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978-0-521-08347-8 - Church Wealth in Mexico: A Study of the 'Juzgado de Capellanias' in the Archbishopric of Mexico 1800-1856

Michael P. Costeloe

Excerpt

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INTRODUCTION

With the declaration of independence in 1821 Mexico looked forward with some justification to a period of advance and development. The nation, freed from the commercial and economic restrictions imposed during the Spanish colonial rule, could now utilize its vast natural resources for its own benefit. With apparently extensive mineral deposits, a rich variety of agricultural produce and large areas of land as yet uncultivated, the future prosperity seemed assured. The new rulers were aware that problems existed and would have to be solved, but in the enthusiasm of victory after the long independence war, few thought that anything could impede the country's progress. Foreign powers took the same view. British merchant interests were foremost in the rush to invest in the declining mining industry, and diplomatic recognition was soon conceded by European nations. In the political sphere, even the debacle of Iturbide's illusionary empire which lasted less than a year did not deter the investors nor dampen the hopes of Mexicans. The establishment of a federal republic in 1824 under the presidency of General Guadalupe Victoria seemed to lay a sound basis for future political stability. In the words of one Mexican recalling these early years, 'Who did not then foresee days of glory, of prosperity and of liberty? Who did not foresee a happy and great future?'¹

In fact, General Victoria, first president of the Federal Republic, proved to be the only chief executive to complete his term of office for almost the next half century. Until the iron hand of Porfirio Díaz assumed control in 1876, Mexico underwent a period of almost continuous conflict with rebellion, civil war, and foreign intervention destroying the possibilities of progress which had seemed so certain in 1821. There were many causes of this upheaval. The inherent faults of the Spanish colonial society and economy could not be quickly rectified. Too many conflicting interests needed to be satisfied and the nation, with the majority

¹ L. de Zavala, *Ensayo histórico de las revoluciones de México, desde 1808 hasta 1830* (Mexico, 1845), vol. 1, p. 229.

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of its population illiterate peasants, was inevitably dominated by a small oligarchy of articulate and powerful men. The latter were not all self-seeking, ambitious military generals ready to revolt at the first opportunity. Many were intensely preoccupied with the future of their country but almost all sooner or later resorted to the use of force to achieve their ends. There were few alternatives open to them. Military dictators like Santa Anna could not be voted out of office.

The Roman Catholic Church represented one of the principal vested interests seeking to preserve its influence and privileges in the new nation. It had much to defend. There were ten dioceses containing more than one thousand parishes and almost three hundred convents and monasteries.¹ Hospitals, schools, orphanages, and even prisons were managed and financed by ecclesiastical institutions. There were over three thousand priests and four thousand regular clergy to care for the spiritual needs of the people. In the words of one scholar, 'Its enormous economic interests and its control of education, to say nothing of its spiritual hold upon the people, made it dominant in the political and social life of the country'.² It is the first of these three points, that is the financial power and influence of the Church, which was of foremost significance during the early decades of independence. The determined efforts of the Church to defend its wealth proved to be one of the indirect causes of much of the great social and political upheaval which took place.

In 1821 the position of the clergy in the young nation seemed secure. There is little doubt that the Church was the richest single corporation in the country, and the prelates controlled a vast organization which extended to every corner of the land, and whose influence was felt in every sphere. The clergy, not unnaturally, expected to play an active part in both the secular and religious life of the nation. In the colonial era, the Church had exercised considerable political power and had formed an

¹ The most reliable account of the numbers of clergy and clerical institutions of all kinds is the *Libro de inscripción del Ven. Clero Mexicano en el año de 1851*, by Archbishop Lázaro de la Garza. It is in the Archivo General de la Nación, Mexico City, section Papeles de Bienes Nacionales (cited hereinafter as AGN, PBN), leg. 127, exp. 2.

² W. H. Callcott, *Church and State in Mexico, 1822-1857* (Durham, N. Carolina, 1926), p. 4.

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additional arm of government on behalf of the Crown, even to the extent that several prelates had acted as temporary or permanent viceroy with full judicial and military authority. Moreover, in spite of such precedent, other factors now determined the intervention of the clergy in civil and, especially, in political activity. It was realized that, with royal protection removed and the once-powerful Inquisition abolished, the Church was clearly susceptible to attack from the exponents of the heretical liberal philosophy which was spreading so quickly in Europe, and whose origins had in part provided the stimulus to the emancipation movement in Latin America. The clergy, to safeguard not only the faith, but also their wealth, needed to achieve a position in which they could influence if not control governmental policy and action.

The need to achieve this position led in part to the dispute over the royal patronage.¹ Patronage over the Church had been the prerogative of the Spanish monarchy throughout the colonial period and had given the civil authority almost complete jurisdiction over the activities of the ecclesiastical corporations. Shiels has summarized the extent of the royal control as follows:

Under the *patronato real*, all funds for the support of religion became by a fiction of law government moneys, to be dispensed by the administration in Madrid or by its subordinate viceroys, who gave approval and direction to every major religious activity. All religious corporations looked directly to the court for authorizations, permissions, subventions, or judgment of pleas. The crown held the nomination of bishops, canons, parish priests, the erection of convents, colleges, welfare associations, and the conceding of the *pase regio* to all indulgences, privileges, and pontifical bulls.²

With the separation from Spain achieved, both the Church and the new State claimed the right to exercise the patronage, the clergy declaring that with the removal of the monarchy as the

¹ The patronage problem has been ably studied by W. E. Shiels, *King and Church. The Rise and Fall of the Patronato Real* (Chicago, 1961). I have based the following summary of the problem as regards Mexico on an earlier article by the same author: 'Church and State in the first decade of Mexican independence.' *Catholic Historical Review*, xxviii (July 1942), 206-28.

² Shiels, 'Church and State', 208.

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civil power, the privileges originally conceded by the papacy ceased, and the new independence governments maintaining that the patronage devolved upon them as the successors to the Crown.

No solution could be found immediately because of the major political implications in the European sphere and especially in the papal relations with Spain. Protracted negotiations were initiated with Rome but these were to last for many years. In the meantime, the Church found itself unable to reconstitute its own episcopal hierarchy, for no new senior ecclesiastical appointments could be made until the correct nominating body had been decided upon. As a result the shortage of clergy which inevitably followed the long war in which many were killed and others had returned to Spain became acute, not only among the lower ranks but also among the episcopate. In 1822 there were only four bishops out of a possible total of ten, and it was not until after 1836, when relations were formally re-established with Spain, that all the vacant sees were filled. The Church, from the point of view of numbers of clergy and senior spokesmen, found itself weaker and weaker at the very time in which it was to come under attack. Clerical determination and persistence over the patronage problem was partly pursued in the hope that the Church would be able to strengthen its position by achieving for the first time almost complete autonomy and freedom from the civil authority.

The desire of the clergy to safeguard and fortify their own position proved to be well founded, for within a few years of independence an increasing number of men of radical views began to make their voices heard in public affairs. They were mostly of liberal opinions, and to them the clergy represented a privileged minority group, whose primary allegiance was not to the State but to the Church, and who consequently put the good of the Church before the good of the nation. In order to avoid a theocratic State it was essential that the Church should be made subject to and responsible to the civil government. Furthermore, the juridical and fiscal autonomy of the Church recalled the colonial regime in which individual liberty had long been restricted by corporate privilege. They attacked clerical participation in secular affairs, especially education, charging that

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the Church had failed to provide an adequate educational system, partly because in matters of curriculum the clergy continued to teach antiquated subjects and attitudes, and partly because facilities for instruction were available only to a very small part of the population. Finally, and of the greatest implication, they began to advocate the appropriation and nationalization of ecclesiastical property and capital on the economic grounds that this wealth should and could be made more productive and beneficial to the public good.

The clergy well realized the threat to the Church caused by such radical and, to them, heretical views, and allied with the conservative elements in society they strenuously resisted any proposed change in their status or encroachment on their goods. They were able to maintain their defence for almost four decades, largely as a result, not only of their spiritual influence, but also of their enormous financial power. Ecclesiastical corporations soon began to give their monetary support to those administrations which proposed no alteration in clerical affairs, and at least in one instance, the Polko revolt of 1847, the Church actively encouraged and financed a military rebellion against a liberal administration which was threatening its property. This intervention in the political sphere and the use of ecclesiastical funds to prevent any clerical reform, brought the liberals to the conclusion that their own survival depended largely on the Church, for it was clear that the clergy would tolerate no administration which threatened their goods.

The attitude of the State towards Church wealth underwent certain changes and development after 1821. The liberal argument was basically that appropriation and nationalization were required for economic reasons, and to this they soon added the financial needs of the national government. The conservatives, on the other hand, naturally refused to accept this view, and in the first decade of independence they resisted all pressures to force the clergy to part with their goods. After the defeat of the liberals' attempted reform in 1833, the attitude of both sides changed. The fiscal position of the nation became so critical that even the conservatives and pro-clerical administrations found that they were increasingly

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obliged to demand monetary assistance from the Church. The liberals now to some extent abandoned their economic argument and concentrated on more immediate needs. By 1856, when they began their final and successful assault on Church wealth, they did not pursue this for economic and social motives. In the words of one scholar, 'The *Ley Lerdo* and the laws of 1859, concerned primarily with the disentailment of Church property, did not undertake "the restructuring of the social classes nor the deconcentration of lay property"'. The aim was rather political—further removal of the Church from a position of power—and financial, to increase government resources and to secure foreign loans.¹

Apart from the general principles of the liberal philosophy concerning the place of the Church in society, an attack on Church wealth was in several respects inevitable, because of the anomalous situation which began in 1821 and continued until 1856, that is, a rich Church and an impoverished government. In 1821 the economy of the country was in ruins. The previous years of war had their inevitable effects on commerce, agriculture, and industry, and with independence achieved many of the educated and richer Spaniards, who in the colonial period had supplied virtually every administrative official, returned to Spain, taking with them both their skill and their capital. Furthermore, the nation inherited an internal debt which in 1821 was estimated to stand at 76,286,499 pesos.² It was not, however, the moment for austerity and the early governments saw fit to lower taxes and trust that the great natural resources of the country would be developed and that the economic situation would improve. On 5, 7, 12 October, 22 November and 15 December 1821, taxes were either abolished or reduced. The total revenue of the government soon showed an alarming decline. In 1810, according to Alamán, it had amounted to 6,455,422 pesos. By 1822 this had dropped to only 1,348,170 pesos and expenditure totalled more than 4,000,000.³ Voluntary and forced loans were decreed but neither met with much success. It

¹ C. A. Hale, 'José María Luis Mora and the structure of Mexican liberalism', *Hispanic American Historical Review*, XLV (May 1965), 213.

² L. Alamán, *Historia de México desde los primeros movimientos que prepararon su independencia en el año de 1808 hasta la época presente* (México, 1852), vol. v, p. 433.

³ Alamán, v, 422.

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soon became imperative to find a large and steady supply of money with which to maintain and run the government.

The Church was the only institution in the country that seemed in a position to raise the large amounts of capital that were needed, and, although this fact was well realized, no thought or attempt at general confiscation of clerical property was yet considered. This was due to some extent to the fact that as early as 1822 the clergy had already begun to exercise political influence, and in 1824 the General Congress decreed that no changes were to be introduced in the present administration of ecclesiastical revenues.¹ Successive Ministers of Justice and Ecclesiastical Affairs emphasized the decline in the wealth of the Church that had taken place during the previous two decades. In 1826 the Minister estimated that Church revenue had decreased by half,² and in the same year the clergy themselves produced a detailed report to show that the convents in the Federal District were not as rich as was generally thought.³ In 1824 rumours had begun to spread that the government was preparing a wholesale confiscation of the property and possessions of the convents. The state governor hastened to reassure the clergy and a circular was issued which denied that any such action was contemplated.⁴

The government, therefore, unwilling to confiscate clerical wealth and thereby raise the needed funds from within the nation, decided to seek financial aid from abroad. Mexican government bonds were sold in London, and the interest and capital repayment of these was guaranteed by mortgaging the customs at Vera Cruz and the revenue of several state monopolies, with the result that the regular income to the government was even further reduced.⁵ The annual budget deficits during this period were calculated by the Minister of Hacienda in 1870. He estimated

¹ Shiels states that in the 1822 elections, Mexico City returned a preponderance of clergy to Congress; Shiels, 'Church and State', p. 211.

² *Memoria del Ministro de Justicia y Negocios Eclesiásticos* (1826), p. 15.

³ *Noticia individual comprensiva de todos los conventos de religiosas del Arzobispado de México . . . formado de orden del ilustrísimo y venerable señor Deán y Cabildo, Gobernador de la expresada diócesis, por su vicario el Dr. D. Juan Bautista de Arechederreta, en el mes de mayo del año de 1826*: publ. in *Boletín del Archivo General de la Nación*, xxiv (1953), 473-7.

⁴ The circular and documents concerning this are in AGN, PBN, leg. 134, exp. 9.

⁵ Details of these loans are given in Callcott, *Church and State*, pp. 51-2

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that in 1825 the deficit reached 7,296,000 pesos, and that by 1831 this had risen to 8,499,680 pesos.¹ No further support could be solicited from foreign bankers, for the government had been unable to meet repayments on the loans already contracted. The foreign debt stood at 34,287,750 pesos, including the accrued interests that had not been paid.² In spite of various fiscal manœuvres and agreements reached with the bondholders during the following two decades, Mexican credit was not to be restored in Europe, with the exception of a brief interlude during the Maximilian government, until the advent of the Díaz regime and its encouragement of foreign investment. Hence there being no possibility of raising funds abroad, the attention of the treasury ministers was drawn to within the country, and the wealth of the Church was clearly an anomaly that would sooner or later come under attack.

Within a few years of independence, clerical wealth began to be considered from another viewpoint which was not directly connected with the immediate fiscal needs of the government. The growth of this coincides with the rise to prominence of the liberals, particularly in the state of Zacatecas. The liberals came to the conclusion that the possession of so much of the nation's capital and property in the hands of one corporation was hindering the country's economic progress. It was also thought that the riches of the various corporations within the Church could be employed in a more productive manner. In particular, to men like Dr José María Luis Mora, who became the main liberal critic of Church wealth, the regular orders seemed to serve no useful purpose of any kind, and even impartial observers like the British representative H. G. Ward thought that some reform was clearly necessary.³ Signs of this new attitude appeared in several states.

In 1824 the congress of Jalisco tried to assume the administration of all clerical revenue within the State,⁴ and two years later in 1826, a law was passed in Durango which ordered the confiscation

¹ The table giving the Minister's calculations is quoted in J. Sierra, *México. Su evolución social* (Mexico, 1902), vol. II, p. 370.

² Alamán, v, 956.

³ H. G. Ward, *Mexico in 1827* (London, 1828), vol. I, pp. 347-8.

⁴ E. Galarza, *The Roman Catholic Church as a Factor in the Political and Social History of Mexico* (Sacramento, 1928), p. 85.

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of certain clerical funds which were to be used to finance an irrigation scheme.¹ In 1827 the State of Mexico considered taking over the collection of tithes² and this was followed in 1828 by a more significant proposal. On 7 December 1828 the congress of Zacatecas passed provisionally a law by which all the property and possessions of the pious works, for example, funds destined for religious festivals, charities, and schools, were to be appropriated to provide capital for the foundation of an agricultural bank, which would pay the Church 5 per cent interest on the confiscated funds. Also a third part of the revenue from tithes was to be given to the bank. Naturally the clergy from all over the country made strong representations against the proposal, which was eventually abandoned.³ Nevertheless, this and earlier attempts at confiscation or control of clerical revenue and goods are significant in that they seem to have been inspired, not solely by the financial poverty of the state governments, but also by more general economic needs, for it was thought that the wealth of the Church could be better employed. The following year, 1829, the congress of Chihuahua tried to take over the administration of all clerical possessions, including the tithes, and to abolish the parochial dues.⁴

By about 1830, therefore, Church wealth was clearly in danger for two reasons; first the financial needs of the government, and secondly, the increasing opinion that clerical riches could be made more productive. The only problem concerned the question of whether the State had the right to appropriate the legally acquired possessions of the Church. Confiscation could be justified on the grounds of precedent, for the Spanish monarchs, with the consent of the clergy, had appropriated large amounts of ecclesiastical capital when the Crown found itself in financial need. The expulsion of the Jesuit Order in 1767 caused the first

¹ *Colección eclesiástica mexicana* (Mexico, 1834), vol. iv, pp. 3–5.

² Clerical opposition resulted in this idea being abandoned; see *Exposición del Cabildo Metropolitano al Honorable Congreso del Estado de México*, 26 May 1827, AGN, *Justicia Eclesiástica*, vol. 67, fols. 193 ff.

³ A copy of the law and the clerical representations against it are in AGN, *Justicia Eclesiástica*, vol. 97, fols. 65–106.

⁴ Two laws dated 28 September 1829. A copy of both and pleas for their repeal are in AGN, *Justicia Eclesiástica*, vol. 87, fols. 98 ff.

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major confiscation and the goods which were then taken over provided a source of revenue to governments until at least 1829.¹ In 1798, with the Spanish treasury almost bankrupt, a royal decree introduced a direct tax on clerical investments. Further special war taxes were levied and then on 26 December 1804 a royal decree ordered the implementation of the laws of consolidation.² These required that all the invested capital from benefices and pious works should be withdrawn from circulation and placed in the royal coffers. In spite of such precedents, however, the liberal politicians in Zacatecas decided to seek a definitive answer to the problem and announced that a prize would be given for the best dissertation on a topic which was, briefly, the right of the State to confiscate clerical property. The winning entry, which was published soon afterwards, was submitted by Dr Mora, who came to the conclusion that the State was fully entitled to nationalize the possessions of the Church.³

It was clear, therefore, that when the liberals, headed by Vice-President Gómez Farías, came to power in 1833, they would introduce measures to reduce Church wealth. In fact they did not concentrate solely on this but first tried to decrease clerical influence in other spheres. A series of laws was passed: the clergy were forbidden to make political speeches, all missions were secularized, the University of Mexico, long dominated by the clergy, was closed, and a Department of Public Education was set up, the regular clergy were allowed to renounce their vows, and the civil obligation to pay tithes was abolished.⁴ The major liberal proposals concerning clerical wealth never became law. Although considerations of economic and political benefit were clearly prominent, the immediate justification for the proposed confiscations was claimed to be the fiscal need of the nation. Consequently, on 20 November 1833 Dr Mora published an

¹ *Estado de las fincas urbanas y rústicas respectivas a las temporalidades de los ecs-jesuitas y monacales suprimidas, con expresión de sus valores, gravamen que reportan y renta anual* (Mexico, 1829).

² The effects of the consolidation laws are discussed in chapter 5.

³ J. M. L. Mora, *Disertación sobre la naturaleza y aplicación de las rentas y bienes eclesiásticos* (Mexico, 1833). I have used a later edition published in Mexico, 1957.

⁴ The liberals also declared that the patronage was and had been an inherent right of the nation: Shiels, 'Church and State', p. 228.