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Mexico's lower house of Congress began the process of amending the Mexican Constitution to formally declare the country to be "laica"— meaning "secular"

By Luke Goodrich

From the Becket Fund for Religious Liberty

Wall Street Journal (01.03.2010) / HRWF Int. (08.03.2010) – Email: info@hrwf.net – Website: <http://www.hrwf.net> - Every once in awhile, the Roman Catholic Church in the United States raises its voice in the public square. Sometimes a Catholic bishop tells a pro-choice politician not to receive communion—as with John Kerry in 2004 and Kathleen Sebelius in 2008. Other times, the church weighs in on legislation. In the recent health care debate, for example, the church threw its weight behind the now-famous Stupak Amendment, which restricts the use of federal funds to pay for abortion coverage and passed the House with the support of pro-life Democrats. While many Americans may disagree with the Catholic Church's views, the vast majority view the church's involvement in politics as a fairly normal part of the rough and tumble of American democracy. The Catholic Church can try to shape public opinion just like Planned Parenthood, the NAACP, or any other religious or non-religious group.

But in Mexico, the Catholic Church might not be so lucky. Last week, Mexico's lower house of Congress began the process of amending the Mexican Constitution to formally declare the country to be "laica"—meaning "lay" or "secular." Supporters say the amendment merely codifies Mexico's commitment to the separation of church and state. But the term "laica," like the term "separation of church and state," means different things to different people. In fact, Mexico has been fighting over the meaning of church-state separation for over a century, with pro-church factions seeking greater political control for the Catholic Church, anti-clerical factions seeking to suppress the church, and few factions willing to agree on government neutrality towards religion. The key question is: What version of the separation of church and state will this amendment embody?

Unfortunately, the context surrounding the amendment suggests that it might be a step backwards for religious liberty and true separation of church and state. The amendment comes on the heels of a heated political dispute, in which Catholic officials condemned Mexico City politicians for legalizing same-sex civil unions and adoption. Church officials have also drawn attention by leading vocal, public opposition to a 2007 Mexico City law that legalized first-trimester abortions. Thus, Jaime Cardenas Garcia, a congressional supporter of the amendment, has said the amendment is necessary because of the presence of "a militant Catholic Church" that opposes legal reforms. Another congressional supporter, Feliciano Marin Diaz, has argued that the amendment is necessary to ensure that "religious beliefs" will not be used to support political allies or oppose political adversaries. In short, the proposal of the amendment shortly after these high-profile political disputes, together with some statements of its supporters, suggests that it might be an attempt to suppress the Catholic Church's ability to engage in public policy debates.

Though such suppression might sound far-fetched in the U.S., it wouldn't be a first for Mexico. Most Mexicans self-identify as Roman Catholic. But for most of the twentieth century, the government was heavily anticlerical. In 1979, for example, when Pope John Paul II made his first pilgrimage to Mexico, priests were still legally banned from wearing clerical collars in public, owning property, or voting. Incredibly, government officials claimed that the Pope violated Mexican law by wearing his habit. (But in a gesture that exemplifies the complex relationship between the Mexican church and state, then-President Jose Lopez Portillo himself offered to pay the 50 pesos fine.)

Although the laws have changed, the political culture remains far behind. In 2009, Mexico City hosted an international conference on religious liberty in Latin America sponsored by the Knights of Columbus, a Catholic fraternal organization—the first event of its kind in Mexico City. In his speech during the conference, Supreme Knight Carl Anderson decried the notion, still prevalent in Mexico, that "religious beliefs are not welcome in the public square, or worse are not allowed in the public square." Jorge Trasloheros, a prominent Mexican sociologist, explained that many Mexican elites view religion not as "the opium of the masses" (as Marx did), but as "the tobacco of the masses"—an unhealthy habit that should be eradicated from public spaces.

Thus, in Mexico, public expressions of religious belief are often viewed as impolite or worse, especially when made in connection with politics. For example, when President Calderon suggested in June that "young people drug themselves because they don't believe in God" he was excoriated for violating the separation of church and state and, more tellingly, for forgetting that faith is "reserved to the private sphere of individuals" and is unwelcome in politics, which is "a primary activity of the public sphere." In short, under one popular view of "separation," religiously motivated arguments—offered either by the church or by politicians—are an illegitimate form of public discourse. The proposed "laica" amendment looks like it might be an attempt to codify this sentiment.

But who cares? Why not codify the idea that religious arguments are unwelcome in the public square? First, since religious beliefs are inseparable from the individual, forcing religious arguments from the public square effectively forces religious individuals from the public square. Utilitarians, Nihilists, Capitalists, and Socialists can all bring their philosophy to bear on public life, but Catholics (or other religious minorities) must check their religion at the door. Such second-class citizenship is no more acceptable when imposed on religious individuals than when it is imposed on racial or ethnic minorities. It is, simply put, religious discrimination.

Second, religion (including Catholicism in Mexico) has classically served as a bastion of dissent and a check on unlimited government power. But once the government delegitimizes religious dissent, it can also delegitimize other forms of dissent. The end result is not just increasing restrictions on free speech, but at worst, the tyranny of a government-enforced viewpoint and unchecked government power.

Thus, Mexico should take care when defining its version of separation of church and state. Separation is good when it means the government is neutral toward religion—neither giving legal privileges to any one religion, nor interfering with the outward expression of religious belief. Separation is a problem when it means the government is hostile to religion—treating it like the "tobacco of the masses" and attempting to eradicate it from the public square. Let's hope that "laica" means the former, not the latter.

Mr. Goodrich is the Deputy National Litigation Director for The Becket Fund for Religious Liberty. The Becket Fund has represented Anglicans, Agnostics, Buddhists, Christians, Hindus, Jews, Muslims, Sikhs, and Zoroastrians, among others, in lawsuits in the United States and around the world.