened by

203 Ibid., pp. 10-12.  
204 Ibid., p. 15.  
205 Ibid., doc. 137.
the fact that there is no order from the central government giving the right to local authorities to intervene if and when the pastoral is read in the parishes.

All in all it appears that the curates presented little or no obstacles in fulfilling the requirements of the civil marriage reform. On March 1, 1882, Fernando Cruz, minister of government and justice, reported to the assembly in his annual report that the civil marriage reform "has not presented up till now any difficulty in its execution." Apparently the apostolic administrator's advice to the clergy and faithful not to circumvent the civil marriage reform played an important role in making the minister's report so optimistic.

The initiative on the part of the president in pushing his civil marriage reform through the assembly shows that the real power after the formation of the constitution was still the president. The assembly offered nothing novel to the reform program of the president since for all practical purposes the reform program was completed when the assembly began its work. Periodic implementation of the reform through presidential decree or legislation by the assembly was essentially the work of the president. The true value of the assembly rests on the fact that it had constitutionalized the reform.

206 AGG, Varios Folletos, vol. 773, doc. 5105-E.
CHAPTER IX

CONCLUSION

The Constitution of 1879 was officially inaugurated on March 1, 1880. Four days later the assembly declared Barrios officially elected president. ¹

Barrios, who served as constitutional president from March of 1880 to April of 1885, continued his religious policy of the preceding years. Although there was no drastic change, the implementation of the reforms continued as in previous years. For instance, beginning with the election in March of 1880 until the president's death in April of 1885, the writer was able to locate thirty-five letters of pastors who reported expropriation of Church property. As in previous reports the pastors held the local political authorities and in a few instances the Commission of Consolidation responsible for ordering the expropriations. There was only one case where a pastor held Barrios directly responsible for issuing an order of expropriation. Two pastors stated that the municipal authorities sought the approval of the president to expropriate. Since most pastors felt that the local

¹ Of the 36,627 votes cast Barrios received 36,552. Recopilación de las Leyes, II (1881), 554-555.
officials had taken the initiative to expropriate Church property, they frequently requested the apostolic administrator to intercede with the president so that the orders may be revoked. There is no evidence that the apostolic administrator was successful in answering the requests. 2 The motives of local officials in ordering expropriations are frequently unclear. The pastors periodically offer the motives of anticlericalism and personal aggrandizement.

Another disruptive feature in the Church and state relations during the 1880-1885 period was an anticlerical and antireligious press. El Guatemalteco, El Horizonte, La Prensa and El Bien

2For reports on expropriation see AC, tomo 1880, docs. 202, 253, and 262; vol. XV, docs. 2635 and 2653; tomo 1881, docs. 12, 58, 165 and 267; vol. XV, docs. 2693, 2743 and 2762; tomo 1882, docs. 144, 152 and 219; vol. XVI, docs. March 5, 1882, April 10, 1882, April 26, 1882, May 19, 1882, June 12, 1882, June 29, 1882 and August 11, 1882; tomo 1883, docs. 24, 53, 157, 218 and 221; vol. XVI, doc. October 17, 1883; tomo 1884, doc. 95; vol. XVI, doc. June 16, 1884; tomo 1885, docs. 1 and 44; vol. XVI, docs. January 3, 1885, February 25, 1885 and March 16, 1885. (Documents in Volume XVI are unnumbered.) A different story developed as a result of a survey conducted in the latter half of 1885 by the diocesan vicars. The survey was requested by the apostolic administrator to ascertain how much Church property Barrios expropriated to give to private persons. Of the twenty vicars who reported, twelve held Barrios directly or indirectly responsible for expropriating Church property and giving it to private individuals. The reports also included Church property expropriated by local political officials and property that came under the expropriation decrees of the 1870's. AC, tomo 1885, docs. 235, 249, 255, 258, 260, 261, 266, 267, 270, 272, 281, 284, 299, 294, 304, 308, 312, 314, 327 and 331. The survey was occasioned by President Manuel L. Barillas' decree, which sought to legalize all property donated by Barrios to private individuals. Viviano Guerra, ed., Leyes Emitidas por el Gobierno Democrático de la República de Guatemala y por la Asamblea Nacional Constituyente y Legislativa, IV, (Guatemala, 1886), 552.
Pública devoted considerable space to attacking clergymen and religious doctrines.\(^3\) *El Guatemalteco*, the official newspaper, still was accusing the exiled archbishop in Havana, Cuba, of attempting to overthrow the Liberal regime in Guatemala.\(^4\) *El Horizonte* was undoubtedly the most outspoken of all newspapers in its attack on the clergy, so much so that Padre Raúll requested the president on October 1, 1883, to intervene and halt its anticlerical attacks.\(^5\) There still was no Catholic press to defend the clergy and Catholic doctrine, but the fact that Padre Raúll purchased a printing press in 1880 suggests that he had such a publication in mind. The apostolic administrator did not grant permission for the publication of a Catholic newspaper until after the death of Barrios. The first issue of the newspaper, called *El Pensamiento Católico*, came off the press on May 14, 1885. Padre Raúll insisted that the newspaper may not indulge in polemical tracts but must seek the diffusion of religious knowledge.\(^6\)

An example of antireligious attacks was the order of a jefe político prohibiting religious processions in the streets.

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\(^3\)All of these publications were printed in the capital with the exception of *El Bien Público*, which was printed in Quetzaltenango.

\(^4\)*El Guatemalteco*, August 11, 1880, pp. 2-4.

\(^5\)AC, tomo 1883, doc. 184. The editor of *El Horizonte* was G. Carrión M. de la Rosa, a native of Spain, who Padre Raúll claimed was exiled from his native land because of anarchial beliefs.
According to the pastor of Zacapa, who reported the case on March 5, 1880, the jefe político justified his conduct by noting that the Constitution of 1879 protects religious practices only in churches. The pastor argued that this constitutional provision in no way prohibited religious services in public places. The president settled the doubt two years later when he decreed that religious processions outside of churches were prohibited. Padre Juan B. Vives, pastor of Solomá, experienced similar difficulties. In his letter of April 15, 1880, he reported that the local political officials prohibited all public demonstrations of religion, even demanding the removal of crosses in the public plaza. This order the priest stated was revoked when the people took their case to Barrios. Another priest by the name of Padre Pedro A. Lleras reported on November 24 of the same year that an article written by a man noted for his hatred of the clergy was being circulated which contained libelous accusations. The priest claimed that the article was circulated after the priest refused to baptize the natural son of the author of the article because the name chosen for the child was not Christian.

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7 Ibid., tomo 1880, doc. 48.
8 Leyes Emitidas por el Gobierno Democrático de la República de Guatemala, III (1883), 228-229.
9 AC, tomo 1880, doc. 78.
10 Ibid., doc. 295.
Another example of an attack on clergymen was the speech given on December 31, 1881, by Antonio Barrios, natural son of the president, on the occasion of his graduation from the Instituto Nacional. The youth publicly acknowledged his illegitimacy and praised his natural father who recognized his illegitimate offspring and provided them with an education. This the young speaker claimed was not the case of the clergymen and aristocracy, who disowned their natural offspring. Furthermore he attacked the vow of virginity, arguing that "those who do not obey the law of love and nature have to be outside the law and aspirations of humanity." 11

The most extreme case of anticlericalism was the formation of an anticlerical league of freethinkers in 1882, which called itself "La Redención." The main purpose of the league was the preservation of the struggle against the clergy, whom it considered "the most irreconcilable enemy of society and the sacrosanct rights of man." 12 Article 2 of the league's statutes published in 1883 declared: "Recognizing that clericalism has been a most

11 Discurso Pronunciado por el Joven Don Antonio Barrios, Alumno Interno del Instituto Nacional. En el Último Examen para Optar al Grado en Ciencias y Letras, Sostenido en el Salón General de Actos el Día 31 de Diciembre de 1881 (Guatemala, 1881) pp. 3-8.

12 Liga Anti-Clerical de Libre-Pensadores: "La Redención" (Guatemala, 1883), pp. 3-4. La Redención was a branch of the anticlerical league established in Spain. Guzmán, p. 95.
powerful force which up to today has sought to group diverse elements and social interests against the worker and freethinkers and recognizing the clergy as the social enemy and principal obstacle of all progress, the anticlerical league imposes upon itself the mission of combating without ceasing and with all energy the superstitious ideas of whatever nature as well as their hypocritical propagators."

Since there is no available membership list of the league, there is no way of telling if any of the leading political authorities were members of the organization. All that can be ascertained is that G. Carrión Martínez de la Rosa was the founder and president of the league. Guzmán claimed that the anticlericalism of Carrión Martínez de la Rosa was not based on conviction but on convenience since anticlerical remarks pleased the Barrios administration. Guzmán noted that Martín Barrundia, a cabinet member of Barrios, was a close friend of the president of the league, but there is no evidence that Barrundia ever joined the league.

13 Ibid., p. 8. For similar comments on the league see El Horizonte, December 17, 1882, p. 2.
14 Liga Anti-Clerical de Libre-Pensadores: "La Redención," p. 16; Guzmán, p. 95.
Within a year's time Padre Raúl found it necessary to raise a voice of protest against the anticlerical league. In his pastoral of August 6, 1883, he directed his criticisms in a general way at anticlerical publications and expressed alarm over the formation of the anticlerical league. He claimed that the principles and tendencies of the league were directly opposed to order, peace and religious liberty. He was convinced that the league did not enjoy the support of the civil government since the league opposed not only Catholic dogma but also the fundamental law of the land and the best interests of the Guatemalan people. Undoubtedly the apostolic administrator viewed the conduct of the league as the work of a very small minority and this probably was also his reaction to the previously mentioned cases of property expropriation and the hostile conduct of certain local political officials. In short these incidents did not deter him from continuing his policy of reconciliation.

Padre Raúl's willingness to support the president's railroad project in 1883 has already been noted. Neither did the apostolic administrator refuse to give his wholehearted endorsement of the president's proclamation of a Central American union on February 28, 1885. A special pastoral was issued asking the clergy and

16 Pastoral del M. I. Sr. Gobernador del Arzobispado Presb. Juan Bautista Raúl y Bertran sobre "El Ferrocarril al Norte" (Guatemala, 1883). The major portion of the pastoral is concerned with seeking support from the clergy and faithful for the president's railroad project.
faithful to support the union. In the pastoral the apostolic administrator cited the remark of Monsignor Palloti of the Vatican who assured the Guatemalan president in the name of the Holy See that "... the Catholic Church was not hostile to him; that the Holy See is disposed to give him all the influence of moral support which the Church can offer, not only in Guatemala but in all of Central America so that the union may be realized, [and] that this is the future of those countries and the only one that will give positive guarantees to the Church." 18

The greatest opposition to Barrios' plan came from the governments of El Salvador, Nicaragua and Costa Rica. This opposition led to the outbreak of hostilities in the closing days of March of 1885. In spite of this opposition Padre Raúll on April 2 issued a second pastoral in which he urged the clergy and faithful to give obedience to the civil authorities during the difficult times. 19

17 The pastoral is cited in "Homenaje a los Augustos Manes de Barrios El Grande," La Gaceta, XIII (July 19, 1935), 329-330. For other references to clerical support for the proposed union see ibid., p. 329; La Unión de Centro-América (Guatemala), March 12, 1885, p. 35.


Whenever the opportune occasion arose both the apostolic administrator and the clergy offered expressions of good will and support to the government. For instance in 1880 Padre Raúll instructed the pastors to open their parish archives so that the civil officials could obtain vital statistics.\(^{20}\) In October of 1882 a special clerical commission was nominated to go to Amatitlán to welcome the president back from his trip abroad.\(^ {21}\) On the occasion of an unsuccessful assassination attempt on the president's life on April 13, 1884, the apostolic administrator expressed grave regret over the incident and assured the president that Christianity can never approve such a criminal act and disobedience to civil authority.\(^ {22}\)

In his efforts to maintain harmonious relations with the government Padre Raúll appears to have encountered little difficulty from the clergymen. In his letter of resignation directed to Pope Leo XIII on February 1, 1881, Padre Raúll hints that he still faced opposition from certain clergymen in seeking harmonious relations with the civil authorities.\(^ {23}\) The fact that there was almost a unanimous decision among the clergymen urging the pope

\(^{20}\) AC, tomo 1880, docs. 12 and 120.
\(^{21}\) Ibid., tomo 1882, doc. 274.
\(^{22}\) Ibid., tomo 1884, doc. 11.
\(^{23}\) Ibid., tomo 1881, doc. 29.
not to accept the resignation is strong evidence that clerical opposition to the apostolic administrator's policy was not widespread.24 Furthermore after the death of exiled Archbishop Piñol in 1881, the clergy gave their overwhelming support to have Padre Raúll as their next archbishop.25

Padre Raúll's conciliation policy may have influenced certain decisions of President Barrios during the constitutional period. On a limited number of occasions the president showed himself willing to make concessions to the Church. It is not always clear whether this was done for political or religious motives. For instance on June 12, 1880, the president revoked a civil order which required pastors at the end of each month to bring their baptismal records to political authorities in charge of civil registers. The order was revoked after the apostolic administrator complained that this would be placing an undue burden on the pastors and requested that the civil authorities should come to the parish house to make a copy of the baptismal records.26

Another concession of Barrios to the clergy was made on June 10, 1881, when the president granted the franking privilege

24 Ibid.
25 Ibid., doc. 140 and tomo 1883, doc. 238. Pope Leo XIII designated Padre Raúll as archbishop-elect in 1885 but the priest's death on July 31 of the same year prevented him from being installed as archbishop. For a brief biographical sketch of the apostolic administrator see Díaz, Barrios Ante La Posteridad, p. 660.
26 AC, tomo 1880, doc. 120.
for all clerical postal dispatches. 27

The most important concession of Barrios to the clergy concerned the question of clerical military service. The new Liberal government in January of 1872 had already exempted the clergy from military service but on January 30, 1883, the president issued a regulation which listed thirteen categories of military exemptions. Citizens who did not fall into these categories could not be exempted unless they paid an exemption fee of fifty pesos, known as the "contribution of blood." The regulation provided for no clerical exemptions. 28 Apparently Padre Raúl issued no protest to the regulation since on February 13 two pastors reported that a jefe político had ordered them to pay the military exemption fee. This they refused to do until they had heard from the apostolic administrator. 29 The records remain silent as to what the religious authorities advised in the matter. Barrios' regulation immediately raised the question whether the clerical exemption of 1872 was still in force. The assembly took up the question on March 14 when the Delegate Javier Ruiz Aqueche

27 AC, tomo 1881, doc. 130.

28 Leyes Emitidas por el Gobierno Democrático de la República de Guatemala y por la Asamblea Nacional Legislativa, III (1883), 99. Since some of the categories exempted students and teachers from military service, this meant that seminarians and priests teaching in seminaries could qualify for this exemption.

29 AC, tomo 1882, doc. 58.
moved that there should be no clerical exemptions from military service unless the "contribution of blood" was paid. Aqueche argued that priests like other citizens are equal and therefore like any other citizen must aid the defense of their country. Padre Ángel Arroyo, who opposed the motion, claimed that clerical military service violated religious freedom since it deprived the people of their pastors. 30 The question was not resolved until April 13 when the assembly voted in favor of military service for the clergy and the "contribution of blood" if a clergyman desired a military exemption. 31 The assembly’s bill did not receive the approval of the president. The action of the president was highly praised by Padre Raúll in his pastoral of 1883. The religious leader lauded the president for protecting liberty and maintaining harmonious relations between the Church and the state. No reason was given as to why the president refused to support the assembly in this matter. 32

30 Diario de las Sesiones de la Asamblea Legislativa de Guatemala (Guatemala, 1883), Session of March 14, 1883, pp. 1-2; Session of April 9, 1883, pp. 1-4 and Session of April 13, 1883, pp. 1-6. One delegate by the name of Negrete favored clerical exemption contending that clergymen in military service tend to incite insurrections and desertions among the troops. Ibid., Session of April 11, 1883, pp. 3-5.

31 Ibid., Session of April 13, 1883, p. 7.

32 Pastoral del M. I. Sr. Gobernador del Arzobispado Presb. Juan Bautista Raúll y Bertran sobre "El Ferrocarril al Norte" (Guatemala, 1883). The minutes of the assembly contain no reference to the president’s rejection of clerical military service. After the debates on military service for the clergy, the assembly
There also is a case on record where the president was willing to call upon a nun to establish a school for girls in Quezaltenango. On November 15, 1883, Sister María Luisa Villagran, formerly a member of a suppressed convent in Quezaltenango, wrote to the apostolic administrator that Barrios in a visit to the city had urgently requested her to establish a school for girls. The nun was not certain if the president made the request for the sake of furthering popular education or if it was done in favor of her mother. Since she still was a religious, she was unwilling to undertake the project without the apostolic administrator's approval. Padre Raúll replied that he was in complete agreement with the project.

The climax to the fostering of better Church and state relations came in December of 1883 when Barrios made it known that he desired a concordat with the Holy See to solve the existing differences between the Church and the state and calm the minds of

debated and approved divorce. There is no evidence that Barrios approved or disapproved the vote of the assembly. The delegate Urrutia, arguing against the divorce proposal, claimed that the administration was opposed to divorce. Diario de las Sesiones de la Asamblea Legislativa de Guatemala, Session of April 16, 1883, pp. 1-8 and Session of April 18, 1883, pp. 2-11.

33 AC, tomo 1883, doc. 208. It is not clear what the nun meant by stating that Barrios may have urged her to start the school for the sake of her mother. Since she indicated that her mother was of an advanced age, she may have meant that the president wished to provide a means of support.

34 Ibid.
the faithful, who possessed ecclesiastical property. The two Guatemalans selected for the task were Padre Ángel Arroyo and his brother, Padre Antonio.\(^{35}\) The concordat signed on July 2, 1884, in Rome provided for free communication between the Holy See and the Guatemalan Church, freedom of action for the local ordinary, re-establishment of a diocesan seminary and complete freedom of administration of this seminary and others, recognition by the state of ecclesiastical degrees, state subsidy of the diocesan seminary, re-establishment of parish quotas for the seminary, complete freedom of the Holy See to appoint a metropolitan prelate, freedom in the selection of members to the ecclesiastical cabildo, military exemptions for the clergy, compensation by the state for expropriated Church property and the Church's recognition of the new owners of ecclesiastical property on the condition that the state acknowledges that these expropriations are opposed to canon law and promises not to repeat these acts.\(^{36}\) Two days later two additions were made to the concordat which stated that the president of Guatemala would not interfere with the collection of tithes or other offerings of the faithful and that the Holy See committed itself to consult the Guatemalan government in the

\(^{35}\) Ibid., doc. 222.

\(^{36}\) Rodríguez Cerna, pp. 256-257. Cardinal Jacobini was the negotiator for the Vatican.
appointment of an archbishop and members to the ecclesiastical cabildo. 37

The consideration of the concordat in the assembly did not come up until May 20, 1885, a little over a month after the war for the Central American Union in which Barrios was killed. Undoubtedly Barrios' proclamation of a Central American Union and the subsequent outbreak of hostilities were partially responsible for this delay. The delegates in favor of the concordat argued that the concordat would still allow a certain amount of state control over the Church, would raise the value of confiscated religious property, recognize the principle of private property since the Church would be compensated for her loses and Barrios had approved the concordat before it was signed in Rome. The opponents claimed that the concordat violated Liberal principles, presented a threat of clerical domination, was unconstitutional, rebuked the Liberal laws which confiscated Church property, Barrios was opposed to the concordat and the concordat was unnecessary since there was no longer danger of clerical domination. 38

The assembly took no vote on the concordat but in its session of May 25 favored a postponement of debate on the concordat. 39

37 Ibid., pp. 257-258.

38 Diario de las Sesiones del Sexto Año Constitucional de la Asamblea Legislativa de Guatemala (Guatemala, 1885), Session of May 20, 1885, pp. 1-4 and Session of May 22, 1885, pp. 1-9.

39 Ibid., Session of May 25, 1885, pp. 1-2. In investigating
In the controversy over the concordat there appears to be much confusion over the president's position and motives. One delegate in the assembly debates claimed Barrios approved the concordat whereas another member argued that he opposed it. Padre Raúll in a letter of May 25 remarked that Barrios not only approved the sending of a commission to Rome to negotiate a concordat but also he and his cabinet approved the final draft. Furthermore, according to the apostolic administrator, Barrios had promised to support the concordat when it came up in the assembly but he was prevented in doing so because of his untimely death on April 2, 1885. Padre Raúll held the assembly responsible for failing to further the good relations between the Church and state. 40

The apostolic administrator never discussed any of the motives of the president in seeking closer ties with the Church. Presumably the president desired better relations with the Church, but it is significant that he did this while he was deeply involved in working for a Central American union. It is the opinion of Miguel C. Alvarado, an admirer of Barrios, that the president desired a concordat in order to obtain clerical endorsement for subsequent sessions the writer was unable to find any further discussion of the concordat.

40AC, tomo 1885, doc. 84.
his unionist plans. A similar opinion was voiced by Manuel Valladares, a critic of the Barrios administration. Barrios' desire for popular acceptance of unionism in Central America appears closely related with his support of a concordat and an improvement of Church state relations. No definitive judgment can be passed on the president's motives due to his death in the struggle for unionism.

In summarizing the findings on the Church and state question from 1871 to 1885 it bears repeating that the revolution in 1871 was at best a political one but the removal of the moderate García Granados from the executive chair in 1873 signaled a new revolution. García Granados was no match for Barrios and his supporters. Although Barrios and his followers found it expedient to delay the enactment of a democratic constitution, they considered the religious reforms as prerequisites to all other reforms. For the Liberals the Church was the enemy of democracy, education and economic progress. Thus by 1876 the Liberals under the leadership of Barrios had inaugurated a religious reform that must have surpassed the expectations of many who supported the overthrow of the Conservative Vicente Cerna.

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41 Alvarado, p. 39. According to Alvarado, the plan never materialized since the Salvadorean clergy refused to support unionism.

42 Valladares, pp. 319-320.
The religious reform movement of the 1870's had few novel aspects since much of it had been unsuccessfully attempted in the 1830's by President Mariano Gálvez. The success and permanence of the Barrios revolution was aided by the rampant anticlericalism of the 1870's and 1880's, which propagandized the need for religious reform and weakened clerical prestige. Guatemala inherited many of her anticlerical aspirations from the days of the Enlightenment but the freedom and widespread use of the press under Barrios gave the anticlericals an influential voice in these reforms. The illiteracy of the masses did not provide for a wide reading public, but the anticlericals' publications had their influence in intellectual and political circles. These writings could easily have inspired local political authorities in their antagonism against the clergy and caused them to inaugurate reforms not officially approved by the central government. There is no evidence that the antagonism against the clergy in the local communities was part of an over-all plot of the central government. This is borne out by the fact that the apostolic administrator held the local political authorities responsible for these acts and frequently sought the support of the central authorities in restraining the anticlerical conduct of the jefe políticos. On the other hand there are cases on record where pastors held the president directly responsible for the anticlerical and antireligious orders. Neither can it be denied that Barrios found it advantageous to carry out his religious program in an anticlerical
atmosphere. Although the appointments of jefes políticos were made by the chief executive, limited communication did not always make for centralized control. While Barrios instituted the system of jefes políticos, there is no evidence that he was always effective in controlling them. The system of centralized administration became more effective in the post-Barrios period through improved communications. Barrios set the stage for centralization of power but the fruits of the system were not always evident beyond the confines of the capital.

Another significant factor in the success of the Revolution of 1871 was the desire for economic progress. The Liberals were greatly concerned over the retarded state of the economy when compared to other countries in the world particularly the United States. Rightly or wrongly it was argued that the Church had a stranglehold on the economy of the country. Therefore expropriation of ecclesiastical property became inevitable in the achievement of economic progress. Parish and monastic property would have to be placed in more productive hands. Convents and monasteries could be more profitably used as schools, where students under the influence of Positivism could be formed into productive citizens. These reforms not only weakened the Church economically but as Mecham remarks in the case of secularization of cemeteries deprived "... the Church of a powerful means of exercising control over the populace." 43

43Mecham, p. 379.
Although the United States served as a model for economic progress, she could not always serve as a model in the religious matters because of a different historical heritage. Although the Liberals admired the principle of separation of Church and state, they frequently feared that this would make the Church more powerful. In this dilemma the Liberals found a better model in the Mexican reforms of Venustiano Gómez Farías and Benito Juárez. Regardless of the model the Liberals aspired to separate the Church and state. Their reforms were not intended to destroy the Church but to weaken the Church as a political and economic institution. Foreign investments and Protestant immigration were seen as aids in weakening the position of the Church.

Fundamental to all of the Liberal reforms was the concept of sovereignty. The government is the expression of the voice of the people and with this in mind the Liberals found it difficult to admit a third power in the management of secular affairs. When the apostolic administrator opposed governmental policies, Barrios reminded him that his administration was elected and given all the necessary powers by the people. The doctrine of sovereignty found its ultimate expression in the Constitution of 1879, which served as a popular stamp of approval of the Liberal program.

This investigation permits no doubt that the most significant legacy of the Liberal reform was a general weakening of the Church as a political, economic and social institution. Whether there
was a corresponding weakening in the religious fervor of the people is obviously a more difficult task to prove. Some pastors felt that in spite of the Liberal program the people continued to be fervent Catholics. On the other hand the drastic reduction in the number of clergy, lack of religious instruction and anti-clerical literature must have seriously challenged the religious beliefs of the people. Much that the Church was able to salvage during the revolutionary period is greatly due to the indefatigable efforts of Padre Raúll. Without his spirit of compromise and resignation a more violent persecution of the Church could have taken place as happened in Mexico in the 1920's. The task for the apostolic administrator could have been made considerably easier had there been a similar spirit in the Liberal and clerical ranks.

The Liberal legacy of a weaker Church has been offset in recent times by the growth of a more independent Church in Guatemala. The Liberals of the 1870's aspired to separate the Church and state. This goal has come closer to realization in present day Church and state relations than at any time previous in the history of Guatemala. This does not imply that the Church has recovered fully from her ordeals of the nineteenth century but it does point to the fact that she now enjoys advantages, which she did not enjoy when she was closely allied with a political power.
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The dissertation submitted by Hubert J. Miller has been read and approved by five members of the Department of History.

The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the dissertation is now given final approval with reference to content, form, and mechanical accuracy.

The dissertation is therefore accepted in partial fulfillment of the requirements for the Degree of Doctor of Philosophy.

Feb 7, 1965
Date

Signature of Adviser