Melchor Ocampo: A Mexican Liberal's View of the Relationship of Church and State in the Nineteenth Century

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MELCHOR OCAMPO: A MEXICAN LIBERAL'S VIEW
OF THE RELATIONSHIP OF CHURCH AND STATE
IN THE NINETEENTH CENTURY

by

Dorothy E. Nash

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INTRODUCTION

In writing a history of the Mexican Nation during the first forty years of its independence, one must not neglect to point out the relationship of state and Church as one of the most dominant elements in the life of the new nation. In writing a history of Church-State relations of that period one also becomes involved with almost the entire history of Mexico. The Church-State question is so encompassing that as one tries to limit any one matter, there is a risk of distorting or oversimplifying a complex topic. However, the topic of this paper is limited to an exposition of views on the Church-State issue of a leading nineteenth century liberal Mexican intellectual, Melchor Ocampo. In order to comprehend and evaluate his position, it is necessary to set Ocampo's views in historical perspective which reveals the history of Church and State before as well as after independence, and to connect his views with the Mexican liberal movement. This paper deals with two of the most significant themes in the history of the Mexican nation: the unresolved Church-State question, and nineteenth century liberalism.

The relation of the Church to the State was radically upset at the Mexican independence and remained in a precarious indefinite state through the first half-century of the existence of the Mexican Republic. This situation was particularly distressing for the new nation because the Church played such an integral role in society. As in colonial times,
the Church was recognized as the sole religion of the State. As such, she controlled not only the spiritual life of the country, but also exercised exclusive jurisdiction in such matters as marriage, education, cemeteries, and registration of births. Her great landed wealth enhanced and extended her vast influence into the economic sphere. These perogatives gave the Church a tremendous power to influence society. This could not but confer a certain political influence as well. The exercise of such prominence of the Church in Mexican society made the persistence of the Church-State problem an inauspicious beginning for the Republic.

This difficult national situation was aggravated by the clash of nineteenth century liberalism with the established order, which included the Church. Philosophical liberalism of the nineteenth was a doctrine which, first and foremost, was concerned with freedom -- freedom of every type -- religious, political, social, and economic. Freedom was both a means and an end for the liberals. It provided the indispensable atmosphere for the development of the individual, allowing him to expand his potentialities to their fullest degree, and to develop into independent, self-sufficient individuals. The liberals believed that the individual, left free and unhindered, could progress toward a state of perfection -- toward the fullest possible exercise of individual liberties. This ability to progress assumed a strong faith in the natural goodness and rationality of human beings.

In order for the individual to become truly free, it was necessary to remove the obstacles in society which restrained him and prevented him
from obeying only the authority recognised by his conscience. Liberalism saw much of what was traditional in Mexican society as a barrier. The liberals attacked the Church as one of the chief obstacles. The tendency of liberals to regard the Church with hostility was rooted in an ideological conflict. One side stressed the element of authority, the other side emphasized freedom. Liberalism substituted the subjective judgment for the external authority of the Church.

The Church met the challenge of liberalism with a reactionary attitude, by retiring into a defensive stand which failed to come to grips with the liberal doctrine. The Church appears to have condemned it without attempting to give it sufficient consideration. Ecclesiastical opposition provoked a strong anti-clerical spirit among the liberals, which assaulted every aspect of the Church organization in Mexico. The first half of the nineteenth century witnessed a struggle between the Church and the liberals which, ultimately, developed into a civil war. The issue was resolved only when a liberal solution was imposed on the Church-State problem. This provided the basis for the future course of Church-State relationship.
CHAPTER I

THE CHURCH AND LIBERALISM

The Patronato

From the inauguration of independence, the relation of the Catholic Church to the newly formed Mexican Government was ambiguous. This ambiguity stemmed from the nature of the relationship which had existed between the colonial Church in America and the Spanish Crown. This relationship can best be summarised in the word patronato. The patronato real, or royal patronage, denoted an affiliation and interdependence of the civil and religious authorities - a union of Church and State.¹

It developed from privileges granted by the popes to the Spanish Crown in reward for having helped bring the faith to the natives of the New World. As patron, the king was regarded as the protector of the Church in the Indies. The right of nomination to vacant benefices was the principal power exercised by the king. Besides this, there were other secondary yet important privileges, such as the right to collect tithes.²


authority of the Crown gradually increased over the Church in the New World until "the king controlled with practically absolute power the organization and conduct of ecclesiastical affairs in America." His jurisdiction was not merely nominal or honorary. He exercised this perogative continually and guarded it jealously. Because of the great distance from America the king delegated this power to his representatives in the New World so that royal power over ecclesiastical matters could be recognised and felt in all the Spanish dominions.

Several legal treatises on the patronato contributed a theoretical basis for the extension of royal control over the church. Solorzano Pereira wrote Politica Indiana in 1646 in which he expressed the idea that the king acted as not merely a patron but as the vicar of the pope in the New World. In this capacity his power was considered perpetual and absolute. His civil jurisdiction was not limited merely to the temporal affairs of the Church but encroached upon the realm of purely spiritual matters.

With the establishment of the Bourbon monarchy in Spain in the eighteenth century the royal power again increased its control over the Church. In accord with the Bourbon drive to strengthen the monarchy and make it absolute in every sphere, the Bourbons tended to develop the state church, such as was found in France. In 1755, Ribadeneyra, an "outstanding exponent of regalism", contributed in his Manual Compendio del Regio

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4 Mecham, p. 3.

5 Mecham, pp. 3, 43.
Patronato Indiano, a theoretical foundation for the exercise of Bourbon absolutism over the Church. He claimed that the patronato was a right inherent in royal sovereignty, a natural right derived from the act of founding and endowing the church in America. Unlike their predecessors, the Bourbons denied that the patronato was dependent upon a papal grant.  

While the Spanish Crown had evolved progressive theories to bolster her claim to the patronato, the Church resolutely maintained that it was a concession granted to the Crown in recognition for her service to the Church and, hence, revocable. These divergent and conflicting interpretations of the patronato were carried over and repeated when Mexico broke with Spain. The question then arose as to whether the patronato was still operative and, if so, then who could exercise it. The Mexican republic, assuming the regalist arguments, claimed that they, as successors to the sovereign rights of the Spanish king of New Spain, had inherited the real patronato from the Crown. They considered the patronato as a temporal power inseparable from sovereignty. The papacy, however, asserted "the ultramontane theory, that is, that the patronato de Indias was originally a concession, and therefore not inherent in sovereignty, and consequently not inheritable by the republics."  

A Mexican junta of diocesan delegates assembled in 1822 to study the issue. They were of the opinion that the use of the patronato had ceased when the bonds between New Spain and the Spanish crown had been severed. It was necessary for the Mexican government to apply to the Holy

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6Ibid., p. 3.  
7Ibid., p. 59.  
8Ibid., p. 75.
The issue was not merely theoretical. The Church was a strong force in Mexico. The immense wealth of the Church coupled with great influence and prestige constituted for many a power which could rival the State if it was not controlled. It was inconceivable for many to think of "the most powerful institutionalized force in the country" existing outside civil control. But, if the Church appeared on the outside to be a monolithic power of immense wealth, she was internally in disarray.

The organization of the Church was in a chaotic condition since independence. By 1829 the few bishops remaining after independence had died and the Church in Mexico left without a single bishop. The number of clergy had also been greatly reduced in the twenty years between 1810 and 1830, as there were no bishops to ordain new priests. Without bishops and almost without administrators the Church in Mexico suffered while the debate on the patronato continued. Reform and reorganization could not be undertaken until new bishops were appointed. Meanwhile, the lack of authority in the Church paved the way for the growth of a small schismatic clerical minority. Servando de Teresa Mier, Miguel Ramos Arizpe, and José María Luis Mora were some of the most noted clerics who expounded

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9 Cuevas, p. 119.  
10 Mecham, p. 402.  
11 Cuevas, p. 159, 175.  
12 W. Eugene Shields, "Church and State in the First Decade of Mexican Independence," The Catholic Historical Review, XXVIII (July, 1942), 211.
In a discussion of the patronato question at the constitutional convention of 1823 Mier voiced his belief in the independence of the Mexican church from Rome, in the establishment of a national church. Mier's opinion that the patronato was an attribute of the nation and not dependent on the pope became a constant liberal theme in the Church-State discussion.

The unsettled question of the patronato left the relation between the new republic and the church in an undecided condition. It was natural for the government to seek to exercise the patronato since it embodied the customary relationship between Church and State as practiced in the colonial period. The majority in the government of the early national period looked to the patronato as a means to control and, for some, to exploit the Church. During that early period Church-State relations were considered almost exclusively in terms of the patronato.

The question was much studied and debated in the Federal Congress from 1824. The federal constitution of 1824 had recognized the Catholic Church as the sole religious institution of the state, granted her the traditional privileges held under the patronato, and assumed that the Mexican patronage resided in the nation. But what was the basis of the title to the national government's exercise of the patronato? In Congress two views were aired. One held that exercise depended upon securing a valid exercise of patronato.

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13 Cuevas, pp. 160-161.  
14 Ibid., p. 164.  
15 Shiels, p. 211.  
16 Cuevas, pp. 400-401.
concordat with the Holy See. The other considered that the government already had within itself the right to exercise the patronato unilaterally.\textsuperscript{17} Many liberals followed this last position. It assumed the regalist view that the patronato was inherent in sovereignty and independent of papal concession. Frequently, it was difficult to determine just what position the federal government followed, although they did seek to secure a concordat with the pope.\textsuperscript{18}

In 1825 the Federal Congress sent a representative, Francisco Basques, to negotiate a concordat with Pope Leo XII. He was not successful. Spain pressured the pontiff not to recognize any agent of the Mexican government, as this would be comparable to accepting their independence.\textsuperscript{19} The pope was reluctant to confer the privileges of the patronato upon a new and unstable nation. The right to administer Church funds and to nominate clergy to fill vacant posts would give the Mexican government considerable control over the Church. There was also a notable lack of candidates for the episcopate. The question arose whether religion might be better served by remaining free of governmental regimentation.\textsuperscript{20} Refusal to give in and sign a concordat created a good deal of hostility in the government toward the Church.

Despite the urgent need for the conclusion of a concordat, neither

\footnotesize{\textsuperscript{17}Jesús Reyes Heroles, \textit{El Liberalismo Mexicano}, Vol. III: \textit{La Integración de las Ideas} (Mexico City: Universidad Nacional de Mexico, 1981), p. 69, 73.}

\footnotesize{\textsuperscript{18}Heroles, III, 71.}

\footnotesize{\textsuperscript{19}Necham, pp. 98-99.}

\footnotesize{\textsuperscript{20}Heroles, III, 75-76.}
side relented. The pope could not grant the full patronato, and the Mexican government refused to accept less. With no prospect of change in Rome, the Congress quietly went ahead in 1827 and authorized actions that implied the exercise of the patronato while ignoring at the same time their own resolution of 1825, which maintained the use of the patronato must be warranted by the pope. 21

A precedent for unilateral exercise of the patronato by the Congress had already been established. The Mexican government in 1827 had requested statistical information about each parish within the country. An ecclesiastical council in Mexico City objected that this was not a matter subject to secular authority but only to a bishop. Lorenzo Zavala, the liberal governor of the state of Mexico, tried to formulate an argument on the teachings of the Church Fathers and canonists that civil power had jurisdiction over church matters connected with the temporal good of the state. The secular power could take precautions to insure that the exterior discipline of the Church coincided with society and the security and happiness of all its citizens. He ended saying that the Church must conform to the political resolutions of the secular power, since the rights of the state come from God just as much as do those of the Church. 22

Zavala's reasoning had a decisive ideological and political influence on the national situation. It led some to reject the idea that

21 Ibid., pp. 79-83, 90.

agreement with the Vatican must precede the use of the patronato, and to insist upon the natural right of the state to assert its power over ecclesiastical matters affecting civil society. Many other discussions of this were to follow.

Meanwhile, Vasques had received new instructions to leave the patronato to future negotiations and to be content with the appointment of bishops.23 In 1831 the pope consecrated Vasques, the Mexican government's nominee, as a proprietary bishop and delegated him to consecrate five others on his return to Mexico.24 The newly consecrated bishops took an oath to uphold the constitution with the understanding that the concordat would be arranged with Rome before the government exercised the right of patronato.25

Although the appointment of bishops helped alleviate the discord within the Mexican Church, it did not touch upon the basic question of what was the relation between the two powers. As long as the state could control the wealth and power of the clergy by virtue of the patronato, as in colonial times, the Church was not considered a danger to the unity of the state. When, however, the patronato ceased at Mexico's independence and the clergy were emancipated from civil control, the fear arose that such power and wealth could be used to further the interests of the Church.

23Shields, p. 222.


even when detrimental to the state. The government, therefore, earnestly desired to secure the patronato and was deeply disappointed when the concordat was not forthcoming from Rome. With negotiations at a standstill many, especially the liberals, advocated that the nation exercise the patronato anyway.

The situation remained confused for almost the first forty years of the existence of the Mexican nation. The controversy over what should be the relationship of Church and State brought further misunderstanding and discord to a weak young nation already plagued with conflicts and lacking unity. The controversy ended, not by a grant of the patronato to the State from the Church, but through a solution formulated and imposed by the liberals. By means of liberal measures the power of the Church was so greatly reduced as to make it non-existent. Through a separation of Church and State the policy of controlling the powerful Church by the patronato was cast aside in favor of severely restricting the Church and reducing her to a state of impotence.

Liberalism and the Church

It is difficult to describe the attitude and goals of the Mexican liberals in relation to the Church because their ideas evolved and were modified by the historic events of the first half century of the life of the Mexican nation.


27 Heróles, III, pp. 102-103. 28 Ibid., p. 70.
the Mexican nation. The liberals were a small minority composed of intellectuals intent on reforming society, but they were divided on how far and how fast they would go to implement their reforms. On the ever important Church-State issue, the liberals were the first to urge that the government go ahead and exercise the patronato without waiting for Rome's approval. A radical few insisted upon a strict separation of Church and State which carried various connotations for almost every liberal.29 Gradually, a liberal program dealing with every facet of ecclesiastical influence in civil society was evolved.30 In order to explain this theory, it is necessary to examine the broad picture of Mexican liberalism since all of its aspects are so interrelated that they must be considered as a unit.31

The liberal philosophy was a revolutionary doctrine that pressed its militancy into every sphere of society. Political, economic, social, and religious matters formed its integrated program.32 It repudiated the colonial society that still lingered in post-independent Mexico. A centralized form of government, a society based on classes and corporations, an economy dominated by the dead hand of the Church, and the exclusive control of the religious life and education by the Church -- these were the

29Ibid., p. 103.  
30Ibid., p. 71.  
31Jesus Reyes Heroles, El Liberalismo Mexicano, Vol. I: Los Orígenes (Mexico City: Universidad Nacional de Mexico, 1957), XIII-XV.  
deeply entrenched elements in Mexican life that liberalism proposed to reform, modify, or eliminate. In that sense its first tasks were negative. But change would not only remove the old society but create a foundation for the erection of a new one. Federalism and liberty, individualism and equality, capitalism and secularization were the liberal substitutes for those repudiated colonial values.33

The aim of the new liberal society was freedom. The free individual could progress by perfecting himself through the use of reason. Education would enlighten reason and instill the knowledge needed to reconstruct society. Liberalism was not opposed to the use of the power of the state to reorganize society in order to create the conditions under which individual initiative could thrive.34 Once possessed of full power, the state would create a "free and open society"35, one composed of free individuals working toward the common good.

The primary obstacle to the liberals' creation of a new society was the Church. The Church was not only a spiritual but also a temporal power whose influence and work, the liberals felt, intruded into the sphere proper to the civil government. The Church was a great competitor of the State for the control of civil society. Ecclesiastical control of education and of the vital acts in each individual's life, such as birth,

33 Ralph Roeder, Juárez and His Mexico (New York: The Viking Press, 1947), 1, 90-91.


35 Heroes, III, X.
marriage and death, projected the Church into the civil affairs of the State. The liberals proposed to cut the Church's civil jurisdiction by making marriage a civil contract, and by placing cemeteries, the registration of births, and education under the direct regulation by the State. Substitution of the secular authority where only ecclesiastical power had held sway would remove any legal reason for an individual to resort to the Church in any civil act, for any matter outside the strictly spiritual domain. Religious duty would be left up to the judgment of the individual's conscience. This was all part of the liberal theory of secularization of society. Secularization was the liberation of society. 36

The separation of Church and State was also a liberal doctrine. It means that the liberals sought to reduce the role of the clergy in Mexican life, to force them to limit their activities to the spiritual sphere by destroying their temporal power. The use of civil authority to insure compliance with such ecclesiastical matters as the collection of the tithes, payment of parish fees, and the enforcement of religious vows was to be withdrawn. The tendency was to subordinate the Church to the State. The power of the Church in every sphere had to be weakened so as to elevate and assert the power of the State. All rivalry had to be eliminated so that civil society would look to only one authority — the state. 37


37 Ibid., pp. 120-124.
The attack on the Church was much more than simply anti-clericalism; it was part of a broad liberal program of reform.\textsuperscript{38} Liberal measures which restricted the activity of the church were motivated by economic, political, and social purposes as well as by the desire to weaken the Church. For instance, the attack upon the ecclesiastical fuero, or rights which had been enjoyed by the Church for centuries, was a part of a general movement to suppress all fueros. The liberals considered the fueros as civil privileges that placed certain groups, like the clergy and the military, outside of the control of the civil government. As such, they were inconsistent with the liberal principle of equality.\textsuperscript{39}

The expulsion of the clergy from the control of education was mainly politically motivated. How could the liberals gain adherents if their philosophy was not instilled in the minds of youth? And without support how could the liberals win political power to implement their reform program? Then, too, if the country was to progress it would have to acquire a knowledge of technical science not usually found in the Church controlled curriculum.\textsuperscript{40}

Perhaps the most publicised of the liberal attacks on the Church was the one directed at its wealth. It was a decisive part of the economic program of the Mexican liberals. The changes the liberals thought necessary to improve the economy were many and varied:

They wanted to extend the means of communication, and they were disposed to concede large subsidies to railroads, canals, telegraphs, and other enterprises. They wanted to increase the agricultural

\textsuperscript{38}Ibid., I, XV. \textsuperscript{39}Ibid., III, p. 6. \textsuperscript{40}Ibid., pp. 117-119.
production, and they proposed to take away the vast rural property of the church in order to divide them into small properties. They wanted at the same time to bring in foreign capital, promote industry, develop mining, increase the internal security, pay the national debt, suppress sales tax, stimulate colonization proceeding from non-Catholic countries, and, finally, to infuse in the Mexican the confidence in his own initiative.\(^4\)

The emphasis was on the development of capitalism. The liberals envisaged a society of prosperous middle class citizens enjoying social and political liberties based on the principle of equality. This was a highly idealistic picture for mid-nineteenth century Mexico. Vast and fundamental changes would have to occur; deeply entrenched, powerful interests would have to be erased in order to establish a foundation on which to build a new capitalistic economy.

One of the most difficult reforms would be the elimination of corporate holdings. The liberals attacked all corporations because they thought they impeded the economic development of the country. They believed that as long as man did not own the land on which he worked, he would not work as hard as if he were the proprietor. Production would be kept low and, therefore, there would be no increase in the common wealth of the country. If the corporate holdings were divided among the workers, a new capitalistic class would be created with the individual incentive to produce as much as possible. Capitalism would in this way contribute to the national prosperity.\(^4\)


\(^{42}\)Heroles, III, pp. 602-603.
The Church was the most powerful corporation in Mexico, and the principal obstacle to the formation of a new economy. It was the largest single landholder and the most wealthy institution in the country. Its corporate property possessed characteristics which distinguished it from other large landholdings, as it was exempt from tax and could never be alienated. Thus, the Church's property increased through the centuries until it became the dominant factor in the economy.

The liberals believed that this immense accumulation of wealth in the hands of the Church was a great menace to the development of the country. The increase of national wealth was hindered because the Church's wealth did not circulate to stimulate the national economy and to earn profit and create more capital. The agricultural property administered by the Church created little more than a subsistent level of production. The corporate wealth of the Church also impeded the development of a middle class upon which the liberals believed the progress of the country depended. Unless the Church were deprived of its land, and its great estates were divided into small individual holdings, a capitalistic middle class would not emerge. 43

The Church was also charged with obstructing the economic development of Mexico by its opposition to religious toleration. The liberals blamed the low rate of colonization on Mexico's intolerant religious attitude.

They stated that the immigrants who entered Mexico were principally Protestants, and they were repulsed by the thought of having to abandon the practice of their religion. If Mexico wished to encourage immigration in order to strengthen the country and to augment its production, it could not remain intolerant. The liberals insisted that religious toleration was a practical necessity for Mexico.46

The colonization argument for religious toleration was an indirect strategy in the liberal fight toward the establishment of liberties in general. "If anything [characterized] enlightened liberalism in Mexico, it [was] its fidelity to liberties."45 Among them, the most essential was liberty of conscience. The liberals considered it the basis of all types of civil and human liberties. All liberties were derived from liberty of thought; it was the "mother of all liberties."46 Religious intolerance, as established in the Mexican constitutional law, was a flagrant negation of liberty of conscience. Therefore, the liberals employed every means -- economic as well as religious -- in their prolonged struggle to secure religious toleration.47

Liberalism, 1824-1834

Liberal reforms were not speedily implanted in the Mexican nation. Until after the mid-point of the century the liberals never represented more than a small minority whose revolutionary ideas were neither widespread

44Héroles, III, 276-287.  
46Ibid., p. 257.  
nor well understood. Their multi-pronged program of attack on the Church was not well received by the devout Catholic masses, nor by the conservative intellectuals who traditionally supported the Church. The proposed program shocked a country steeped in Catholicism. To be Mexican was to be a member of the Church. To think of ending the predominant role that the Church had for centuries exercised was astounding and alarming. The country looked to the Church for education, medical aid, refuge, credit, as well as spiritual direction. Schools, missions, hospitals, and churches were all maintained by the Church. Her influence was an extensive as her task. The brilliant leader of the conservatives, Lucas Alaman, looked upon the Church as a vital source of unity for his country so divided by internal and external forces. It was unthinkable to seek to weaken or destroy the ancient institution which was the only reliable bond which held the country together. 48

The Conservative Party became the champion of the Church as her struggle with liberalism took on a political, as well as ideological, form. For the most part, the conservatives drew their support from the privileged wealthy classes. They were the aristocratic landholders, the high clergy, and the leaders of the army. Because these classes enjoyed fueros, they constituted states within the state. Naturally, they were interested in maintaining their special position and in counteracting any change which would destroy this. 49 The antithesis of the conservatives

48 Hubert Howe Bancroft, History of Mexico (San Francisco: The History Co., 1887), V, 625. 635.
49 Bancroft, V, 797.
were the liberals. They were composed of the middle classes of creole and mestizo professionals and intellectuals. Some of the lower clergy and minor leaders in the army were found among their ranks. During the long struggle for political power the liberals and the conservatives clashed on such basic problems as the theory of government, the theory of the economy and the status of the clergy. The conservatives sought to preserve the very elements of the colonial society which the liberals fought to eliminate.

The liberals shared the belief that their country lagged far behind in its potential in economic and social progress because of the stifling influence of the clergy, the military, and the conservatives in general. They all agreed that in order to reform the Mexican society it must first be emancipated from the control of these elements. But if they were united on what constituted the liberal goals, they were not on the specific means to achieve them. Among the liberals there existed a good deal of division. They argued on such fundamental issues as the

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50 Mecham, p. 403.
51 Scholes, Mexican Politics during the Juárez Regime, 1855-1872, p. 10.
52 Jesús Reyes Heroles, El Liberalismo Mexicano, Vol. II: La Sociedad Fluctuante (Mexico City: Universidad Nacional de Mexico, 1958), XIV-XV.
54 José Miranda, "El Liberalismo español," Historia Mexicana, VI (October-December, 1956), 164.
extent of freedom of speech, religious toleration, universal suffrage, confiscation of church property, abolition of the sales taxes, free trade, and many other issues. A split in the liberal movement existed between the more radical liberals, known as the *puros*, and the *moderados*. The radicals advocated immediate and total reform, while the moderates called for gradual and partial reforms. 55

Under the constitution of 1824 a federal form of government was set up guaranteeing the traditional privileges; there were no social or political changes in the status of the classes that dominated the country. It was not until 1833 that Vicente Gómez Farías, the recognized leader of the Liberal Party and acting president for Santa Anna, was able with the aid of a liberal dominated congress to implement the first systematic reform program. It was an anticlerical program aimed at destroying the independent power of the Mexican Church by removing her economic, social, and political power. The economic strength of the Church was threatened by the confiscation of church property begun by the state in August of 1833 when the California missions were secularized. The closure of the church colleges and the University of Mexico, and the creation of schools under civil jurisdiction ended the clerical monopoly of education. This, along with an order forbidding the clergy from mixing in politics or speaking out on political matters, aimed at reducing the political influence of the clergy. By withdrawing civil sanction to secure fulfillment of religious

vows and the payment of the tithe the government sought to free itself from any religious obligation. The liberals charged that this measure was warranted because the Church had used the civil authority as an instrument to insure fulfillment of conduct derived from religious obligations. 56

Nevertheless, this did not prevent the liberals from trying to use the Church as a tool of the state. By the law of December 13, 1833, the government of Gómez Farías assumed considerable power over the Church when, without papal approval, it stated it would exercise the same powers that the Spanish Crown had had over the Church by virtue of the patronato. This clear unilateral exercise of the patronato manifested that civil control of the Church had for the time being triumphed over separation of Church and State. 57

Unfortunately, there was little time to judge the value of the reforms in operation; most of them were very short lived. An alliance of the conservatives, the army, and the higher clergy under the leadership of Santa Anna ousted the liberal regime after only ten months in office. The liberals had failed because of the lack of public acceptance; the public simply could not be won over in such a short time to understand - let alone support - such radical changes. The liberals had moved too far and too fast for a minority party. They failed to realize that the public had to be educated to accept their new principles, and only then would their

56Heroes, III, 112-121.

57Ibid., pp. 133-134.
reforms endure. 58

Even though the short liberal rule was followed by a series of centralist and conservative governments, the revoked reforms were important, for they had started things in motion and set the pace for future liberals' action. Along with the law abolishing the tithe which remained in effect, the liberal thinking that had initiated and framed the reform laws of 1833 also survived to inspire and guide later liberals at a more opportune time. The philosophy of the foremost liberal thinker in the period immediately following independence, Dr. José María Luis Mora, 59 was the primary source upon which the reforms were based. In his Obras Suelias, which were published while he was living in Paris, Mora explained and defended the principles which provided a foundation for the reform program of the Farias administration. For Mora, political progress meant accomplishing the following:

occupation of the goods of the clergy; the abolition of the privileges of this class and that of the military; the diffusion of public education in the popular classes; the suppression of monastic institutions; the absolute liberty of opinion; the equality of foreigners with those of the natives in civil rights; and the establishment of the jury in criminal cases. 60


59Mora (1794-1850) was a man of considerable learning, an ex-priest, and a renowned writer. The Liberal Party which formed around him reflected his violently anti-clerical views. When the liberal reforms of 1833-1834 were overturned, Mora went into exile in France, never to return.

Mora gave priority to the disamortization of church goods in his plan to establish a secular state in Mexico.\(^{61}\) Taking possession of the goods of the Church was both an economic and political necessity. How else could the bankrupt government pay the enormous public debt when all ordinary means were exhausted if the Church, the only remaining untapped source of wealth, could not be made to relieve the government's distress? For Mora the issue resolved itself clearly into the question of whether "the people exist for the clergy; or if the clergy has been created to satisfy the necessities of the people."\(^{62}\) The rights of the individual, asserted Mora, came before that of a corporation, such as the Church. Therefore, it was just and natural to take possession of the goods of the clergy when national necessity demanded it.\(^{63}\) Politically, the seizure of Church property was indispensable in order to achieve the supremacy of the state as a premise to a separation of Church and State.

Mora connected the principles of suppression of clerical and military fueros with the abolition of ecclesiastical wealth. These two necessary measures were the antecedents for the establishment of a new basis for public power. No longer would classes or privileged bodies be outside ordinary civil jurisdiction or exempt from the common laws and duties of the Republic; no longer would they pretend to be independent of the state; and no longer would they be "social powers destined to exercise sovereignty."\(^{64}\) The formidable power of the clergy would be

\(^{61}\text{Héroes III, 130-132.}\) \(^{62}\text{Mora, p. 92.}\)
\(^{63}\text{Ibid., 92-93.}\) \(^{64}\text{Ibid., p. 79.}\)
Transferred to the civil society and its government so that "the one was left completely disarmed and the other fully robust." Mora's reliance upon state power to achieve liberty became the major orientation of Mexican political liberalism.

Mora became known as an authority on Church property after he wrote in 1831 his widely read *Disertación sobre la naturaleza y aplicación de las rentas y bienes eclesiásticos y sobre la autoridad a que se halle sujeto en cuanto a su creación, aumento, subsistencia o supresión*. This dissertation was in response to a question asked by the government of the State of Zacatecas who sought to resolve the following issue:

If the civil authority can, without trespassing its limits, make laws on the acquisition, administration and investment of all classes of ecclesiastical income or goods; if it can decide all the expenses of the cult and assign the funds by which they can be paid; if having this faculty is their's exclusively, or if their command over these objects, in order to be obligatory, needs the approbation or consent of the ecclesiastical authority; and, finally, if it corresponds exclusively to the civil power must it be proper to the States or to the general Congress.

When the dissertation was published in May of 1833, just prior to the sweeping reforms of 1833-34, its effect was nation wide. It may even have been "the point of departure for nineteenth century antlericalism." Brought up by a single Mexican state the question was answered for all of


67 Mora, p. 275.

68 Hale, p. 204.
Mexico - future as well as present. The clear presentation, the significant conclusions, and the political strategy that formed the dissertation warrant revealing some of its major points.

In order to clarify the confused relation of the Church and its property to that of civil society Mora first examined what was the nature and the origin of ecclesiastical goods. He pointed out that ecclesiastical goods were by nature temporal, and they did not, despite what clergy pretended, become spiritualized by reason that they were destined to the maintenance of the Church. Once material their nature did not change simply because they were used for a spiritual end. As temporal goods they remained under the dominion of civil society, not the Church.69

Mora then exposed the origin of the temporal power of the Church. He distinguished the double aspects by which the Church could be considered - the one as a mystical body; the other as a political association.

Under the first aspect is the work of Jesus Christ, it is eternal and indefectible, eternally independent of temporal power; under the second, it is the work of the civil government; it can be altered and modified and its privileges that are owed to the social order can even be abolished just as in any other political community.70

The historical origin of the political nature of the Church dated from the time of Constantine when the Church first acquired temporal goods. Since these goods were acquired by reason of civil law they were under the jurisdiction of the civil government. The Church had the right to control only the voluntary offerings destined to sustain the ministers and to cover the

69 Mora, pp. 279-281.  
70 Ibid., p. 281.
cost of worship. The example of the early Christians subsisting on offerings alone was emphasized by Mora as "proof that the Church can exist in all its purity and splendor, as it existed then, without the possession of temporal goods."\(^71\) This argument on the ideal state of the primitive Church was to become a favorite one of the liberals with which to attack the church's wealth.

Mora did not deny the right of the Church to possess temporal goods, but he did insist that they possessed them as a political body subject entirely and exclusively to civil authority. Mora maintained that ecclesiastical authority exercised control over temporal goods only by virtue of having received this power from the temporal government who could revoke it when it so desired.\(^72\) Having established that civil law was the source of the right of the Church to temporal possessions, Mora indicated and scrutinized two sources of abuses in ecclesiastical income -- the tithe and parochial fees. The latter tax, collected at the administration of certain sacraments and at burials, was imposed on the faithful because the inequitable distribution of the tithe prevented parish curates from receiving an adequate income. Mora advocated immediate suppression of the odious parochial fees, which burdened the poor, and the better distribution of the tithe in order to support the parish priests.\(^73\)

What authority was competent to correct these abuses and administrate

\(^{71}\) Ibid., p. 283.  
\(^{72}\) Ibid., pp. 288-292.  
\(^{73}\) Ibid., pp. 294-303.
the Church's goods? Mora answered that the civil government was the only competent authority since the Church had acquired its goods as a political body. The civil authority had the indisputable right and obligation to deprive, without consultation, a political body of goods, especially when they were prejudicial to society.\textsuperscript{74} Under a liberal economy the concentration of wealth in the hands of a body was condemned; the accumulation of capital by individuals was not. While Mora's reasoning authorized the civil government to attack ecclesiastical property, he was careful to protect the rights of the individual to property, which was the very basis of the capitalistic state he hoped to encourage. A very important distinction was made between the rights of the individual to property and that of a corporation. The rights of an individual preceded the origins of society; the rights of a corporate body did not. Since the Church as a political community derived its property rights from society, it could be deprived of these rights whenever it would be convenient for the government. "Political bodies have no property rights distinct from that of society itself," he wrote.\textsuperscript{75}

Having assigned the civil authority complete control of the temporal goods of the Church, Mora was not willing to admit that the government had any natural obligation toward the Church. The role of the government in regard to the Church was quite clear in Mora's mind: "the end and object of civil government is the maintenance of the social order..."

\textsuperscript{74}Ibid., p. 311.

\textsuperscript{75}Ibid., pp. 305-306.
and not to protect this or that religion." Governments had no obligations to the Church, only individuals, and solely in their capacity as believers were they subjects of the Church. However, while maintaining strict separation of Church and State Mora recognized that the government had an obligation to the Church when the constitution established a state religion. Mora fell into an old patronato mentality, the habit of thinking that the State must concern itself with the support of the Church. In other matters concerning State-Church relations Mora's position was definitely one of strict separation.

The protection that civil government offers does not consist nor can consist in any other thing than to accord certain civil rights to the body of the faithful called the Church, some distinctions or advantages to its ministers and to pay and to meet costs of necessary expenses for its subsistence and for the conservation of the cult.

From this position as protector arose the right of the civil government to determine what were the expenses and what means or funds would be used for their payment. This, Mora pointed out, had been done by the Spanish Crown since the establishment of the Church in America.

Finally, the last question -- which authority, the federal or the state, had jurisdiction in this matter regarding ecclesiastical goods? Mora chose the state government because the subject appeared to him to touch on an internal matter which seemed more local than federal in nature, and also since in practice that was what had actually been followed since

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76Ibid., p. 287.  
77Ibid., p. 314.  
78Herodas, III, 111.  
79Ibid., pp. 313-315.
After such a thorough detailed treatment of the subject of church property, one would have thought that the issue could have been as quickly decided in fact as it seemed to have been resolved on paper. But, as logical and persuasive as his reasoning was, it was a long time after the apparent decisive defeat of the reforms of 1833 before the liberals had an opportunity to bring the reflections of Mora into the political arena again, and an even longer lapse of time until they actually became law. Nevertheless, they remained a potent ideological weapon awaiting the right men to seize them and put them to use.

Liberalism, 1840-1850

1840 to 1850 was a decade of unrest. The already critical financial condition of the country had worsened with the coming of the war with Texas in 1836 and the devastating war against the United States in 1846. Even the conservatives, unable to meet the additional war expenses, had no other alternative than to press the church for loans. Remembering the liberal measures of 1833 the church resisted and began to liquidate some of its property in fearful anticipation that the government would seize its property to finance the war. In 1843 Santa Anna forbade the alienation of church lands and goods without previous government license. This order, an exercise of the patronato prior to a concordat, received a

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80 Ibi, pp. 316-319.

81 Mecham, p. 420.
sharp condemnation from the church.  

The financial situation grew more grave from 1843-1846 as the national expenditure rose to more than double the income. With the additional burden of war in 1846 and no means to pay for it, the country looked longingly for relief to the only remaining storehouse of wealth, the church. The church had to be made to contribute if the war was to continue. Gómez Farías returned to leadership in January of 1847 and got congress to authorize a compulsory loan of fifteen million pesos to be secured by mortgage or the sale of church property held in mortmain.

It was a desperate measure, effective as long as the war lasted. The reaction from the Church was rapid, vehement, and definitive. The church cabildo of Mexico City protested to congress insisting: "that the Church is sovereign and cannot be deprived of its goods by any authority . . . that it is null and of no value nor effect whatever act of whatever authority that it be, that tries directly or indirectly to burden, diminish, or alienate anyone of the properties of the church." Once again conservative and church opposition proved too great a pressure for the liberals to withstand. Santa Anna took control of the government, dropped the forced loan, and in a few months the government collapsed to the United States.


83Ibid., pp. 160-161, 181.

Another attempt to contain the power of the Church had failed, and the wealthiest institution again avoided seizure of its wealth. The restoration of peace was not followed by a restoration of the economy. The interest on the debts of the nation amounted to nearly all the estimated revenue for 1849. No less than twelve ministers of finance held office between August, 1848 and June, 1851, but no one was able to greatly alleviate the situation.  

One of these ministers was a man of superior ability and firm convictions. A senator from the State of Michoacán, Melchor Ocampo, assumed the position of finance minister on March 1, 1850. He worked diligently to make congress institute the necessary reforms so drastically needed to restore the country's economy. In a communication to the congress he revealed his dedication to his country:

I have aspired all my life to serve my country in any way that is useful; at this time, I believe that the expedition of laws that I petition are enough to reform the government; to execute them with scrupulous fidelity I will dedicate myself constantly and patiently; but if such is my misfortune that Providence refuses to use such an undignified instrument as myself to do some good for Mexico, I will retire immediately to the obscurity of private life.  

The pressure of foreign debt as well as internal dissatisfaction could not incite the slow congress into action. In a letter to Mora on April 12, 1850, Ocampo spoke of his discouragement over "the innumerable obstacles

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85 Ibid., pp. 206-207.

that are presented to me daily"87 and his inability to overcome them when Congress let less important things take precedent over the economic situation. Less than a month later Ocampo resigned in frustration when he found himself at a standstill with the congress. He faded from the national scene only for a brief period. A year later Ocampo emerged into the national light when he gained national prominence as a radical for his views on secularization expressed in a polemic with a parish priest.

87Genaro García, ed., Documentos inéditos o muy raras para la historia de Mexico (Mexico, 1909), XXVI, 52-53.
CHAPTER II

MELCHOR OCAMPO: HIS PHILOSOPHY

Although born into a tumultuous period of Mexican history, in 1814, Melchor Ocampo escaped the misfortunes that came to many Mexicans during the fight for independence from Spain. Indeed, his childhood years were spent amid peaceful, comfortable surroundings under the vigil and care of his supposed mother at her opulent hacienda in the State of Michoacán. Nothing during these early years warranted predicting that his mind would develop along the revolutionary line of a liberal. He had no reason to be discontent at his lot in life.

What, then, were the factors which led him and prepared him for assuming the role of the leading radical philosopher of Mexican liberalism? Education? His education was in keeping with his class, and he did not fail to take full advantage of it. He manifested a great faith in education as the means to transform and elevate his country. This faith must have stemmed from his own educational experiences. Whether it be in his primary studies at the home of a tutor, or in the seminary at Morelia where he earned a bachelor in philosophy, or in Mexico City at the National and Pontifical University where he studied law, he manifested an indomitable

\[1\] Ocampo, II, VIII-X.

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passion for study and for knowledge. Applying his keen intelligence and his insatiable curiosity he devoured books from almost every field -- literature, language, mathematics, engineering, nature, philosophy, science. His interests seem unlimited, but botany did stand out as his favorite science to which he remained dedicated throughout his life.

This great desire for knowledge did not end when his formal education had terminated. His love of books continued throughout his political career as representative, senator, governor, and cabinet member -- indeed, throughout his life. Disgusted and exasperated by the lack of action in government he retired on several occasions to the solitude of his hacienda, "Pomoca", "his true spiritual refuge", to study and meditate rather than to compromise his views or exhaust himself in useless frustration. He seemed to possess a dual personality: one which sought isolation and intellectual pursuits, whereas the other strove to put his beliefs into practice. He was a man of both study and action; or perhaps more precisely, a man who argued for action. Ocampo's preparation for an active life was not solely limited to books. He acquired valuable first hand knowledge when he traveled in Europe to broaden his learning in 1840.

Ocampo's personal experiences influenced the development of his character. They were the source of principles which he professed through-

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2Ibid., p. XIV.  
3Ibid., p. XV.  
4Salvador Pineda, Morelos, Ocampo, Cardenas: 3 Caras de Michoacan. (Mexico City: Libreria Mexicana, 1959), p. 90.  
5Ocampo, II, X.  
6Pineda, pp. 81-83, 86.
out his life. At seventeen he had inherited from his mother a fortune as well as her boundless charity. Had he not been so charitable he probably could have lived comfortably for the rest of his life on his inherited hacienda without necessity of earning a living. But with his estate somewhat depleted by imprudent generosity, and driven by a desire to be free of the protective restrictions of his tutor, Ocampo mysteriously slipped away to Europe. Once in Europe, without funds, he had to work incessantly. Finally, after several months, he informed his tutor why he had gone. He wrote that he had been motivated by "not only the desire to learn but also to acquire the habit of work that he never had to acquire." When he would return to Mexico, he could put both to good use. He spent two years in Europe, writing and studying in Paris, and observing all as he traveled through Italy, France and Switzerland. From such experience he was convinced "that when there is a true will to work, one who has it cannot die of hunger." He also wrote: "Convinced that an honest independence is the most satisfactory reward of life, I thought not to search for any other recommendation than a conduct without fault." These personal qualities of independence and industriousness that Ocampo highly valued were the same that he later urged all his countrymen to acquire and exercise.

It is difficult to assess where Ocampo acquired his liberal viewpoint. Was it from his liberal orientated teachers and companions, or from his readings of Voltaire, Proudhon, Rousseau, and other enlightened

7Ocampo, II, XXVIII-XXIX.
8Ibid., p. XXXI. 9Ibid., p. XXIV.
thinkers? Perhaps it was both these and the current state of his country that led him along the path of the liberal. Whatever the reasons, he chose liberalism not out of any political ambition but because it suited his frame of mind. Both his natural interests and character were alien to politics. When he was asked to accept the interim post of governor of Michoacán, he refused at first because he felt he lacked a knowledge of the mechanics of administration and politics.

Whatever Ocampo wrote, said, or did was an external expression of his deeply rooted convictions. He, himself, provided us with an insight into his character when he wrote: "one of my most outstanding defects is promptitude in resolutions . . . and the obstinacy with which I persist in the resolution taken." He was careful, even cautious, in making decisions and in forming his opinion, but once his mind was made up he was unwavering in the support of his views. His sincerity and stubbornness would not allow him to become a part of any political intrigue, or to compromise his convictions. Instead, he would retire from the political scene if his views did not receive acceptance.

In 1842 Ocampo was elected a representative to the general congress convoked by Santa Anna to formulate a new constitution. The question of centralism or federalism was raised. Since independence, the liberals had always fought to establish a federal government in Mexico. They did so for several reasons. Historically, they considered it more in keeping

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10 Ibid., p. XIV.
11 Ibid., p. XXXVI.
12 Ibid., p. 75.
13 Ibid., p. LXVII.
with the divisions that had existed under the Spanish rule. From the philosophical viewpoint federalism allowed greater freedom for the individual to develop and perfect himself. The support of federalism was also politically expedient since the strength of the liberals lay in the states. On the other hand, the conservatives demanded centralism. Their view of the nature of man was the opposite of that of the liberals. Whereas the liberals stressed the natural goodness of man, the conservatives emphasized his fallen state. Believing that man was incapable of governing himself, they sought to control and direct him through a powerful central government.  

As the head of a liberal group Ocampo advocated a federal form of representative government. Federalism, he felt, "is the only [form of government] that today can save Mexico."  

The majority opinion of the special commission of the constituent congress on sovereignty submitted a plan which did not include the word "federal". They charged:

Federation is impossible and even dangerous; impossible because the sections today called departments are not nor can be called sovereignties; dangerous, because declared such, they would not only abuse this sovereignty in order to endeavor to cause schisms, but they would destroy the elements of life that Mexico has today.  

The majority report was based on the belief that federalism was no more than an alliance of sovereign and independent states possessed of full power; to them it was synonymous with the dismemberment of the territory

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15 Ibid., p. 346.
16 Ibid., p. 337.
and the division of the nation. Ocampo sided with the minority opinion. He disagreed with the majority arguments against federalism, and he rejected their connotation of sovereignty. He distinguished their meaning from the one he held to be correct.

Sovereignty is not that one may do all that one is able to do or all that one wants, but it is not being subject to another in those things that contribute to one's preservation and perfection.

Ocampo analyzed sovereignty in an individual to illustrate that one could have absolute rights in one's sphere of jurisdiction, such as a father in his family, and yet have no rights in another sphere. Sovereignty had its natural limits. Ocampo emphasized that "the basis of sovereignty, and also its limit, is the knowledge of obligation and right." He, therefore, saw no incongruity in saying that the departments were sovereign, but that their rights were limited.

Ocampo then answered the second imputation that federalism would destroy the elements of Mexican life if it were re-established by turning it into a question. He asked what were these elements that had been threatened -- the clergy, the military, and the people? Ocampo had hit at another bone of contention amid Mexican society -- whether equality would prevail over military and clerical fueros. Ocampo asserted that "the clergy and military cannot, must not have interests separate from those of the general people." He denied that they were classes and that

they were enemies of the people, for to affirm that this was so would label them as sources of discord. If that were true, Ocampo advocated that the people fight to defend their liberty and equality against privilege. Federalism and equality were what he was fighting for, a government with a democratic basis and a division of power.21

After the fall of Santa Anna the new president invited Ocampo to take over as governor of Michoacán. He served as designated and later constitutional governor from November 27, 1846 to February 27, 1848, during which time he instituted many reforms. Generally they were not of a revolutionary type, not aimed at disturbing any entrenched power or group. They were mainly scientific and humanitarian reforms -- improvement and extension of education, construction of roads, reform of jails, restoration of cemeteries, and organization of defense projects that met with general approval. He put special emphasis on improving the level of education in his state. With this in mind he introduced a series of reforms -- he created a junta of inspectors of primary education and subjected all primary schools to its vigilance; he established the bachelor of philosophy, law and medicine, and an academy of theoretical-practical law; in January of 1847 he reopened the Colegio San Nicolás, the leading intellectual institution in Michoacán, under civil rather than religious control. This concern for education permeated Ocampo's speeches and writings, as it had a central position in his thinking.22

21Ibid., pp. 338-347.
22Ibid., p. XLI.
Education was the key to the regeneration of Mexico to which Melchor Ocampo dedicated himself. It was natural that he should look for an intellectual solution to Mexico's many problems and should point to ignorance as the basis of many of the evils that oppressed her. Devoted to the public good, he labored to create a new foundation based on knowledge that would allow democratic theories to function in Mexico. Like a true liberal of his time, he championed the use of reason as opposed to the use of external force. Characterizing the tradition of the past as having been one of "a reign of terror and force" and one of "theocratic and warlike despotism", he advocated new principles to form the regeneration of what he called the "new humanity, one which [was] guided only by reason and love."\(^{23}\)

Ocampo's writings reveal his tremendous faith in man, in his ability to be perfected by education, then to govern and to improve his country. He emphasized the need for a shift in teaching from what he considered the "absurd principle" that "man is more inclined to bad than to good"\(^{24}\) to the realization that man had been made in the image and likeness of God. Out of this faith in human progress arose his great confidence in Mexico's future. He wrote to a friend: "I have full faith in infinite progress. I, who have such limited faith in so much, so many points!"\(^{25}\)

\(^{23}\)Ibid., pp. 32-33.  
\(^{24}\)Ibid., p. 36.  
\(^{25}\)Ibid., p. 291.
Progress, for Ocampo, was the way toward the final goal, toward liberty. "Liberty," exclaimed Ocampo, "is the most noble gift of man." 26 For Ocampo, liberty was a state achieved gradually. Just as a child tends to grow from a state of complete dependence upon its family to a degree of independence as it matures, so must the nation. The individual and the nation must strive to do progressively more by themselves. They were finally to depend upon reason and law alone. This state of independence was what Ocampo meant by liberty. For an individual this meant being a "complete man" 27; for a nation being as completely independent as possible from all other nations. 28

Knowledge was the indispensable condition which would bring about this state. Ocampo set forth three principle developments of man without which he considered neither nations nor individuals could be considered free:

The acquisition . . . of understanding in order to possess the truth and consequently independence from all prejudice, from all error; the development of benevolence or of the feeling of well being in order to acquire independence from all hatred, from all evil passion, to purify, elevate and extend love; the development of manual labor or of industry in order to dominate nature . . . and thus make oneself independent of all subjection, of all inconvenience, of all hardship. 29

Knowledge, justice, and industry were his three formulae for the future of humanity. This was a highly idealistic plan, but Ocampo's optimism did not suppress his sense of reality. 30

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26 Ibid., p. 273. 27 Ibid., pp. 11-12. 28 Ibid.
The history of his country was evidence enough to make him realize
that "the march of the human spirit [was] slow but sure." Despite the
internal convulsions that dotted the short national life of Mexico, and
the external threat that seemed to engulf her, Ocampo kept his eye focused
hopefully on the future, on what Mexico could become. Instruction and
education were the means he prescribed to accelerate this gradual develop-
ment toward perfection. He warned that education could not be limited
solely to an understanding of reading and writing, since they were simply
the means of arriving at knowledge, nor could it be attentive only to
theoretical sciences. It must aim at the diffusion of practical knowledge
and the application of all sciences of observation so that industry would
advance and the country prosper. But Ocampo's goals were not limited
merely to material achievement. He stated, "The human race has something
more elevated, we care for something more sublime in education (than just
material prosperity)." Mexico must strive to cultivate justice which
is "the most precious application of the precepts of morality" without
which all other progress would be useless and Mexico would fall into a
state of degradation.

Ocampo saw the contrast between the bright goal he held up for
Mexico and the dark situation which actually confronted him. He con-
tinually appealed to the people to work for their country's improvement.

The most difficult, essential, yet evasive problem with which he grappled

\[31\text{Ibid., p. 52.}\]
\[32\text{Ibid., pp. 54-55.}\]
\[33\text{Ibid., p. 55.}\]
\[34\text{Ibid.}\]
was the need to change the attitude of the public toward the Mexican government. The lack of public spirit, the loss of faith in government and in the state made it impossible for the state to achieve real unity and control over society. The internal revolutions, the exploitation of government funds, the excessive military expenses were all a drain on the Mexican economy. He feared they were destroying the unity and, eventually, the independence of the country. He believed that only by creating a sense of civic responsibility could the nation be united to work for the common good and the progress of the country.35

This lack of political conscience in Mexico had also been noted by Mora. He blamed this situation on the confusion of religious sanctions with social duties. The masses did not consider civil duties as obligations unless they were approved by religious sanction. Mora wrote that even the force of law depended upon the opinions of the clergy:

The clergy gives its opinion in the church or in confessional upon the validity of such and such law or upon the interpretation of its meaning, and since such opinions are truly a rule of conduct for those that request it, when it (the opinion) is not in conformity with the law or authority, it leads to the infraction of the law.36

The clergy could weaken the civil power because there was no political conscience, as there was a religious one, to establish the necessity for fulfilling political duties. Mora termed this clerical interference with


civic matters, and he insisted that it must be stopped.\textsuperscript{37} Condemnation of clerical influence over public opinion became a common liberal cry and reason for liberals to curtail church activities.

Ocampo attributed the lack of public spirit, as well as other current problems, to poor education which reflected back to the clergy who controlled it.\textsuperscript{38} The emphasis in society had not been on teaching the obligation of the individual to humanity but had rather concentrated on self interest. He stated that the problems of Mexico were insoluble if no one worked toward the prosperity of the nation, if no one considered the public destiny as a matter of conscience. The conduct of the political parties was no more responsible than that of the citizens. The parties had exerted themselves more in rivalry with the opposition party than in working to raise the level of national prosperity. If Mexico was to improve her economy, regenerate her society, or even maintain her independence, Ocampo believed that the Mexican society would have to be educated to accept civic and political responsibility. Knowledge was useless unless coupled with a public spirit which would direct it toward the revitalisation of the country.\textsuperscript{39}

Ocampo lamented the discord that prevailed in his country to which he was so deeply devoted. Mexico had not been able to create a public spirit, because there was no one uniform faith. The country was divided

\textsuperscript{37}Ocampo, II, 455-460.  \textsuperscript{38}Ibid., p. 37.
\textsuperscript{39}Ibid., pp. 29, 32-33, 41.
on how the evils of the Republic should be remedied. He predicted that if this situation continued Mexico would be ruined: "Those who in the name of liberty and the others in the name of order (as if such ideas were not compatible) are going to exhaust the country's power in order to hand it over prostrate at the feet of our ambitious neighbor [the United States]." During the war with the United States, and even years afterwards, a theme that constantly appeared in his speeches was the fear that the internal discord, the unwillingness to sacrifice for the common good, would so weaken Mexico that loss of independence would be inevitable.

Ocampo, himself, contributed to the divisive spirit in his country by his own strong individualism. He was such a strong independent individual that he could not truly be contained by any party. Yet, when pressed, he called himself a puro precisely because of the nature of the liberal party. In 1853 he contrasted liberals and the conservatives:

Unfortunately, the liberal party is essentially anarchic and will not cease to be so for many thousands of years. Our criterion of truth is . . . in our rigorously logical inductions that are in agreement with experience; the criterion of our enemies is authority . . . They obey uniformly and blindly, whereas when we are commanded, unless we are told how and why, we murmur and are remiss, then we don't obey and we revolt. For every liberal is one in the degree to which he can and will emancipate himself; and our opponents are all equally servile and almost equally pupils. To be wholly a liberal requires effort and needs the courage of a complete man.

The very quality of individualism upon which the liberal party was built was

\[40\text{Ibid., p. 19.}\]
\[41\text{Ibid., p. 83.}\]
\[42\text{Ibid., pp. 291-292.}\]
also the cause of its disorganization and, often, its ineffectiveness. Isolated, individual action could not greatly alter a country such as Mexico; concerted, united effort was what the situation demanded. Yet, it was the dedicated effort of individuals such as Melchor Ocampo who initiated reforms that gave Mexican liberalism its principles and prepared the way for greater changes in the future.
CHAPTER III

POLEMIC OVER A PROPOSED RELIGIOUS REFORM

The year 1850 inaugurated a most significant decade in the history of Mexico, one filled with the turmoil that burst from the smoldering problems and conflicts that had plagued the republic since its birth. The decade witnessed an escalation of these factors until they reached the climax toward which they had long been developing. The political confusion, the financial weakness, the civil strife which seemed almost constant problems in Mexican life reached a critical point. The liberal and conservative elements moved farther apart, and the religious question headed toward a crisis. In 1850, however, the violent future seemed far away.

Instead, one could find reason for optimism in the termination of the war with the United States, in the resulting hope that the financial condition would now improve, and in the relative degree of harmony that seemed to exist between Church and State. Yet, this brief period of tranquility was perhaps only the calm before the storm, or rather, between storms. The deeply embedded problems reasserted themselves. "The financial problem remained as ever the most difficult and troublesome, partly from constant changes in laws and administration, which gave no time

\(^1\) Wheat, p. 22.
for a thorough reorganization, partly from lack of men at the proper moment fitted to plan and carry out the reform, and most of all the want of harmonious and intelligent cooperation between the executive and the legislative body and the general and the state government." All parties would agree that something had to be done, but everyone seemed to prefer his own solution. The result was that nothing was accomplished. Anytime the financial situation grew worse, inevitably the Church and her wealth were attacked. Another problem appeared in the local rebellions which the central government was not prepared to quell. The weakness of the central government was apparent; the elements of anarchy and resistance to order appeared in every state as the "federation was converted into a confederation by the excessive liberty exercised by the states." 

Ocampo's Petition For the Reform of Parish Fees

The situation in January of 1851, when General Arista began his period of presidency, was "more grave than ever." Discontent was widespread, but the central government lacked the power and ability to alleviate matters. While Arista floundered, criticism rose, and local rebellions broke out. Amid this potentially explosive atmosphere Melchor Ocampo, from his hacienda, quietly sent to the congress of Michoacan a proposed

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2 Bancroft, V, 597-598.
3 Ibid., pp. 539, 580.
4 Sierra, p. 259.  
5 Ibid., p. 257.
6 Bancroft, V, 597-606.
reform project attacking parish fees and sustaining liberty of religion. This developed into a bitter controversy between a parish priest and the ex-governor. "The ensuing controversy went far beyond personnel polemics and the bounds of the state, and in the course of it Ocampo made a national name for himself." This petition brought before the public many ideas which anticipated those of the liberal constitution of 1857 and the reform laws that followed.

The origin of the polemic with "a curate of Michoacán," the pseudonym of the parish priest, Don Agustín Duénas of Maravatio, was an incident involving this priest and a widow who was a dependent of Ocampo. The impoverished widow had asked the curate to bury her husband's body free of charge. The priest, making a very poor joke, told her that if she didn't have the money to pay for the burial of the body she should eat it, because he could not feed his sacristan, curate, or bell-ringer on charity. The widow then appealed to Ocampo, who paid for the burial. This small incident aroused the indignation of Ocampo, and this, coupled with his sense of justice and sympathy for the poor, incited him to urge the state congress to institute a reform to reduce the fees for burial and the other parish fees.9

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7Roeder, I, 83.
9Ibid., p. 234-235.
This petition to the congress revealed Ocampo's broad and advanced views on Church-state relations. In the brief preface he stated as his ultimate aims liberty of conscience, non-intervention of the civil government in religious matters, and voluntary offerings as the sole support of the clergy:

Today it is acknowledged that each man has the natural right to adore God according to the intuitions of his conscience; the false reasoning on which had been based the intervention of the civil government in the salvation of souls has been relegated to a remote place in the schools; and although the respect of the conscience of another is confessed by few it is perceived by all as a principle which had ought to have been allowed; and if customs would change as rapidly as knowledge the venerable clergy would be sustained with the voluntary offering of the faithful.10

Ocampo made several suggestions on how these lofty goals could be achieved, but he realized that even intermediate measures would be too far advanced for the time:

But the level of instruction that the great majority of the inhabitants of the Republic have today perhaps doesn't permit attempting intermediate steps. These would be either to put the clergy in the direct salary of the state, as is practiced in various parts, or to reform the distribution of their funds, and to take care that they be invested with correctness and economy, leaving free the administration of the part (of the funds) which they judged necessary in order that the cult and its ministers remain endowed.11

Since even these medial steps were too radical to be implemented immediately, Ocampo insisted that at least the abuses in the collection of parish fees be corrected.

The abuses he asserted had risen from an outdated tariff law of 1731 of the diocese of Michoacán that established the rates of parish

10Ibid., p. 2.  
11Ibid., pp. 2-3.
obventions. It badly needed to be reformed, since it expressed a situation of one hundred and twenty years ago which was inadequate for 1851. Ocampo gave many examples to illustrate his point. First, the law of 1731 established quotas which assumed that one's economic level was determined by one's race. Thus, all Spaniards were assumed to be the most wealthy racial group and, therefore, had to pay the highest rates. Ocampo asserted that this method of classification was not only not in accord with the current reality because "there are various rich people who are not Spaniards, and many Spaniards who are not rich,"\(^{12}\) but also the races were so mixed that it was impossible to distinguish what class the common people belonged to. Under these circumstances some parish priests had arbitrarily interpreted the law so that all paid the maximum rate fixed by the law; that is, all were either considered Spaniards, or all were considered on the same high economic level.\(^{13}\)

Another of Ocampo's charges was that the fixed rates were excessive. The clergy was collecting more than it needed, because the population had doubled since 1731, and along with it the total income which was considered sufficient 120 years before when the cost of living was much higher. In addition, the clergy was interpreting the law arbitrarily so as to collect more than the rates allowed.\(^{14}\)

Still further reasons were stated for reform. The clergy had not fulfilled the directives established by law in regard to religious

\(^{12}\text{Ibid.}, \text{p. 5.}\
\(^{13}\text{Ibid.}, \text{pp. 4-6.}\
\(^{14}\text{Ibid.}, \text{p. 8.}\

instruction, burial, and matrimony. Therefore, Ocampo demanded the reduction of the portion of the fees that were designated as remuneration for the performance of these duties. Ocampo first maintained that the clergy had violated the directive issued by the Third Mexican Council which, in accordance with the Council of Trent, stated that the pastor, himself, must explain the church doctrine for one hour on every Sunday. Instruction was given so infrequently, contended Ocampo, that "nothing [was] more common than to suspend marriages because the persons betrothed didn't know who or what is God!"15 Also, despite the same council's instructions to the clergy to assist at all burial services, even that of the destitute, "the cadaver of all poor Christians [was] enterred without ceremony as ... that of an animal."16 The clergy had omitted to follow the Council's orders even though the Recopilación de Indias had commanded that it be observed. Still another contention was that article twenty-six of the law on parish fees, which stated that fees for weddings could not be justly collected unless a mass was said for each wedding, had been violated when only one nuptial mass was said while the collection was made for many.17 The preceding allegations of abuse and others were asserted by Ocampo as reasons for congress to reduce the quotas. However, he had yet to state his most disturbing contention.

Ocampo elaborated on the potentially explosive subject of the

15Ibid., p. 8.  
16Ibid., p. 10.  
17Ibid., pp. 10-11.
relation of excessive parish fees to the miserable condition of the peons. He had observed that the excessive fees discouraged marriages amongst the poor, a situation which had grave consequences since all vital civil laws were based on the state of matrimony. The state had extended certain privileges to married persons because it believed that "the family [was] the basis of civil society, and the state [had] an interest that the children be maintained and educated properly." When the clergy asked the poor to give more than they could afford, Ocampo accused them of hindering the civil power. He even went so far as to assert that excessively high fees for matrimony were one of the most prolific causes of illegitimate children, of prostitutes, and adulterers among the country people.

Ocampo continued to analyze the miserable situation of the peons which he felt had been caused by debt brought on by the necessity of payment of church fees for baptism, marriage and burial. He contended that the status of the worker was no better than that of a slave in the time of Abraham; he could not leave the hacienda on which he was born, nor could he marry without the consent of his master because he was constantly in debt to him. In order to marry the worker usually had to borrow from his master to pay the fee, a debt that few were able to repay, and which was frequently inherited by his family. Having pleaded his cause, Ocampo appealed to the legislature to reform the law on parish fees so that "the curates remain becomingly endowed as the importance and the utility of their

18 Ibid., p. 12.  
19 Ibid., p. 12.  
elevated ministry merit" and so that the "unhappy class of our workers don't have to sell themselves in order to endow them (the curates) ... ."21 Later, a plan for the reform of the parish fees, written by Ocampo, was presented to the state legislature by the city council of Maravatio.22

The reform plan recognized the impossibilities of classification of the population so as to establish just rates and, therefore, called for a low common rate. The new uniform rate was based on the realization that one did not pay for the sacraments, rather one gave an offering proportioned to the trouble which the officiant was caused.23 Since the essential part of any one sacrament was about the same, it stated that the recompense should be the same for all in each sacramental act. "A mass or a baptism should cost the opulent the same as the poor."24 This would eliminate distinct stipends for the same service. The rates would be reduced, and the services diminished to just the essentials of the sacrament. However, the plan recognized that it would neither be proper to reduce the worship to the minute proportions that the poor would be able to afford, nor would this income be sufficient for the maintenance of the ministers, so a prudent means to augment that income was found through the charge for accessories that were called pomp, which had been eliminated from the essential sacramental act. "In the pomp, as in all direct contributions ... each one pays what one can or wants to request."25

21Ibid., p. 15.  
22Ibid., pp. 18-32.  
23Ibid., p. 22.  
24Ibid., p. 23.  
25Ibid.
Having laid the general basis of the plan, the practical particular applications were expressed. For example, a peso was judged as proportioned to the time and service that was entailed in saying a mass; a baptism, since it took less time and less was involved in the act, was established at one-half of that of the mass. On the material basis, that is, taking into consideration the various factors such as time, articles, the place and persons, three pesos were assigned as sufficient compensation for a marriage, and for a simple burial, one peso was considered enough. These computations or fees were remuneration only for the minimum, essential act of the sacrament. The accessories to the essential part were optional and a compensation was fixed for every addition to the ceremony that might be desired.26

Polemic Over the Need for Reform

Ocampo's daring petition to the legislature received a speedy and strong refutation from "the curate of Michoacán", who rebuked Ocampo for exciting the catholic population by his words, and denounced his petition as unjust, false, and motivated by the desire to discredit the Mexican clergy.27 From March 8, 1851, the date that Ocampo first issued his petition to the congress, to November 15, 1851, a heated polemic was carried on between Ocampo and the curate. From the onset of their clash it was clear that the degree of divergence of their opinions was so great as to be irreconcilable. In the three refutations in which the curate

26 Ibid., pp. 25-26. 27 Ibid., p. 27.
attacked Ocampo's petition, and in the series of five statements Ocampo made, the conflict of ideas was so incompatible that it inevitably and immediately led to hostility.

Never in this polemic did Ocampo attack the Church as such, nor did he deny that he was a Catholic. He always affirmed his desire to reform the abuses in the Church, to correct what was wrong -- never to destroy the Church. Yet, his purpose was not spiritual regeneration but rather elimination of clerical practices that interfered with the civil authority. His arguments had a civil, not a religious, orientation. He realized that to attack the Church itself, in Mexico, as distinguished from its ministers and practices, that is, to attack Roman Catholicism, would incur the wrath of a devoted country, which could bury not only his petition but himself along with it. Seeking to avoid the appearance of being anti-Catholic, he phrased his charges in a logical, common sense manner, frequently quoting canon law and scripture. He presented evidence and cited civil and church law like a lawyer at a trial. His accusations did not go unanswered.

The times were too sensitive not to call forth a reaction from the clergy. The Church was all too well aware of liberals' attempts to curtail her authority, and too keen to allow the issue to pass for what on the surface appeared to be a minor ecclesiastical matter. The ensuing controversy that arose between the curate and the reformer exposed the great depths of this issue. In the dispute with the curate each opponent was forced to the extreme -- the one appeared to stand as the defender of
tradition and authority as taught by the Church, the other as the firm supporter of reason and individualism. The polemic reiterated and re-emphasized to the Mexican public the basic conflict between liberalism and conservative Catholicism in Mexico.

Although the petition was directed at the reform of parish fees, the principles postulated by Ocampo in his prologue immediately drew forth a vehement denunciation that led to a further definition and explanation of the meaning of each of the liberal principles. The first and basic principle under attack was that which asserted that every man had a right to adore God according to the dictates of his conscience. This, inevitably, would have led to freedom of conscience. 28

To understand why liberty of conscience could be the subject of such an extended controversy, one has to keep in mind the period and circumstances when this principle was being advocated. The first constitution of the Mexican nation, that of 1824, had established Catholicism as the exclusive state religion, and this principle was restated in several later constitutions. From 1824 the liberals began their fight for religious toleration and, in general, for liberty of conscience, at first in a quiet way, later in a bold, forthright manner. Liberty of conscience and its consequence, liberty of religion was one of the fundamental principles of the liberal program for Church-State relations. 29 It is not surprising then that a radical liberal like Ocampo based all his ideas on

23 Ibid., p. 3. 29 Heroles, III, p. 267.
liberty of conscience. Anything that opposed or impeded this principle was repugnant to him.30

The curate interpreted this principle of liberty of conscience as a dangerous threat to the position of the church in Mexico. It would undermine ecclesiastical authority and substitute subjective authority which would lead to chaos. The curate foresaw that Ocampo's principles would inevitably lead to toleration of all religions and liberty of conscience. In other words, a change in State-Church relations in Mexico that would reduce the status of the Church from that of the exclusive Church to a position devoid of any civil recognition and political rights.31

The argument centered on what the criteria should be upon which man would adore God: should the individual's intuition or the teaching of the Church be man's guide? Not intuition but God had determined and the Church had taught the manner in which to adore God, asserted the curate.32 He placed Ocampo's views in with those of all heretics who "preferred the particular dictates of man to that of the Church, to whom every good Catholic obeys blindly."33 Intuition could not be the sole guide for man to follow. The nature of man was "abounding in errors and terrible passions because ignorance and unlimited dishonor are the inheritance and patrimony of man."34 To follow one's intuition meant giving oneself over to one's passions which were more often wrong than right. Only when man's intuition

30Ibid., p. 287. 31Ocampo, I, 34-41.
32Ibid., pp. 34-35. 33Ibid., p. 35. 34Ibid.
was subordinate and in profound obeisance to his God was it good; most of the time it was disobedient and obstinate. 35 For the curate, acceptance of the principle of liberty of conscience meant acceptance of the principle of liberty of religion which would follow from it:

This [liberty of conscience] means that each man is authorized to worship God according to his own will; and religions being so diverse, as are the religious sects amongst us, it follows that each man is free to adore God with any one of the false religions, in accordance with that principle which established liberty of religion. 36

Under attack from the curate, Ocampo clearly defined what he meant by the word intuition. Possessed with a liberal's faith in man and in reason, Ocampo described intuition as man's "spontaneous moral instincts" that God has deigned to give him "to see within himself what is his duty." 37 It was the only basis by which man could act. The curate had made intuition synonymous with mere individual caprice; Ocampo distinguished it as a guide formed "by the moral instinct of good, by the doctrine of the truth, and by the example of the just, and the reflection on all of this." 38

The Church's role was not completely eliminated; its role was in the formation of the conscience. The conscience which Ocampo presented as man's guide had to be "enlightened in religious matters by the teaching which [was] determined by God and taught by his Church." 39 Formed in this manner it was impossible that man follow any other rule. He reduced his position

37 Ibid., p. 78. 38 Ibid., p. 84.
39 Ibid., p. 85.
to the following:

I said that neither in order to adore God nor to fulfill any other duty can one demand of man, give or acknowledge of him, another rule than that of the dictates of his conscience.\footnote{Ibid.}

The curate found the second principle advocated by Ocampo, that of respect for the conscience of another, equally repugnant because "in order to conserve it it [was] necessary to maintain liberty of conscience."\footnote{Ibid., p. 41.}

He predicted dire consequences would result from these two principles:

Let Michoacán see whether Señor Ocampo is unwittingly leading it: to freedom of faith and freedom of conscience, two programs as impious as they are fatal, and that serve as the standard of socialism in Europe. If, as a scourge of God, they should succeed in settling among us, it is certain that universal destruction would be our end.\footnote{Ibid., pp. 41-42.}

Ocampo chose to defend this principle of respect for the conscience of another by presenting evidence that this principle was acknowledged by all.

"Do you think that either society or any individual would subject himself to the decision of a judge if he didn't have to respect the conscience of his neighbor," Ocampo asked the curate?\footnote{Ibid., p. 87.} To approve of what another did merely because it was dictated by his conscience, retorted the curate, would destroy the essential difference between good and evil.\footnote{Ibid., pp. 133-134.} Indifference would be the result, and it, in turn would lead to contempt for the truth.\footnote{Ibid., p. 135.} As the curate interpreted this principle, it stood in complete opposition to his belief that God had established an exclusive religion,

\footnote{Ibid.}
and that this religion excluded all contradictions — "what she doesn't teach is not the truth, what is opposed to her teaching is error, heresy, evil." There was simply no room in his mind for accommodation, for coexistence of this principle with his dogma. However, although the curate insisted that it was not licit to be indifferent, he condescended to state that he did not believe that an individual must persecute those in error in matters of religion, and he had this to say about governmental action in this matter:

Neither can governments persecute those imbued with error if they do not propagate them by word, deeds or writings so as to harm the rest of society. This supposed that one is obliged to observe a different conduct as an individual and as a public functionary.

However, the curate did believe that the government had a duty toward religion. He would not accept Ocampo's principle of non-intervention of the civil government in religious matters.

The role of the civil government as seen by the curate was one of cooperation in the salvation of souls. He clearly stated its position: "The civil governments have the duty to make their subjects fulfill their religious and moral duties in the external order." Man by his nature had obligations which were both civil and religious, and, according to the curate, there could be no divisions of these duties in society. Ocampo, on the contrary, clearly distinguished the mission of government as

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46 Ibid., p. 136.  
47 Ibid., p. 137.  
48 Ibid., p. 128.
"completely temporal" and its object the relations between men, leaving the relations of man and God to the ministers of religion. He accused the curate of trying to get the civil government to lighten his burden by extending the obligations of the civil government to religious matters. He decried this emphatically: "No, thousands and thousands of times, not the civil governments are not instruments for procuring the salvation of men." The curate interpreted Ocampo's position to mean that religion would be eliminated, the Church would be destroyed, and in its place reason would be adored. Ocampo retorted that he did not mean that society could or should exist without religion.

Ocampo recognized that religion had a vital, yet earthly, role in society. Civil governments had long protected religions because he said they had not been able to separate morality from religion and also because they had not been able to control the passions of their subjects except by the intermediary of religion. Thus, religion was viewed by the civil government as a necessary instrument for instilling moral responsibilities in its subjects, not with a view to the other life, but in order that justice and peace on earth would be conserved. Here again Ocampo's orientation of his thought was clearly disclosed. He was thinking in terms of a secular state, one in which religious matters are almost

49 Ibid., p. 195.  50 Ibid., p. 198.
51 Ibid., p. 129.  52 Ibid., p. 287.
53 Ibid., p. 196.
totally divorced from the civil, or when they do enter into it, they do so for a secular purpose.

The final principle that Ocampo had put forth, that of supporting the clergy solely by voluntary offerings, was passed over quickly by his opponent who affirmed that that was exactly the practice at that time -- all the income of the church was freely given. The curate was very sensitive to those intermediary reforms that called for the state to pay the clergy's salary or at least to administer the Church's income. Ocampo had suggested that it was a preparatory measure until the time when the Church could be maintained by voluntary offerings as in the United States. While not denying that his suggested reforms might have drawbacks, this suggestion would be better than the current situation. The curate foresaw great dangers in making the Church dependent on the State, and he also contended that it was a ridiculous contradiction:

The clergy is the ministry of the Church, that is to say, of a universal, sovereign, independent society. The Church is one; the states are many. It is not more just that the clergy depend upon the state than that our supreme and subordinate authorities be in the direct pay of the English government; or that these same authorities be in the salary of the clergy; therefore, the clergy is as independent from the states as is Mexico from England. It is characteristic of every sovereign society to create, administer and invest its revenues; to depend on another for primary necessities cannot be reconciled with either independence or sovereignty.

The argument of the immunity of the Church from control by the civil

54 Ibid., pp. 139-140.  
55 Ibid., p. 211.  
56 Ibid., pp. 141-142.
government because of the sovereign character of the Church seemed to have been a common one in the discussion of state-Church relations in Mexico. It was brought out more fully later in the discussion of whether the civil authority had jurisdiction to reform the parish fees.

The refutations of the curate were not restricted to just the broad, liberal principles enunciated by Ocampo. He also sought out and attacked every one of Ocampo's assertions. Nor did his rebukes still the prolific pen of Ocampo who responded enthusiastically to defend his statements.

Each of Ocampo's examples of clerical abuse in the collection of fees and of negligence in the performance of prescribed duties were at first labeled as false and categorically denied. But, Ocampo chided the curate saying it was not enough just to deny his allegations; it was necessary to adduce proof that what he stated was true.57 Under pressure from Ocampo, who had cited the precise authority that was being violated -- the law of 1731, the Third Mexican Council, the Council of Trent, Holy Scripture, etc. -- the curate admitted the possibility that abuses might exist due to human frailty.58 In defense of the clergy he argued that their responsibilities were so immense that critics should absolve them of a microscopic examination of their defects.59 The curate maintained that those who failed in their obligations should be punished by the Church authorities, and not, as Ocampo suggested, by diminishing their income since this would only induce them to be more lax.60

57 Ibid., p. 217.  
58 Ibid., p. 56.  
59 Ibid., p. 48.  
60 Ibid., p. 161.
Neglect of one's duties was no reason for the reduction of the clergy's income because the Church's donation to the clergy was not an indemnification for their work, but rather for their subsistence. Therefore, the curate denied that an argument based on abuses held any weight or relation to the question. Abuses must be corrected, but not by reduction of fees.

Particularly galling to the curate was the charge that the present clergy did not follow the examples of the apostles who lived in poverty. This, he felt, was an inappropriate and unjust comparison. He accused Ocampo of hypocrisy for calling for a reduction of fees because the clergy was not living like the apostles. He maintained that the true purpose of this reform to reduce the religious to the rigors of the primitive state was actually to make an end to religious institutions, not to reform it. He derided Ocampo and questioned the sincerity of his motive in this petition. If Ocampo had a good intention, he would have gone directly and in secret to the ecclesiastical authorities to remedy the abuses he supposed, not to the state. But, since he did not do this the curate accused him of wanting to destroy the Church like the rest of the heretics.

It is apparent that what you want is to create an incendiary that might absorb us in an abyss. Reformers know very well that the favorite method of attacking the church is to impoverish the clergy. Away with abuses, they begin by saying, and then away with the ministers, and away with the Church.

The curate was even more alarmed by the revolutionary implications.
that he found in Ocampo's references to the condition of the peons. Ocampo had dwelt upon their state of perpetual indebtedness which bound them to their employer's estates, often because of debts contracted with their employer in order to pay parish fees. This subject was clearly one that had attracted Ocampo's interest for a long time. An estate owner himself, he had observed the miserable condition of the farm workers. He felt this subject was important enough to incorporate a summary of an article he had written seven years previous exposing the factors that he believed had created the impoverished condition of the peons.64

In this article he advanced proof of why the marriage fee in particular was a terrible burden on the laborer. In 1846 a worker would contract a debt of about twelve reales for his marriage. Figuring that a laborer earned from one to two reales a day, Ocampo stated that it would take the peon five months to repay the debt if he was able to save all his earnings besides that spent for the barest necessities. This was impossible in most cases because before the five month period was up other obligations necessitated more borrowing.65

Ocampo described the vicious circle that developed between the laborer and his employer. The worker soon became discouraged as his debt burden built up so that he could not possibly free himself from indebtedness. He became a dissatisfied, restless, listless worker who had despaired of improving his position. The relation between the employer and the worker

64Ibid., pp. 110-118.  
65Ibid., pp. 110-111.
grew strained and even hostile. The employer interpreted this lack of industry as laziness, and so he paid him very little in the belief that necessity would make him work. The peon, on the other hand, knew the employer would not eject him because of the debts owed him, so he tried to work as little as possible while asking for more. The employer reacted in an opposite manner. Thus, the worker ended up in a worse condition than that of a slave since he was bounded to work for his employer in order to fulfill his debt, while his employer was not obliged to pay him a living wage. Ocampo claimed that when the peon was free of debt, this situation did not arise, for the laborer worked better, was paid all of his wage, and was free to change jobs if he so desired.\textsuperscript{66}

These same conditions that Ocampo had spoken out against in his 1846 article, he found had still persisted in 1851, but the fee for marriage had changed from twelve to thirty pesos. Therefore, he pleaded that the rates be greatly reduced so as to alleviate the condition of the peon. In reply the curate maintained that such injustice as the peon suffered was not caused by the clergy. It was the employer who was guilty. The curate refused to accept the charge that there was a connection between the poverty of the peons and the parish fees. Nor would he accept the allegation that the poor became adulterers because they could not afford the marriage fee; concupiscence was the real cause.\textsuperscript{67}

\textsuperscript{66}Ibid., pp. 112-116.

\textsuperscript{67}Ibid., pp. 164-165.
Polemic Over Which Authority Has Competence

The issue in this heated dispute which seemed to elicit the most argument between the two was the question of who was the legitimate authority for reforming the parish fees. Ocampo said it was the state legislature; the curate insisted it was the bishop. Civil or ecclesiastical -- which one had competence in this matter? The issue was a broad one, one that delved into the difficult question of the demarcation between the civil and the religious authority. Dr. Mora had very thoroughly examined this matter in 1833, and many of the issues he discussed were reiterated here. 68

The question of who was competent was based upon the question of what was the nature of parish fees? Were they a voluntary offering, or tax? Ocampo maintained that they had the characteristics of a legal tax, that is, they were collected from all according to a determined quota; they were not voluntary; and they were ordered by civil law. 69 He wrote that the only authority that had the power to make a thing obligatory was the supreme authority, and the civil authority was the supreme authority. Continuing his line of thought, he stated that since parish fees were obligatory they must have acquired this character from the civil authority. Hence, they were under the jurisdiction of the civil authority. He remarked that "it would be as absurd for an ecclesiastical superior to impose a tax as that of the legislature to declare a point of dogma . . .

68 Ibid., pp. 22-26.

69 Ocampo, II, p. 71.
to each his own."  

The curate insisted that the fees were, by nature, not a tax, but aims; not a financial contribution, but an offering made for spiritual things. He rebuked Ocampo for his secular outlook and cautioned him to "think of the Church as a divine institution and not as a human institution", only then "[would] it be easier to resolve this and other questions." These fees, the curate pointed out, were contributions ordered by the Church; but they were voluntary offerings, free from any external coercion, and, yet, an obligation of charity. He explained that "to give charity is not obligatory in civil law; in Church law, which is a development of the divine law of the Evangelists, the obligation to give charity is a debt of rigorous justice." Considered from a legal viewpoint, the curate believed that parish fees were a voluntary offering, while in a moral sense they remained an obligation. To Ocampo the word obligatory meant legally binding. He contended that parish fees were an obligation to which the force of civil law could be imposed to insure compulsion, that is, they were a civil law.

Another case to advance the contention of the ecclesiastical nature of the parish fees was the argument that spiritual things and those annexed to them were the object of ecclesiastical power. Here the fees were considered as accessories of the sacraments. The curate restated this

70 Ibid., p. 72. 71 Ibid., pp. 168-169. 72 Ibid., p. 169. 73 Ibid. 74 Ibid., p. 343.
principle in broader terms:

The knowledge of the church is not only exclusive in things purely spiritual but also in temporalities that are annexed, dependent, or dedicated to spiritual things.\(^75\)

This was indeed a broad statement of the extent of church jurisdiction which had been denied by Mora and by many other liberals, including Ocampo, who emphasized the temporal character of these fees. The curate pointed out that these fees formed a part of the total Church revenue to sustain the Church in its spiritual mission.\(^76\)

Ocampo examined the object of these fees in an effort to indicate that the civil authority had the legal competence in the matter of reforming Church fees. He argued that the purpose of the services for which these fees were a remuneration were for the most part civil.\(^77\) Baptisms, marriages, and burials -- for which the majority of the fees were collected -- formed the civil register by which the status of a person was established, property was regulated, pensions bestowed, the benefits of matrimony distributed, etc. Ocampo maintained that "the application that the Church had to make of these registers [was] rare in comparison with the very numerous ones that society made of them."\(^78\) Therefore, he suggested it would be far better if the civil government handled this matter. This would eliminate what Ocampo called the payment for receiving a sacrament, and even the absolute need for them at all.\(^79\)

\(^{75}\) Ibid., p. 248.  
\(^{76}\) Ibid., p. 245.  
\(^{77}\) Ibid., p. 284.  
\(^{78}\) Ibid., p. 234.  
\(^{79}\) Ibid., p. 285.
The curate addressed himself to proving that if the state legislature reformed the parish fees as Ocampo advocated, it would not be obligatory unless the ecclesiastical authorities approved it. He distinguished the imposition of the church revenues from the forceful collection of them.80 The civil government was responsible for the latter, but only the Church could control the former. In this way the two authorities were united in regulating this matter, but the civil government had a very restricted role; it was "sovereign in what [was] civil, and subordinate in the spiritual." As a sovereign body, the Church had the power to determine the types and quantity of its income, of which parish fees were a part. The curate tried to delineate the civil power from spiritual affairs. But when the law on parish fees was formed, the king had a very direct concern in matters proper to the Church by virtue of the patronato. The civil power, stated the curate, could interfere in ecclesiastical matters only by papal concession. However, he stated this did not mean that the civil power could dictate to the Church, nor the Church to the state.82 Both must act in harmony in the matter of parish fees. On the basis of sovereignty the curate affirmed that the ecclesiastical power, in particular the bishop, was the only one that could establish and reform parish fees; the civil power could only use its physical power to assure the extraction of them.

80 Ibid., p. 169. 81 Ibid., p. 170. 82 Ibid., p. 263.
The church is a sovereign society, and as such it operates to protect and perfect itself. Revenues are necessary means to protect and perfect itself. Every sovereign society has the right to establish its income. And since the church has this character, it has the same power conforming to its character and its necessities. If the state would establish it [church's income], it [the church] would be dependent on the state... and without sovereignty... and this is servitude, a contradiction, and a calamity.83

The arguments about which authority was competent were not all relegated to theory. Both disputants examined and commented on how the actual historic tariff law of 1731, that established the quotas for the parish fees, was formed. According to the curate, in 1731, the bishop of Michoacán, Bishop Galatayud, ordered the faithful to assist with the temporal sustenance of the parish priests by means of "grants, improperly called tariffs."84 "By virtue of the patronato which the Holy See [had] conceded to the Sovereign of Spain"85 he informed the representative of the crown in Mexico of his action in order to secure civil approval. This approval by the viceroy and his audiencia gave the fees a legal character that meant that civil coercion could be used, if necessary, to enforce their collection. The question in this particular issue was who actually was the source of the authority which brought this law into existence? Was it the Church by virtue of the bishop having designated the quotas for the parish fees, or was it the civil authority as shown by its approval? The answer to this question involved still another problem, that of the

83Ibid., pp. 171-172.  
84Ibid., p. 43.  
85Ibid.
relation of Church and State under the patronato, or more properly the meaning of the patronato at that time.

The conflicting interpretations of the patronato were used here as arguments both for and against civil jurisdiction. If one followed the curate's stand the patronato was a papal concession. The bishop, in submitting to the representatives of the crown for approval of his parish fees, was not motivated by necessity but only by the desire for harmony between the two authorities. 86

Approval of the audiencia was necessary in order that the tariff would have the character of civil law . . . in order that the law would originate from the patronato; but such approval was not needed in order that the tariff would oblige the faithful in conscience and in Church law, and under the spiritual and canonical sanction. 87

Ocampo, however, maintained that approval by the civil government in this case meant authorization, and without it the bishop would not have dared to publish the tariff, nor would it have been legally obligatory on the faithful. 88

Ocampo found an historic basis for civil intervention in this Church matter. It was the right of the Spanish king as patron of the Church to endow it and to increase or diminish this endowment. 89 This right of patron, as interpreted by Ocampo, was a natural right of the government. It existed by virtue of the fact that the society of New Spain, by means of the government that then represented the king, had

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86 Ibid., pp. 262-264.
87 Ibid., p. 269.
88 Ibid., p. 341.
89 Ibid., p. 286.
ceded the land on which the churches were founded, and had erected and
endowed them with the wealth of their country. Hence, this right of
patron belonged by natural right to the society of New Spain.

It was very significant that Ocampo clearly pointed out that
patronage belonged to the people and was exercised by the government be-
cause when Mexico became a republic, it retained the title to the patron-
ato.91

The Republic of Mexico is, with as much right as the King of
Spain, patron of its churches. I recognize it is lacking the
regulation of the use of this patronato [through a concordat],
but not the patronato itself.92

The curate had stated that the patronato had ceased at independence, but
Ocampo said that only the use of it in certain points had ceased. Re-
garding civil matters it had never ceased. He boldly affirmed that "when
the Mexican Republic had no more title than that of being owner of the
lands on which were erected the churches, this was sufficient in order to
be truly the patron, without any concession from Rome, because it was
inherent in the nature of things."93 Therefore, Ocampo concluded that the
historic argument based on the patronato had reaffirmed the jurisdiction
of civil power in the law of 1731. Since the title to the right of
patronage remained as a natural right of the Mexican society, he believed
that its use was also valid in 1851 when applied to ecclesiastical affairs
that are by nature temporal, such as parish fees.

90Ibid., pp. 300-301.  
91Ibid., pp. 301-302.  
92Ibid., p. 303.  
93Ibid., p. 304.
Examining the relation of the issue to the current law, both state and federal, the two antagonists found new cause for disagreement in their conflicting interpretations of the laws. The curate accused Ocampo of trying to usurp the power of the Church in order to secularize society and superimpose civil power over divine jurisdiction of the bishop. In fighting Ocampo’s reform proposal he felt that he was defending Catholicism against a grave attack. He affirmed that only the bishop had the right to dictate laws concerning the administration of his diocese, of which the parish fees were a part, not the state legislature. Since Catholicism was the religion of the state, the curate declared that one could not attack the dogma, morals or the discipline of the Church, such as he accused Ocampo of having done, without committing a crime against the state. He was asserting that Ocampo’s petition to the state legislature was unconstitutional as well as anti-church. He referred to the present Bishop of Michoacán, Clement Munguía, as being in accord with his belief that the civil power was not competent to reform ecclesiastical discipline. Both defended the point that the civil power could only interfere in ecclesiastical matters by papal concession.

The curate also cited a federal law of 1824 which he interpreted as forbidding state intervention in this matter, but allowing the general congress jurisdiction when the papacy conceded the right of patronato to the Mexican Government. Ocampo interpreted that same law of December 18,

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94 Ibid., p. 240. 95 Ibid., pp. 247-248.
96 Ibid., p. 251. 97 Ibid., p. 268. 98 Ibid., p. 253.
1824, to mean the contrary of what the curate had stated. He declared this was the fundamental law which recognized that the state legislature could make changes in the ecclesiastical revenues, if both civil and Church authorities were in agreement. The power to make legal reforms resided in the state for as long as both authorities were in conformity. If there was a disagreement between the two authorities, then it necessitated applying to the General Congress to settle the matter. For Ocampo, this law decided the whole question of jurisdiction. As regards the exercise of the patronato by the current government, Ocampo had already indicated his belief that it was a natural right, so its exercise was not suspended in this matter, because it was not a spiritual but a temporal matter.

The curate seemed to be predicting the future course of State-Church relations when he warned that by following Ocampo's ideas the representatives of Michoacán would deny Catholic doctrine, would show contempt for the federal and state constitutions, and would provoke a rupture with ecclesiastical authorities who would inflexibly resist any reform. In the event that the state legislature should act on Ocampo's directive, the curate proposed that it could and should be disobeyed:

In sound jurisprudence, as in good morality, all irreligious and unconstitutional law is not obligatory, and the government that dictates it does not have the right to be obeyed... for a law contrary to society works contrary to society, and society reacts irresistibly against this power.

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99 Ibid., pp. 273-274.
100 Ibid., p. 310.
101 Ibid., pp. 307-309.
102 Ibid., p. 275.
In concluding his defense of the right of the state legislature to reform parish fees, Ocampo reflected on what would be the results if the facts were in accord with what the curate had said was true, that is, that only the Church had jurisdiction in this matter. Ocampo projected that if only the ecclesiastical authorities made and enforced the tariff rates the consequences would be disastrous for the Church. Without civil coercion to enforce the collection of the fees, Ocampo believed that it would lead inevitably to strictly voluntary offerings. Although the support of the Church by voluntary offerings was one of the desired principles which he had advocated as a long-range goal, Ocampo stated many reasons why, at that time, it would not be at all feasible. Generally, he believed that the people would not contribute to the support of the Church, and this would lead to the end of religion and the teaching of all morality. One of the reasons he gave for the failure of the faithful to make donations for the reception of sacraments was that the government-supported civil register would remove the legal need for such sacraments as matrimony and baptism. Ocampo indicated his low estimation of the religious fervor of his countrymen when he stated that as comparatively few understood the importance of religion, few would support it. These remarks constituted somewhat of a veiled threat, as well as final evidence that the payment of the parish fees would fail if the bishop insisted that it was a Church law.\textsuperscript{103}

\textsuperscript{103}Ibid., pp. 216-218.
Results of the Polemic

This heated and prolific polemic ended in a draw. The state legislature refused to take any action. Ocampo could do nothing but accept their decision graciously, not in despair of having failed, but in realization that although the present circumstances did not provide an opportunity to remedy the situation, perhaps the future would be more conducive to reform. He disclosed that his motives for defending this reform petition had been his belief that it was a just and necessary measure directed at alleviating the financial burden of the poor. He also revealed that he had spent many years mediating about this reform and five more in trying to gain acceptance of it. 104

Because of the bitter accusation of falsehood and the questioning of his motives, Ocampo was not content to let the matter of the dispute rest in defeat. He stated he would publish the polemic between himself and the curate in order to let the citizens decide who was correct; he felt that they would be the most competent judge. 105

The controversy aroused by Ocampo's petition and the subsequent polemic with the anonymous curate was not terminated when the state legislature of Michoacán failed to act upon it. Ocampo's liberal views had caused a profound sensation amongst the clergy and the conservative landholders. The latter feared that his views might encourage a revolution of the peons against the owners of the great estates. The curate had warned of the dangers that might result from the implementation of Ocampo's

doctrine. The principle of liberty of conscience could, thought the curate, lead to a social uprising which would threaten all property. He accused Ocampo of having aroused the masses:

And what, shall we say, sir, if it is not the barbarians that rob us, but the hungry masses of Mexicans whom we have among us, and who are the victims of the misfortunes of the country, because of a well-nigh total lack of markets for their former products: These masses may say to justify their deprivations: 'Our industry is no more, we labor in vain, and a vain labor must be abandoned, but in the meanwhile we must not perish, the other classes must maintain us, and if they refuse we shall use force. Our methods will be the natural promptings of self-preservation. The conscience cried out: this cry is now universally heard, and the conscience is a principle that all must respect ... Hand over these properties, hand over those treasures, hand over those estates ... Why is there such inequality in possessions? Why must our degradation serve to nourish the welfare of the mighty? ... These, Senor Ocampo, are but a small part of the pestilential doctrines that derive from your false reasoning.'

Ocampo denied that any of these revolutionary implications existed in his writings, and he cautioned the curate to examine the words he had put in the mouths of the workers, as the curate, himself, might be planting the seeds of a social war.

The polemic had perhaps a greater repercussion than the curate had anticipated. The curate had written that Ocampo's writings might cause a "great conflagration, that is, a revolution of misdirected ideas, apt to be the precursor of an armed revolution ... that can involve its author in its ruin." This prediction was to a surprising degree fulfilled. Some viewed it as a forewarning of Ocampo's death that came suddenly and

106 Ibid., pp. 39-60.  
107 Ibid., pp. 64-65.  
108 Ibid., p. 57.
violently, in 1861, from the hands of reactionaries. Even the course of Ocampo's life, from the conclusion of the polemic to the end of his life, was determined to a degree by this controversy. As a result of this publicized polemic, Ocampo's name and the ideas associated with him became known over the country. He had become 'a marked man -- marked by the curate for a bad end, marked by the conservatives as a dangerous crank, marked by the radicals as a man on whom they could rely to fight their battles for them.'

The clerical and propertied elements were alarmed enough by the polemic to support a revolution in 1853 whose influence spread far beyond the border of Michoacán to fan the uprisings already dotting the restless country. The central government of Arista and many liberal state governments were replaced by Santa Anna, who returned to power with the support of the conservative leader, Alamán, and his party. Alamán had written a letter to Santa Anna on May 23, 1853, in which he named Ocampo as responsible for inciting the reaction that brought them to power. He wrote:

The one who really started the revolution was the Governor of Michoacán, Don Melchor Ocampo, by the impious principles which he developed in matters of faith, the reforms which he attempted in parochial fees, and the alarming measures which he announced against the landowners and with which he aroused the clergy and proprietors of that state.

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109 Roeder, I, 85.  
110 Bancroft, V, 607.  
Bishop Munguía was particularly active in giving impulse and support to the revolution.\(^{112}\)

Once in power, Santa Anna acted to establish himself as a dictator; he removed all potentially dangerous citizens and clamped down on the press. Ocampo, along with the future reformer-president Juárez, were among those liberals hastily expelled from Mexico in September of 1853.\(^{113}\)

It was during this period of exile together in the United States that Ocampo influenced the development of Juárez along the same revolutionary line as he, thus preparing him for his role as a reformer at the end of the decade.\(^{114}\) "It was apparently at this time that Ocampo, with his fine and inquisitive mind, began ..., to assume the intellectual leadership of the liberals."\(^{115}\) Under his direction a liberal plan was formulated by the exiled liberals to cooperate with elements in Mexico led by Juan Álvarez, who were working to overthrow the unpopular dictatorship of Santa Anna and establish liberal reforms.\(^{116}\)

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\(^{112}\) Bancroft, V, 629.

\(^{113}\) Ibid., p. 632.

\(^{114}\) Roeder, p. 108.

\(^{115}\) Scholes, Mexican Politics during the Juárez Regime, 1855-1872, p. 26.

\(^{116}\) Wheat, p. 49.
The revolution of Ayutla began in March of 1854, as an anti-Santa Anna movement supported by both liberals and conservatives. But it soon developed into a revolt not only against tyranny but against the existing society. It inaugurated a real revolution -- one that brought in the liberal ideas of Zavala, Mora, and Ocampo; one that aimed at creating a society distinct from the current one. Here was an opportunity to establish a liberal state along the lines first attempted in 1833. Ayutla marked the beginning of a transformation in society. It "inaugurated the most bitter and devastating attack which the Catholic Church had ever experienced [in Mexico]." Reforms were not quickly enacted nor peacefully accepted. The climb toward the establishment of liberal goals extended through the decade and into the 1860's. Two giant steps forward were the reforms embodied in the Ley Juárez and the Ley Lerdo. The movement reached a plateau in the liberal constitution of 1857, and culminated its ascent in the Leyes de La Reforma.

In the fall of 1855, Santa Anna was ousted from the presidency, and Juan Álvarez was chosen provisional president. Melchor Ocampo entered the government of the new president as minister of state on October 5, 1855.

1Scholes, Mexican Politics during the Juárez Regime, 1855-1872, pp. 1-3.
2Mecham, p. 426.
Along with Juárez and other members of the puro faction in the cabinet, Ocampo wanted immediate and far-reaching reforms to be enacted. These reforms were opposed by the moderate minister of war, Ignacio Comonfort, who feared that they would incite a rebellion against the new government. When Ocampo's ideas were rejected, he resigned. 3

A month later, Ocampo stated his motives for having left the liberal government. 4 He explained that before he had accepted his post in the cabinet he had disagreed with Comonfort on the political composition of the cabinet. Comonfort wanted the cabinet to be composed of both moderates and radicals, whereas Ocampo was opposed to a system of balance because it would result in disagreement and inaction. Having both moderate and radical liberals in the cabinet would not insure the enactment of liberal reforms. Political factions, Ocampo cautioned, must be judged on the basis of practice, and not on theory. With this criteria in mind, he described the moderates as "the link that unites the radicals to the conservatives" when considered ideologically, "but in practice . . . they are no more than alarmed conservatives, because for them, there is never time to make reforms, they consider them [reforms] always inopportune or immature; or, if by rare fortune they intend them, it is only half way and imperfectly." 5 He felt that the moderates would not cooperate with the liberals to accomplish far-reaching reforms. A cabinet formed of both

4 Ocampo, II, pp. 75-100.
5 Ibid., p. 85.
factions would paralyze the executive department. If the government was to take advantage of the opportunity to reform society, Ocampo believed that the executive had to be the initiator, the source of movement and action in the government. This would be impossible if the executive department were based on a system of balance, because this idea was naturally opposed to action. It would result in a coalition cabinet that "obstructs when it [did] not paralyze movement."6

Nevertheless, Ocampo was pressured by Comonfort into joining the cabinet on a temporary basis. Comonfort agreed to support Ocampo's choice of two puros, Benito Juárez and Guillermo Prieto, for the posts of ministers of justice and finance. After only fifteen days, Ocampo had resigned. One of the issues that precipitated his resignation was Comonfort's demand that clerics be allowed in the government to guarantee the rights of the clergy. Ocampo insisted that this was contrary to the Plan of Ayutla which proposed that representation be based on departments, not classes. The government would represent the interests of the community in general and not individuals.7

Ocampo's fears for the government were justified. The moderates and the radicals disagreed more than they agreed. The radicals had viewed the overthrow of Santa Anna as a long awaited opportunity to initiate a full program of reform. The moderates, led by Comonfort, were content to let reforms be made as the circumstances of the country permitted, without

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6 Ibid., p. 87.  
7 Ibid., pp. 89, 100.
disturbing the peace or exciting the animosity of any group. Comonfort wanted progress without inciting any violent reaction.  

The first attempted reform was the law dictated by Juárez on the administration of justice on November 21, 1855. From the point of view of the radicals, it was a beginning, a moderate and only partial reform. Instead of abolishing the fueros completely, they were limited. The law restricted the ecclesiastical fuero to criminal matters and the military fuero to military infractions. It excluded all ecclesiastical and military courts from exercising any civil jurisdiction. For the radicals, it was an intermediary measure that worked toward their goal of establishing the principle of equality. For the conservatives, it was a drastic, daring step aimed at destroying the rights of a sovereign society, the Church. The right to judge the clergy in both civil and criminal cases in Church courts was upheld as an indispensable condition for the maintenance of the independence of the Church. Without it, the Church would be made subordinate to the civil government. As considered by the liberals, the fuero was not a right of the Church; rather, it was a political concession, a privilege which could be withdrawn in the interest of maintaining the authority of the government over all civil matter.  

10Ibid., p. 34.  
11Ibid., pp. 10, 38.
The reaction against the Ley Juárez was of such a force as to cause President Álvarez to renounce his post to the moderate leader, Comonfort, in December of 1855. The enmity between the Church and the liberals was reopened. The liberals' claim that this was not a religious question, that it was simply a removal of clerical intervention in temporal affairs, fell on deaf ears. The opposition tried to promote an uprising on behalf of religion and fueros, which aimed at restoring the conservative party to power. A clergy led revolt in Puebla was severely suppressed by Comonfort. This was but the beginning of hostilities between Church and State. With additional provocation it would break into a civil war in 1858.

Following close upon the Ley Juárez was the Ley Lerdo. It proved to be a greater source of conflict between Church and State than even the preceding law. Formulated by Miguel Lerdo de Tejada, this law abolished the right of corporations to hold real estate. Although this law applied to all corporations, it most deeply affected the Church, which was the largest corporation. By it, the Church was ordered to sell all properties except those used directly for public worship. The motives that prompted this measure were mainly economic. The liberals hoped that the five percent sales tax imposed on the sale of all corporate property would

12 Wheat, p. 135.  
13 Heroles, III, 41.  
14 Bancroft, V, 671 and 678.  
15 Scholes, Mexican Politics ..., p. 15.
fill the government treasury. They also anticipated that this law would stimulate the economy. By taking the landed property from the dead hand of the Church, and dividing it amongst its former tenants, they expected to tie them to the liberal movement and create a new class of private land owners with the incentive to increase production.  

The advocates of the law asserted that the interests of the Church would not be hurt. The measure did not expropriate property, without compensation, as had been advocated in 1833. In their estimation it was a reasonable, moderate law that should not engender any violent opposition. Francisco Zarco, a most prominent liberal newspaper writer, was one of the outspoken supporters of the law. He believed it to be a prudent measure which would not antagonize the conservatives to the degree to incite a revolution, while it would accomplish certain liberal economic goals. It would liberate wealth from the sterile hand of the Church and put it to use in the development of industry and agriculture. He hoped that it would also diminish the number of poor laborers and increase the number of proprietors.

Many liberals, including Ocampo, condemned the Ley Lerdo as inadequate and poorly framed. Some saw only benefit for the clergy in the new law, and supported outright expropriation. Ocampo felt that the law failed to achieve its chief purpose -- that of making property

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16 Calicott, p. 248.  
17 Wheat, pp. 140-141.  
18 Wheat, p. 57.  
19 Heroes, III, 197.
available to those of small means. The provisions of the law were more conducive to the accumulation of property in the hands of a few, than that "the property be divided among the largest number of persons possible." Instead, this purpose had been subordinated to the desire to fill the national treasury.

Ocampo advocated that all laws dealing with ecclesiastical wealth subordinate their monetary character to social reform. The Church wealth, he warned, had been greatly exaggerated and the government would not reap as much as they had anticipated. The Ley Lerdo should have aimed primarily at reforming society and not at collecting revenue. He urged that the fundamental economic object of the law should not be to make use of the Church wealth to finance the revolution, but to reform society by "changing the structure of the classes in Mexico, redistributing the wealth, and activating the economy."

The Church did not accept the Ley Lerdo as merely a moderate reform. In the eyes of ecclesiastical authorities its most objectionable feature was its limitation of the right to acquire and own property. This was interpreted as an assault on a legitimate right of the Church. If this assault was not repulsed it was feared that others would follow in an attempt to curtail the wealth and independence of the Mexican Church.

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20 Ocampo, II, 173.
21 Ibid., p. 195.
22 Aneoles, III, 631-632.
23 José Bravo Ugarte, Historia de Mexico (Mexico City, 1944), p. 231.
The Mexican hierarchy was placed in a very difficult position. The law forced them to choose between observing the civil law or Church law, since many of them felt, as did the archbishop of Mexico, that the Ley Lerdo was incompatible with ecclesiastical law.\(^{24}\)

The idea of confiscation or regulation of Church property had always raised the question of the right of property. In the Ley Lerdo, the right of property appeared to have been violated. This law "was an apparent paradox, for in the society the liberals were trying to create, property was to be sacred."\(^{25}\) José María Luis Mora, writing in 1833, had provided the liberals of 1856 with a justification for the limitation of corporate property.\(^{26}\) He distinguished the right of property of the Church from that of an individual. The Church was not the proprietor of the property she used. Society had assigned her the right to enjoy the use and the products of the property, but not its ownership. Hence, society could limit the Church's right to property in the interest of the common good.\(^{27}\)

Ocampo criticized the Ley Lerdo precisely because it accorded the status of proprietor to the Church. In a letter, written in 1859, to the then president, Benito Juárez, on the injustices of this law, Ocampo elaborated on the same point as had Mora.\(^{28}\) He insisted that the Church's

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\(^{24}\)Cuevas, pp. 303-305.


\(^{26}\)Above, pp. 22-25. \(^{27}\)Héroles, III, 111.

\(^{28}\)Ocampo, II, 153-199.
wealth, formed by property being donated or willed, had lost the true character of property. It lacked the two principle characteristics of property: the right to use it as one saw fit, and the right to dispose of it at will. For Ocampo, ecclesiastical wealth constituted an abuse of property since it succeeded in being considered property even when it had no owner. In the manner in which this law was constituted and enforced, Ocampo found it to be an economic boom to the Church. Despite the attempt of the government to treat the Ley Lerdo as an economic issue, the Church labeled it and fought it as a religious issue.

An open debate in the constituent congress of 1856 over a matter of a decidedly religious nature increased the opposition to the government. In the formation of a new constitution, no article was more hotly debated, nor attracted so much attention as that on religious toleration. The bitter debate was created by the division among the liberals on this issue.

During the debate over religious toleration the principle of liberty of conscience was not questioned. All professed to believe in it, but the moderates considered it inopportune, too premature, to apply this principle by granting religious toleration in a country historically imbued with the idea of a state religion. In Mexico, toleration would

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29Ibid., p. 153.

destroy the religious unity of the state, they argued. It would lead to
a religious war that could only hurt the liberal cause. The supporters
of religious toleration approached this religious issue on an economic
basis. They based their arguments upon materialistic ideas; "time and time
again the reason given for the passage of the bill was the need for immi-
gration and only casual references were made to religious freedom." In-
tolerance was said to discourage immigration which, thereby, impeded the
acquisition of national wealth.

The debate over toleration resulted in a postponement and, finally,
a complete retirement of the article. Unable to agree on toleration, the
religious question was left pending. For the first time in Mexican
history, the Church was not established as the state religion; nor was
this status denied. By simply stating nothing the congress hoped to
satisfy all, or more properly, to offend no one. However, the fear that
the federal government would be left without any legal basis to assert
its jurisdiction over the Church, led to the adoption of a resolution which
allowed the federal government to intervene in matters relative to re-
ligious worship and external church discipline, in a manner designated by
law. The constitution did not mention the patronato, but the state was


32 Scholes, "Church and State...", p. 164.

not left powerless in regard to church matters.\textsuperscript{34} This article, taken in connection with the freedoms of press, speech, and education, which were guaranteed in the constitution, was interpreted by some as implicitly establishing toleration.\textsuperscript{35} The meaning of the constitution on religious matters was open to many interpretations.

Ocampo was a member of the constituent congress, but he absented himself from the sessions for many months when he became disgusted with the progress of the congress. He did not participate in the debates on religious toleration. Nevertheless, his views on this subject were well known from his publicized debate with the curate in 1851.\textsuperscript{36} He had also written an essay on his reflection on toleration.\textsuperscript{37} In it he attacked the idea of an exclusive religion, intolerant of all others, as irrational and unchristian. He based his argument for toleration on the social values of all religions. All religions were good because all preached love, which should be the basis of harmony in society. Intolerance bred dissension which destroyed the unity and peace of society, and, thereby, impeded progress. Ocampo’s reasoning emphasized the social utility of religion as well as the principle of liberty of religion. The theological question of which religion was the true religion, he believed, was not

\textsuperscript{34}\textit{Heroles}, III, 202–203. \textsuperscript{35}\textit{Calicott}, 305.

\textsuperscript{36}\textit{Above}, Chapter III.

open to solution at that time. He seemed to conceive of truth as that which succeeds, when he inferred that the true religion would be the one which united all of humanity. Meanwhile, tolerance was a necessary condition to promote social unity:

Love one another and we will arrive, more quickly than with disputes, and pretensions of greater knowledge and virtue, at the fusion of all humanity in one family; of all dissenters in one belief, of all laws in one morality; of all rivalries in one fraternity; of all relations in the life of love.  

The constitution embodied many liberal principles. Taken together with the laws of the Reform, it constituted a fulfillment of the Mexican liberal doctrine. The constitution of 1857 was formulated by liberals. Yet, its religious policy failed to achieve the liberal ideal -- freedom of religion. The constitution reflected, especially in its religious policy, the influence of the moderate element of the liberals who followed Comonfort's leadership. From the radical point of view, its compromisory character made it unsatisfactory.

At its completion, Ocampo refused to sign the constitution. He considered it as embodying incomplete and insufficient reforms. He was very critical of the leadership of President Comonfort. Comonfort's "absolute lack of character, lack of great convictions," and lack of capable advisors led Ocampo to write: "I am not surprised, then, that the government has fears, and always will have fear of everything and everyone."  

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38 Ibid., p. 671.  
39 Caloott, p. 267.  
40 Heroes, II, pp. 442-446.  
41 Ocampo, II, 378.
He criticized Comonfort for his temporizing nature, for his mediocre reforms. Now that the liberals were, finally, in power, Ocampo felt that they must make use of the opportunity to enact liberal reforms. He wrote: "It is sad that the beautiful opportunities for reform, that Mexico has now presented unceasingly, are in so incapable hands."42

Following the debate on religious toleration, the congress considered whether to suppress parish fees.43 The discussion of this minor question touched upon many issues in the relationship of state and Church. Several argued that if the fees were suppressed the government would have to support the Church, and from this would follow that a state religion would be established which was contrary to the constitution. Others denied this interpretation of the constitution, and found no reason why the clergy could not be state supported. One felt that "there was some contradiction in a government that has to intervene in religious worship, can take over the goods in mortmain, and cannot pay the services of the clergy."44

Another representative, Ignacio Ramírez, considered it just for the government to pay for a religion if it was for the common good. He maintained this would not violate the rights of citizens who were non-catholic any more than did paying for roads that one never travelled on. "If a cost is necessary, then all must contribute to it," said Ramírez.45

Francisco Zarco, one of the leaders of the reform movement in the

42Ibid.
43Zarco, pp. 1220-1265.
44Ibid., p. 1258.
constituent congress, concluded the discussion of this question and expressed his views on State-Church relations. He criticized the congress for its indecision in religious matters and, in particular, for having complicated the situation by allowing state intervention in religious affairs. The most satisfactory relation between the two bodies would be to declare a separation of Church and State along the following line: The Church would be emancipated from all state control; this would leave it reduced to a spiritual congregation, and cut it off from all temporal affairs. 46 This, however, was the ideal; it could not be implemented at that time. The exceptional circumstances of Mexico, stated Zarco, necessitated the intervention of the state at this time in church matters, and in particular in the matter of parish fees. 47

Zarco recognized that the parish fees had to be abolished, but that it was impossible to do it at that time. Rather he recommended, as had Ocampo in 1851, that the fees be reduced to the level which the needy class could pay. He remarked that if a man of such great ability as Ocampo had need of years of study and meditation before he formulated a reform of parish fees, then the uninformed congress should not attempt it in a few days. He suggested that the issue be left to the minister of justice, José María Iglesias, to study and conclude a reasonable plan. The congress conceded to follow Zarco's advice and the question was abandoned. 48

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46 Ibid., p. 1265. 47 Ibid., p. 1266. 48 Ibid., p. 1267.
Several months later, on April 11, 1857, a law regulating parish fees was established. It exempted any one who did not earn a living wage from paying parish fees. If matrimony or baptism was refused to the poor who could not make an offering, a penalty was imposed. The clergy was also ordered to distinguish between the administration of the sacrament and the ceremony which accompanied these acts. Finally, those priests who did not receive a sufficient income, by virtue of having observed this law, were offered a subsidy from the government. This last provision was considered by the Mexican hierarchy to be a dangerous innovation which made the clergy dependent upon the civil authority for their maintenance. Bishop Munguía of Michoacán protested most vehemently that this law usurped the bishop's jurisdiction over ecclesiastical affairs.

The alienation of the Church from the liberal government had reached a critical point by 1857. Each new liberal reform that the government had enacted added more fuel to the already smoldering dispute. The political reforms took on, more and more, the character of an attack on the Catholic religion.

As the writing of the constitution was progressing, the reaction

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49 Manuel Dublan and José María Lozano, edo., Legislación Mexicana o colección completa de las disposiciones legislativas expedidas desde la independencia de la república (Mexico City: Imp. del Comercio, 1884), VIII, pp. 431-432.


51 Ibid., p. 736.
against the new plan of government produced disturbances of growing intensity. Especially alarming was the omission of a declaration which recognized the Catholic religion as the exclusive one for the country. This was considered equivalent to a national apostasy.\(^{52}\) The completion of the constitution was a liberal triumph, but many were opposed to it. Bishop Munguía presented an official protest to the government against twelve articles of the constitution.\(^{53}\) Every government employee was ordered to take an oath to support the constitution. On November 13, 1857, the archbishop of Mexico issued a circular which prohibited the taking of the oath under penalty of excommunication.\(^{54}\) The Church and the conservatives were urging rebellion.\(^{55}\) The country was in an uproar.

Comonfort vacillated and tried to follow a middle path to conciliate both conservatives and liberals. He then abandoned the constitution to accept a conservative plan. Finally, he was repudiated by both sides. With his resignation, Juárez, the chief justice, became the temporary president in January of 1858. The War of Reform commenced between the rebellious, clerical supported conservatives and the defenders of the constitution.\(^{56}\)

\(^{52}\) Cuevas, *Historia de la Iglesia*, p. 312.


\(^{54}\) Scholes, "Church and State...", p. 173.

\(^{55}\) Mecham, p. 439.

\(^{56}\) Scholes, *Mexican Politics...*, p. 23.
"The armed fight that was imposed was no more than the logical consequence of the intellectual fight"\textsuperscript{57} between the liberals and the conservative elements. The conflict had been developing for almost forty years, but only since 1855 had the liberals been strong enough to enact reforms and remain in power. The conservatives would not accept the political, economic, and religious reform measures which the liberals considered indispensable to Mexico's progress.\textsuperscript{58} The more numerous and revolutionary the reforms, the more inflexible was the resistance to them. When both sides refused to compromise, all alternatives were eliminated. The only way open was that of a war for survival.

The country was plunged into a civil war that endured for three years, until the triumph of the liberal puros under Juárez. Two governments coexisted: the conservative one in Mexico City, and the government of Juárez in Veracruz. Juárez formed a cabinet composed of prominent liberals of the puro faction. Ocampo left his voluntary exile at his hacienda to become minister of relations.\textsuperscript{59}

Ocampo was a staunch supporter of Juárez and the war. In a letter to a friend, in September of 1858, he indicated that he felt that the war must progress until the enemy was completely defeated.\textsuperscript{60} An armistice would be unwise. "The history of the country," he wrote, "shows that the clergy and the army need to be repressed, as both are incapable of moral reform

\textsuperscript{57} Cuevas, \textit{Historia de la Nación Mexicana}, p. 737.  
\textsuperscript{58} Scholes, "A Revolution Falters. . . .," p. 21.  
\textsuperscript{59} Flores, p. 298.  
\textsuperscript{60} Ocampo, II, 304.
by good treatment."  

Leniency, he warned, would only make the war in-
terminable. His attitude was representative of that of the Juárez govern-
ment. The Church, along with the conservatives, became the declared enemy
of liberalism. The suppression of clerical power became a necessity for
the liberal cause.

In the midst of the prolonged conflict the government in Veracruz,
on July 7, 1859, issued a manifesto announcing a program of revolutionary
reforms. The program had been under consideration in the cabinet since
June of 1858, but the actual writing of the manifesto was attributed to
Ocampo. Its purpose was to inform the nation of the cause for which they
were fighting. The Juárez government wanted to impress upon the people
that they were not only fighting for the restoration of the Constitution
of 1857, but also to advance, to work toward establishing more liberal
principles.

The manifesto announced the program that the government proposed
to follow in the different branches of public administration. The primary
field of reform was the Church. The liberals realized that their principles
could not become rooted in society while the Church persisted in counter-
acting them. Extreme measures to destroy the power of the Church to
interfere with the establishment of a liberal society were proposed. They
included the following: separation of Church and State, suppression of

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61 Ibid.
62 Ibid., pp. 113-139.
63 Ibid., note on pp. 113-114.
64 Heroles, III, 224.
65 Ocampo, II, 117.
monasteries, extinction of all confraternities and congregations, and closure of novitiates. Economic penalties were also advocated. All goods of the clergy were declared to have been and still were the property of the nation. The remuneration of the faithful was considered enough to sustain the Church and her ministers "so that the civil authority would never have to intervene." Finally, the government would take from the clergy the control over the record of the life of every citizen and establish a civil register. These proposals were a restatement of the liberal goals that Ocampo had advocated in the polemic of 1851. These measures went all the way. They leaped over the intermediate steps which Ocampo found impossible to implement in 1851, and which were not even established in the constitution in 1857. The stated purpose of this religious program was to make the clergy submit to the civil power in temporal matters.

This entire program affecting the status of the Church and state was quickly enacted. The law of July 12, 1859 was a "real bombshell." Among its provisions was the confiscation of the wealth of the clergy, the separation of Church and State, and the declaration that the State would protect all religions. In a circular issued on the same day the

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66Ibid., pp. 117-118. 67Ibid., p. 118.
68Ibid., p. 124. 69Ibid., p. 119.
70Scholes, Mexican Politics., p. 47.
71Dublan and Lozano, VIII, 680-683.
government gave its motives for the nationalization of clerical wealth. The clergy was held responsible for having fermented and sustained the war for their own selfish reasons. They were denounced as the principle authors of the conflict, and for using Church wealth to sustain the conservatives. The clergy had to be punished and their power to aid the rebellion terminated.

Other decrees followed. Ocampo was the author of the laws on the civil register, on civil control of cemeteries, on suppression of fiesta days, and on matrimony. In a dispatch, dated August 6, 1859, Ocampo exposed his views of why it was necessary for the state to take over the control of the civil register and matrimony. Ocampo alleged that the clergy had refused to marry those who had taken the oath to the republic. The issue of control of the civil register was "a question of country, liberty and order, personal dignity and independence." The abuses of the clergy necessitated that the government establish matrimony as a civil contract, leaving the reception of the Church's blessing entirely voluntary. In all relations between the two powers, Ocampo believed that the public peace would be more easily maintained if the Church confined itself strictly to the spiritual sphere. The law on religious liberty, promulgated on December 4, 1860, did explicitly state that the church's authority was "purely and absolutely spiritual." It also recognized the freedom of

72 Ibid., pp. 675-677.
73 Scholes, Mexican Politics . . . , p. 47, and Ocampo, II, XC.
74 Ocampo, II, 232. 75 Ibid., p. 236. 76 Dublan and Lozano, VIII, 763.
conscience by removing any civil compulsion for the fulfillment of religious duties.

The laws of the Reform had established the secularization of society.\textsuperscript{77} By them, the separation of Church and State was instituted, but it was a separation in only a peculiar Mexican sense.\textsuperscript{78} This relationship had been imposed upon the Church during a war in which there was only one victor -- the liberals. The Church was not really made independent from the State. There was present in the Mexican arrangement a tinge of the patronato -- a tendency of the State to control the Church. The Church was subject to State dictates in that which touched the social or political effects derived from religious worship.\textsuperscript{79}

The secular idea pretended to leave the clergy absolutely free in its spiritual mission.\textsuperscript{80} Actually, there was no true freedom accorded the church. Besides dethroning the Church from its historic status of legal privilege, the liberals had also destroyed the freedom of the Church.\textsuperscript{81} The Church had been driven completely out of public existence, and the exercise of even her spiritual authority was inhibited.\textsuperscript{82}

\textsuperscript{77}Heroles, III, 224.

\textsuperscript{78}Charles A. Hale, "José María Luis Mora and the Structure of Mexican Liberalism," p. 224.

\textsuperscript{79}Heroles, III, 224. \textsuperscript{80}Ibid., p. 135.


\textsuperscript{82}Ibid., pp. 62-63, 96-97.
Church had lost all in the War of the Reform. Henceforth, she would be "satisfied if accorded the guarantees of a free church in a free state." The liberals had won the war, and, simultaneously, had reached their goal of the secularization of society. They had made civil the acts of man from birth to death, leaving the jurisdiction of the Church subject exclusively to the individual conscience.

The Leyes de la Reforma became applicable over the entire Mexican nation by 1861 when the civil war ended with a complete liberal victory. The Juárez government was installed in the capital. Ocampo remained with the government in Mexico City as minister of state for only a few days before he resigned and retired to his estate of Pomoca in the state of Michoacán. A few months later, in June of 1861, Ocampo was captured by a band of guerrilla reactionaries, taken from his home, and shot. The liberals were deeply shocked by the senseless assassination of one whom they admired as their intellectual leader. The Mexican liberal movement had lost its philosopher of radical liberalism.

83 Mecham, p. 455.  
84 Heroles, III, 224.  
85 Justo Sierra, Juárez, su obra y su tiempo, (México: Universidad Nacional Autónoma de México, 1948), pp. 234, 263-264.
What was Melchor Ocampo's contribution to the liberal movement during the almost twenty years he figured in the public life of Mexico? How did he affect the course of Church-state relations during that time? These questions are difficult to answer because one must evaluate not just what Ocampo did, but what he believed. Melchor Ocampo was, above all, a philosopher, and not a politician. His greatest contributions were his ideas, and not his actions. The formation, the explanation, and the defense of the principles which he believed indispensable for the well-being of Mexico immeasurably advanced liberal goals. His tenacious faith in these liberal principles and his persistent effort to root them in the Mexican society influenced others to follow his views.

Melchor Ocampo was the incarnation of the new revolutionary spirit of liberalism that swept Mexico in the nineteenth century. He personified and expounded the main principles of its doctrine. An individualist in the extreme, he stressed the value of freedom, the right of a nation and her citizens to develop unhindered by external restraints. A well-educated man, he applied a keen and forceful mind to explain and defend the dogmas of liberalism. In particular, his energy was directed toward applying liberal reforms which would greatly alter the status of the Church in society.
Ocampo was, by his own admission, a radical. He firmly believed and worked toward revolutionizing society. He held such vehement confidence in his ideas that they acquired the quality of dogmas. To compromise or to settle for less than total reform was a path Ocampo found unthinkable to follow. He wanted to inaugurate radical changes immediately. He was also concerned that all liberal measures have the reform of society as their primary purpose.

A combination of an indomitable will and radical views were the distinct characteristics which marked Ocampo's ascendancy to a position of prestige and influence in the liberal ranks. Few had the courage and the ability to attack the Church as he did in 1851. The polemic over the reform of parish fees reopened the issue of secularization which had not been publicly discussed since 1833 when the liberals suffered a severe defeat. At a time when Juárez was trying to conciliate the clergy in the state of Oaxaca where he was governor, Ocampo was challenging them by his daring views on Church-State relations. The polemic was a synthesis of many liberal ideas that had been expressed by men like Mora, Zavala, and Gómez Farías. Ocampo formulated them into powerful arguments which compelled the attention of the country. He awakened many to a consideration of the Church question. For the liberals, his views were a directive, a clear statement of the goals toward which they should strive. For the conservatives, the polemic put them on the defensive, and increased their resistance to all reforms. The effect of the polemic on both was to make evident the incompatibility of each other's position, to reduce the possi-
bilities of compromise, and to point to the inevitability of an armed conflict between the two.

Although this attempt at Church reform in 1851 had failed and resulted in his exile, Ocampo continued to pursue unrelentingly the advancement of the liberal cause. After Ayulta and the accession of the liberals to power, he sought to direct the government into establishing liberal reforms fully. While many liberals were only willing to initiate reforms gradually, Ocampo was insisting that the opportunity for complete reform should not be lost. He severely criticised the half-way measures of the moderate liberals.

Through his determined personality and outspoken views, Ocampo inspired and transformed many with whom he came into intimate contact. Most notable among those in the Mexican liberal movement whom he influenced was Juárez. Ocampo's undaunted faith in liberty and in the progress of men and nations affected the intellectual development of Juárez. He underwent a complete evolution in his thought through his exposure to the ideas of Ocampo. Juárez developed from the governor of Oaxaca who avoided any attack on the Church into the political leader who promulgated the strongly anti-clerical laws of the Reform.

Ocampo's direct influence on the course of Church-State relations can be noted in many of the laws and policies preceding and during the Juárez regime. The reform of parish fees that he proposed and defended in 1851 was enacted in the Ley Iglesia in 1857. He was the principle collaborator of Juárez during the discussion and formulation of the reform
laws that revolutionized the relation between Church and State. The principles of liberty of conscience, separation of Church and state, support of the Church by voluntary offerings, and the secularization of society, which Ocampo advocated, became the basis of the Reform Laws of 1859 and 1860. One might say that without the powerful influence of Ocampo and men who shared his views, La Reforma would have been impossible. Certainly, he was an important factor in bringing the clash of Church and state so quickly to a climax and to its ultimate resolution.

Ocampo would have preferred to have seen the liberal battle for reform waged with the mind rather than with arms. He had hoped that a revolution of ideas, implanted in the minds of the people by education, would be the means by which the country would be transformed. It might seem, at first, paradoxical that a man who lived a peaceful, public-spirited life, far removed from violence, died a brutal, senseless death at the hands of the conservatives. This would seem to be the very antithesis of his life. Yet, if one considered his ideas and words, one would find that Ocampo had been fighting during his entire public life. His keen mind was his powerful weapon. His radical views, expressed in a persuasive logical manner, earned him many enemies as well as the intellectual leadership of Mexican liberals.
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APPROVAL SHEET

The thesis submitted by Dorothy E. Nash has been read and approved by the members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

Date

Signature of Adviser