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Series of Controversies Rock Mexican Catholic Church

by LADB Staff

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The Mexican Roman Catholic Church, already on the defensive because of an embarrassing pedophilia scandal, is facing conflict on other fronts because of its position on controversial legislative initiatives proposed at the state and federal levels. Legislators in a handful of states have either passed or are considering legislation that would legalize civil unions for homosexual couples and decriminalize abortion. The initiatives are promoted primarily by the opposition Partido de la Revolucion Democratica (PRD) and Partido Revolucionario Institucional (PRI) and are generally opposed by the governing Partido Accion Nacional (PAN), which has traditionally been aligned with the hierarchy of the Catholic Church.

The emergence of these initiatives could be the result of changing perceptions among some legislators about the Catholic Church and also because of some hidden resentment about the church's role in helping elect President Felipe Calderon.

While there are mixed opinions within the PAN on whether the party should visibly align itself with the church, some high-profile members of the party, such as ex-interior secretary Carlos Abascal Carranza and party president Manuel Espino, have made no secret of their advocacy for some positions held by the church (see SourceMex, 2005-03-30 and 2006-06-14). Espino and Abascal are associated with El Yunque, a faction of the party that has adopted ultraconservative positions on social issues (see SourceMex, 2005-03-30 and 2005-06-08).

Attitudes changing toward Catholic Church

Still, what could play an even greater role in the church's loss of standing in Mexican society are the changing attitudes among the faithful. The 2000 census indicated that 88% of Mexicans identify themselves as Roman Catholic. A growing number of these Roman Catholics, however, do not see the church institution in the same light as did earlier generations. 'In Mexico, there has long been the perception that the clergy has certain privileges, that it will always get away with things,' said Roberto Blancarte, director of the Centro de Estudios Sociologicos (CES) at the Colegio de Mexico in Mexico City. 'What is happening is that this [perception] is beginning to break down.'

The Catholic Church is a symbol of the entrenched establishment and has been the target of protests during the past year. The protests have been organized primarily by leftist groups, which accuse the church of siding with the government. In the historic city of Oaxaca, sympathizers of the Asamblea Popular de los Pueblos de Oaxaca (APPO) spray-painted graffiti on the walls of the cathedral as a protest against Oaxaca Archbishop Jose Luis Chavez Botello, who is accused of supporting the administration of Gov. Ulises Ruiz in a conflict with the teachers union and other groups.

The Oaxaca strike started out as a demand for higher pay for teachers but expanded to a demand for the ouster of Gov. Ruiz (see SourceMex, 2006-08-02). The protests against the church went further in Mexico City, where sympathizers of center-left presidential candidate Andres Manuel Lopez

Obrador interrupted the mass at the metropolitan cathedral to protest against the church hierarchy, and specifically Cardinal Norberto Rivera, for supporting the PAN-led government. The protestors sometimes engaged in shoving and shouting matches with parishioners or church security guards.

During rallies to protest what he considered a fraudulent election, Lopez Obrador called on his supporters to discredit 'illegitimate' government institutions such as the electoral court (Tribunal Electoral del Poder Judicial de la Federacion, TEPJF) and the Instituto Federal Electoral (IFE), which he said helped perpetrate the fraud (see SourceMex, 2006-08-30).

Some of Lopez Obrador's supporters took this rallying call a step further and targeted their protests against the Catholic Church. Tensions have surfaced from time to time in recent years because of the perception that bishops and other Catholic leaders have violated the Mexican Constitution by openly advocating a political position (see SourceMex, 2003-06-04 and 2006-06-14).

There have been other conflicts between the government and church officials, including allegations that the church was openly accepting donations from drug traffickers (see SourceMex, 2005-09-28). One former attorney general, Jorge Carpizo McGregor, accused a cardinal in Guadalajara of having connections with notorious drug traffickers (see SourceMex, 2003-10-01). Still, analysts say that a few years ago critics of the church would not have gone as far as to cause disruptions during masses. 'This is a sign that the Catholic institution has lost respect,' said Elio Masferrer, president of the Asociacion Latinoamericana para el Estudio de las Religiones (ALER). 'The fact that there are people who dare to interrupt a homily is a sign that there is a questioning of the [the church] hierarchy.'

Church faces allegations of sexual abuse

The involvement of church officials in Mexico's political life is not as much a factor in the loss of credibility as the pedophilia scandal that came to light in the 1990s. As was the case in the US and other countries, Catholic authorities in Mexico looked the other way or took little or no action when complaints surfaced that priests had been sexually abusing children.

In the US, victims fought and won the right to bring legal action against the church. This was not the case in Mexico, where the legal system, backed by traditional respect for the clergy, obtained few, if any, legal victories for victims. Still, the government has kept track of complaints against the clergy in recent years.

In a report published in 2002, the Departamento de Investigaciones Sobre Abusos Religiosos (DIAR), a unit of the Secretaria de Gobernacion (SEGOB), released a study noting that a little more than one-third of 280 complaints against clergy involved sexual abuse. 'The DIAR calculates that 30% of the 14,000 Catholic priests in Mexico have committed some type of sexual abuse against their parishioners,' said Jorge Erdely, a member of ALER and of the American Academy of Religion.

Erdely said the violations are not limited to pedophilia but also include crimes against adults. The Catholic Church's problem with pedophilia was exacerbated by the hierarchy's denial that a problem even existed. Some critics say the Mexican Catholic bishops' conference (Conferencia del Episcopado Mexicano, CEM) has even labeled pedophilia an issue manufactured by the media.

'The CEM has been incapable of digging deep into the problems of sexual abuse,' said Bernardo Barranco, president of the Centro de Estudios de las Religiones en Mexico (CEREM). 'The bishops have engaged in a practice of covering up the problem, giving a priority to the institution rather than the victims.' The CEM has been forced to confront the issue more directly in recent months, however, because the scandal has touched Cardinal Rivera personally. Rivera, who once served as bishop of Tehuacan in Puebla state, allegedly arranged for one of his priests, Nicolas Aguilar, to be transferred to a parish in California in 1987 to keep him from having to face accusations that he abused as many as 50 boys.

In only nine months in California, Aguilar continued his pattern of sexual abuse, with at least 20 victims coming forward. Facing felony charges in California, Aguilar returned to Mexico, where he has been working as a priest in several rural parishes. A California Court presented extradition requests to Mexico in 1988 and 1993, but the Mexican government has not taken any action.

Lawsuit filed against top church leader in pedophilia case

While the Mexican legal system has provided little recourse for pedophilia victims, such is not the case in the US, where many of those affected by sexual abuse have successfully brought legal action against many dioceses around the country, costing the US Catholic Church an estimated US\$1.5 billion. Many of the lawsuits were filed with the assistance of the Chicago-based Survivors Network of Those Abused by Priests (SNAP).

In September 2006, SNAP filed a civil lawsuit on behalf of one of Nicolas Aguilar's victims, Joaquin Aguilar Mendez, in the California Superior Court in Los Angeles. This is an interesting case because the incident in question occurred in Mexico and not in California. The abuse allegedly occurred while Joaquin Aguilar was serving as an altar boy at a parish in Mexico City where Nicolas Aguilar was assigned. Joaquin Aguilar is not related to Nicolas Aguilar. SNAP filed the lawsuit in Los Angeles because of the alleged complicity of the Archdiocese of Los Angeles in the case.

The lawsuit alleges Rivera and Los Angeles Cardinal Roger Mahony conspired to protect Nicolas Aguilar, who has been charged in California with 19 felony counts of committing lewd acts on a child. 'To this day, this man is still a fugitive because Cardinal Mahony and Cardinal Rivera together had engaged in a conspiracy of silence and indifference to the life and safety of the children in Los Angeles and the children in Mexico,' said attorney Jeff Anderson. Spokespersons for the Archdiocese of Los Angeles and for the Archdiocese of Mexico City denied any wrongdoing by Rivera and Mahony.

An attorney for Rivera went one step further, accusing Joaquin Aguilar Mendez, who is now 25, of trying to extort money from the Mexican Catholic Church. 'Neither the cardinal nor the archdiocese will be blackmailed,' said attorney Bernardo Fernandez, in reference to Joaquin Aguilar and SNAP. Mexican church officials tried to convince the California Superior Court to throw out the case, alleging a lack of jurisdiction. 'The plaintiff is Mexican, complaining about alleged acts that happened in Mexico City in 1994, and the suit is against Mexicans,' Fernandez told reporters. 'Mexican tribunals should oversee this case.'

In late March, California Superior Court Judge Eliu Berle declined to throw out the case immediately but gave SNAP three months to provide sufficient evidence to prove that US courts

had jurisdiction in the case. Some observers noted that the negative publicity surrounding the lawsuit meant that the Mexican Catholic Church had already lost, regardless of the outcome of the judicial proceedings. 'The scandal involving Norberto Rivera...offers evidence of the complicity of the Catholic Church in this scandal,' said Barranco.

Reactions have varied among church leaders in Mexico. Many bishops offered Rivera their unconditional support. 'He has not allowed nor tolerated pedophile priests,' said Bishop Felipe Arizmendi of San Cristobal de las Casas in Chiapas. Other bishops focused their efforts on removing Nicolas Aguilar from the priesthood.

In January, the bishops from three dioceses in Puebla state sent a special appeal to Pope Benedict XVI, asking that the Vatican look into defrocking Aguilar, citing more than 100 allegations of sexual abuse in Mexico and the US. 'We do not believe that he should be allowed to continue his duties as a priest,' said the appeal by the bishops of Puebla, Tehuacan, and Huajuapam de Leon.

Senate doubles penalties for child abuse

The pedophilia scandal has also prompted the Mexican Congress to act. In late February, the Senate passed legislation approving stiff punishment for anyone involved in the sexual abuse of children. The Chamber of Deputies approved similar legislation in 2006. Under the law, priests and ministers, doctors, teachers, and any other individuals charged with abusing a minor could face up to 30 years in jail.

The legislation had the overwhelming support of all political parties. 'In almost every case, the punishment is increased and every kind of offense that has to do with child pornography or exploitation of minors will be considered serious,' said PAN Sen. Alejandro Gonzalez Alcocer, chair of the justice committee (Comision de Justicia). Under the law, sex trafficking of minors and child pornography will now be classified as organized crime. Promoting sex tourism could result in a 12-year jail sentence.

While the law addresses many forms of sexual exploitation, the legislation also contains language that would allow the state to suspend the right of any priest convicted of pedophilia to continue practicing. The provision did not offer specifics, but caused friction with the CEM, which said only the Catholic Church can decide whether a person can continue as a priest.

In the end, the CEM and the Senate agreed to continue consultations on 'technical' changes to the law that would result in removing violators from their duties without infringing on the faculties of the Catholic Church to make those decisions.

Two state legislatures legalize same-sex civil unions

While the Catholic Church and legislators from all parties appear to have developed some common ground on punishments for pedophiles, there are more obvious divisions on other social issues, such as gay civil unions and abortion. Two state legislative bodies, the Mexico City legislature (Asamblea Legislativa del Distrito Federal, ALDF) and the Coahuila state legislature, recently approved legislation legalizing civil unions for homosexual couples.

The Mexico City measure was approved in November 2006, and the Coahuila initiative became law in January of this year. Both laws offer couples numerous social benefits similar to those of married couples. A notable exception is that gay couples would still not be able to adopt children. The legislation appeared to drive a wedge between some political parties and the Catholic Church. The legislation won easy approval in Mexico City because the PRD has a huge plurality in the ALDF.

A spokesperson for the Archdiocese of Mexico City suggested that the PRD pushed hard for this legislation as an affront to the Catholic Church because of the accusations by leftist parties that it conspired with business organizations to help the PAN win the 2006 presidential election. 'These radical groups are very angry with the Catholic Church,' said Hugo Valdemar, spokesman for the Archdiocese of Mexico City. 'This is clearly revenge. But the Mexican people are not ready for gay marriage.'

Supporters of the law contend, however, that the initiative is not intended only for gay couples. For example, the legislation empowers people in platonic relationships, such as an elderly person and a caregiver or two roommates, to inherit pensions and property and share financial responsibilities. Participants sign a legal contract, which either party can dissolve simply by sending a letter to the city government. 'We're creating new rights for new realities,' said PRD legislator Enrique Perez Correa, one of the bill's two sponsors.

In Coahuila state, the legislation was approved with strong support from the PRI and the Partido del Trabajo (PT). Most PRD legislators sided with counterparts from the PAN and two other parties to oppose the measure. The initiative drew mixed reactions from Catholic bishops. Bishop Alonso Garza of Piedras Negras did not mince words, calling the legislation 'a disgrace.' Bishop Raul Vera of Saltillo took a more conciliatory tone, lauding civil unions because they protect the human and civil rights of all people. 'We cannot be archconservatives and say, 'Don't do that,' Vera said. 'Today we live in a society that is made up differently. There are people who do not want to marry under the law or in the church. They need legal protection. I should not abandon these people.' Vera also said, however, that the Catholic Church could not accept the concept of full marriage for same-sex couples.

Spokespersons for Protestant and Evangelical churches joined in condemning the law. 'This is madness, it's unnatural, it's immoral,' said Carlos Garza Diaz of the Union Fraternal de Iglesias Evangelicas Cristianas. 'We're very angry....But society will finally judge and punish the political parties that voted for it.'

Supporters of gay civil unions said the approvals in Mexico City and Coahuila have set an important precedent for the rest of the country. 'There is going to be a domino effect across the country,' said federal Deputy David Sanchez of the PRD. 'This movement cannot be stopped.' Legislatures in at least four other states Mexico state, Tamaulipas, Colima, and Guerrero are considering legislation to legalize same-sex marriages.

Church also confronts abortion legislation

The Catholic Church's opposition to abortion is also facing a challenge. Under current Mexican law, abortion is only permitted if the pregnancy endangers a woman's life or if the woman has been

raped. Many wealthier Mexican women travel to the US for the procedure, but thousands of others have clandestine abortions under unsafe conditions.

The PRD has proposed initiatives in the ALDF and in the federal Chamber of Deputies that would remove criminal penalties for women who have abortions during the first three months of pregnancy. Proponents say the legislation would help ensure safe abortions. 'We need to stop thousands of women from dying in unsafe operations,' said PRD Sen. Carlos Navarrete. 'This is a right our laws should guarantee.'

The federal version of the bill also proposes that government health clinics provide women with abortions if they request them. The Catholic Church immediately condemned the proposed initiatives, warning that any legislator voting in favor of them would be excommunicated. The CEM, which contends that most Mexicans oppose abortion, proposed that the government conduct a referendum to determine the position of society before proceeding with any legislation. One PAN legislator, Armando Martinez, insisted there was no need to change legislation as 'only 43 women died from an abortion last year.' He also suggested adoption as an alternative to abortion. \

The issue has created such concern in Rome that the Vatican sent its chief anti-abortion campaigner, Cardinal Alfonso Lopez Trujillo, to inaugurate an international pro-life conference in Mexico City in late March. The PRD responded by suggesting that Lopez Trujillo's participation in a pro-life rally and anti-abortion statements amounted to interference in Mexico's internal political affairs, a violation of Mexico's Constitution.

PRD leaders acknowledged Cardinal Lopez's right to express his opinion but cautioned him to 'be careful' regarding his actions. 'Foreign diplomats are subject to international diplomatic norms,' said Sen. Navarrete. 'Imagine if US Ambassador Tony Garza led a march in Mexico in support of the wall along the US-Mexico border.' The Calderon administration defended the right of Catholic leaders to publicly express opinions on issues they deemed important. 'The reforms of Article 130 of the Mexican Constitution recognized the legal rights of religious institutions,' said deputy interior secretary Florencio Salazar, who heads the unit at the Secretaria de Gobernacion (SEGOB) that deals with religious issues. 'We have a democratic system whose fundamental trait is tolerance.'

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