



Secularism in Constitutional Dispute Problematic Intersections between Religion and Public Power in Mexico

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SUMMARY

Mexico has waged a constant struggle to achieve a secular state, fluctuating between intolerance and permissiveness, which characterized its constitutional history until the enshrinement of freedom of belief as a fundamental right in our constitution. Nevertheless, terminological confusion persists regarding secularism, which is often confused with secularity itself. These terms continue to be a subject of debate, with the lines, sometimes blurred, that distinguish them in legal doctrine leading to their misuse. This creates confusion in the very spheres that privilege them, to the point that even secondary laws erroneously subsume both terms when regulating certain activities that threaten their existence.

This improper use of language has unfortunately become even more complex with the debate over what constitutes cultural traditions and what are religious rites. This has recently fostered the erosion and manipulation of the right in question, reaching extremes such as the public celebration of religious rites by the Federal Executive and the Supreme Court of Justice of the Nation in various forums, under the guise of preserving and respecting ancestral cultures while denying their religious nature. This study investigated, from a legal and dogmatic perspective, the use of inappropriate terminology and its political manipulation, which allow for the biased disruption of one of the basic principles of democracy: secularism. Methodologically, legal hermeneutics and epistemology were used, as well as the analytical method, and the documentary review of specialized literature, legislation, and jurisprudence served as data collection techniques. The results allow us to establish a distortion in the values of the Mexican State through demagogic and linguistic maneuvers regarding the preservation of the cultural heritage of indigenous peoples, to which they do not actually contribute.

Keywords: Secular state, religious rites, constitutionality

INTRODUCTION

The long-standing concepts of secularism and secularity have been the subject of debate; they are often confused and interpreted in various ways. Thus, although these terms are used or applied by countries that call themselves “democratic” and that consider themselves “secular states,” the truth is that the ways in which they apply them are quite varied (Blancarte, 2008; Valadez, 2015). English-speaking countries use only the term *secularism*. Therefore, they do not face the complexities that the richness of Castilian implies.

Defining secularism is not a simple matter, according to Lázaro Pulido (2005), since, as he states, it is difficult to find a single definition of the concept when it comes to its application, which usually depends on the

ideology practiced in each country. This means that the interpretation of secularism can range from the separation of Church and State in the political-administrative sphere to atheism.

Thus, for the Royal Spanish Academy (2024), secularism is defined as “Independence of the individual or society, and more particularly of the State, with respect to any religious organization or confession” and “Condition of being secular (independent of any religious confession).” (RAE, 2024: n/p) In this way, it is considered that, etymologically, the word secular comes from the Greek *laikos*, or “*person of the people*,” and from the Latin *secular*, or “without religious office.” These terms, in turn, come from the Greek *laos*, which implies the unity of a population (people), that is, an indivisible whole. (Blancarte, 2008; Bovero, 2013).

Therefore, secularism can be understood as the doctrine that implies independence between the religious, clerical, or ecclesiastical sphere and the State, which represents the people (Jans, 2018). From this perspective, it is appropriate to establish, as Dumond (2008) mentions, that secularism is the ideological principle upon which the concept of the “Republican State,” currently used in many countries, is based, but whose origins date back to the French Revolution, also resulting from the thought of Freemasonry at that time. Salazar tells us in this regard that,

Although it is possible to find conspicuous antecedents to the idea of secularism [...] it was the Enlightenment and its practical counterpart, the French Revolution, that gave a definitive boost to secular reason, criticizing the absolute and absolutist views of religion and monarchy, and declaring the freedoms of thought and worship (Salazar, 2007:5)

Thus, the revolutionary idea of a republican state, in which the power of the State is separated from any ecclesiastical power and subject to Civil Law, transcended the borders of Revolutionary France to the rest of the world, including Latin America and, of course, Mexico (Dumond, 2008).

From this perspective, according to Valadez (2015), secularism was associated as the trigger for the secularization of the activities that the Church (particularly Catholic) had maintained as its own, with the establishment of secular legislation and finally promulgating, in fact, the separation of the church from the State, assuming, as Lázaro Pulido (2005) says, that secularism promoted an “absolute independence of public affairs in relation to the religious and sacred field and the strict separation of churches and states with all the practical implications that derive from it” (Lázaro Pulido, 2004:211).

Thus, it was the Papacy, as the representative of the Catholic religion in the world, that characterized these actions of secularism as an attack on its survival. Therefore, throughout the 19th and part of the 20th centuries, it remained opposed to this current of thought, engaging in constant confrontations and accusing secularism of being “belligerent, with a militant, intolerant position, incompatible with the objective of respect for what belongs to others and for oneself, as is appropriate in an open and pluralistic society within the framework of a constitutional state.” (Benedict XVI, 2006:n.p.) It accused secularism of being an attack on religious freedom, of attempting to transform the Catholic religion and even to eliminate it, modifying civil society itself, under the premise that the governing state thus created would be atheist.

As is evident, the previous analysis is based on a deficient conceptual construction of secularism, integrating itself as a negative derivation of secularism that is clearly inappropriate from the perspective of legal doctrine that has thoroughly examined both figures, distinguishing their areas of action.

As a result, a misinterpretation arose regarding the meaning of secular legislation concerning its neutrality and respect for all religions, by exempting countries from the obligation to have an official religion, as occurred in the past. These laws were not anti-religious nor did they proscribe religion, but rather favored freedom of conscience and of the press—actions that cannot be interpreted as contrary to religion, but rather as the enshrinement of essential freedoms inherent to the human person.

This is further corroborated by Rhonheimer, who states categorically that,

Religious freedom and the corresponding neutrality of the State do not mean irreligion or public "atheism." Public atheism would not be religious neutrality, but rather a creed—a negative one, admittedly—of an anti-religious nature. Antinomy and the *denial* about something—in this case, about religion and all theistic beliefs—they are never a "neutral" attitude! (Rhonheimer, 2026)

Therefore, the term secularism for the Catholic Church had “a pejorative connotation,” hence the Church began to use the term secularity, which according to its view was a more comprehensive, reasonable and respectful term (Valadez, 2015). Thus, with regard to the word secularity, Pope Benedict XVI refers to it, stating that,

[...]“Secularism,” derived from the word “layperson,” has its origins in the ecclesial sphere. Indeed, “it arose as an indication of the condition of the ordinary Christian faithful, not belonging to the clergy or the religious state” (Benedict XVI, 2006: n.p.)

Contrary to what the papacy has stated, Lázaro Pulido (2005) asserts that secularism is not an existing term in the Spanish language, unlike the words "laicismo" and "laico" present in the Dictionary of the Royal Spanish Academy; there are even those who deny its existence (Blancarte, 2001). However, according to Pulido (2004) and Blancarte (2008), secularism exists as a noun, unlike laicismo, which is an adjective, and therefore "refers to the state of affairs in a specific regime, while laicismo is a combative attitude to achieve or maintain that state of affairs" (Blancarte, 2008:140).

From this perspective, secularism refers to a form of government established on the basis of freedom of conscience within any society characterized by diversity and increasing pluralism. (Blancarte, 2008) Osés Gorraiz (2013), for his part, considers that secularism can be defined as “the political and legal fact of the separation of Church and State” (Osés Gorraiz, 2013:133). Therefore, the concept is basically related to the legal aspect of how the activity of religion is interpreted in the public sphere. As has been seen with respect to other doctrinal perspectives, this is the view of secularism, and the terminological indefiniteness due to a lack of consensus complicates establishing its intrinsic nature and leads to an undesirable legal ambiguity.

The above is evident when we examine authors such as Bovero (2013) and Pulido (2004) among others, for whom secularism does not have a single definition since it comprises a series of diverse meanings in terms of its interpretation such that it is even used as an opponent to secularism.

According to Pulido (2004), the confusion regarding secularism is due to the French, who generated this term (*secularism*), whose application was suitable for France. However, validating it for the rest of the world, which is not necessarily ideal, is fundamentally because the characteristics of the French state are not concomitant with all nations, although it is evident that some of them are shared. Thus, the author in question defines secularism as “a social regime of coexistence, whose political institutions are not legitimized by the sacred or by religious institutions but by popular sovereignty” (Blancarte, 2004:143).

Similarly, Cifuentes Pérez (2007) clarifies the existing confusion between secularism and secularity in Spain and tells us that it is a conceptual error that has led to its equation with anticlericalism. He adds that he recognizes the European anticlerical tradition, and particularly in Spain, but this is due to the “abuse of power that the ecclesiastical hierarchy has exercised for centuries, which has caused the secularist movement to stand against these political, economic and cultural privileges that Catholicism has always enjoyed in some countries” (Cifuentes Pérez, 2007:3).

That is, given that authority comes from the people and not from any religious power, it is assumed that secularism “constitutes a process, rather than a definitive state of affairs” (Blancarte, 2004:144), and the author adds in his analysis that the same thing happens with these figures as in democracy. That is, just as there is no totally democratic society, there is also no country whose political regime is “totally secular.”

Furthermore, Dumond (2008) states that, from a French perspective, secularism is not a concept distinct from secularism, but rather that “the orthodoxy of secularism is secularism,” given that the latter represents the basic dogmatic principle of republicanism, whose origin lies in the French Revolution. Emphasizing the differences between the figures under analysis, Blancarte (2000) tells us that they focus on understanding secularism as “a specific form of social coexistence, established precisely from the secularization of public institutions, and secularism [...] as a militant stance of those who defend this state of affairs.” (Blancarte, 2000:8)

We can conclude that there is no real uniformity of criteria on this matter and recent publications on the subject are scarce, as can be seen from the publication dates of the cited scholars, although we were able to locate some recent ones, they are not abundant.

A vision of secularism from the perspective of Mexican constitutionalism

The evolution of secularism in countries like Mexico was marked by this idea of antagonism between its defenders (Liberals) and the Catholic Church, and at some point it experienced a decline in the acceptance of what belligerent secularism could offer to society, it then moved toward the concept of "secularity" as concepts such as freedom of conscience appeared and others such as freedom of belief were refined, as Blancarte (2008) asserts.

Blancarte (2008) adds that the binomial Secularism-Secularity- had a reactivation at the end of the 20th and beginning of the 21st century by adopting a religious pluralism endowed with effectiveness and pluralism, and under a new context that assumes the relevance of human rights and their protection, assumes awareness of the existence of minority groups, and also, by what they call a gradual, however real, democratization of Latin American societies.

Therefore, it is pertinent to consider what the Supreme Court of Justice of the Nation in Mexico considers as secularism in one of the sections of the Action of Unconstitutionality promoted by the National Human Rights Commission in a case for invalidity of conscientious objection challenging an article of the Mexican General Health Law (SCJN, 2022):

VI. Secularism. The model established in the Political Constitution of the United Mexican States establishes a duty of religious neutrality on the part of the state, which prevents the government from adopting an official church and obliges it to respect all religious denominations, as well as to exercise of the rights of freedom of ethical convictions, conscience, and religion.

VII. It constitutes a democratic quality by virtue of which the state respects and positively values the fact that people have religious, ethical, ideological, and conscientious beliefs, but ensures that the state and religious denominations are separate.

VIII. Secularity. The protection of the rights of religious, ideological, ethical, and conscience freedoms does not in any way clash with the idea of a secular state and with the principle of separation between the state and the churches.

IX. Secularity of the Mexican state. It implies the harmonious coexistence of the mandate of religious neutrality and separation between the state and the churches with the recognition and protection of the rights of religious freedom, conscience, and ethical and ideological convictions (SCJN, 2022)

As can be observed from the perspective of the Mexican State, secularism and secularity are intertwined and considered a single entity. Thus, the separation of religious entities from the State is proclaimed, along with the promotion of freedom of conscience through an explicit neutrality of non-intervention in individual convictions. However, it is evident that these religious convictions remain, in effect, separate from the exercise of state power. This situation is affirmed by Castellanos Villamil (2025), who considers that countries like Mexico are currently experiencing a surge in religious activism with diverse manifestations that increase the

controversy surrounding its impact on the interpretation of secularism. Furthermore, the terminological confusion noted does not contribute to resolving the evident legal dilemma.

Latin America and Secular States

In the Latin American region, the emergence of liberal thought after the revolutionary uprisings gave rise to new kinds of conflicts between politics and religious beliefs. Unamuno (1911:160) already highlighted the political character inherent in them, since, as he states,

[...] here religion, more than an intimate disposition of the spirit, has become a social tool to distinguish one man from another. And just as in Catholicism there is a defined dogma, and whoever does not accept it is condemned by it, so too have patriotic dogmas been invented, and an orthodoxy and a heterodoxy in matters of patriotism, (Unamuno, 1911, 569)

From the origins of man to modernity, history shows us examples of the truth of these words, in the face of the so-called holy wars born alongside very different expressions of faith, which have led to fierce fratricidal battles in defense of a certain idea of divinity—be it Catholicism, Islam, Judaism, Taoism—but always provided with an undeniable burden of politics, economic interests, and the search for power, totally foreign to the spirituality that should characterize them according to their own postulates.

This religious power presents factual evidence; Bohoslavsky asserts that, contrary to what is claimed in Latin America, this religiosity, essentially represented by the Catholic religion, was a central piece of the post-independence political game. Thus, the opposing positions represented political currents: they *played* with that Catholic heritage, to the point that some fiercely and successfully fought against it; they transformed it into an organic identity marker that could be used for political and electoral mobilization.”

Castellanos Villamil emphasizes the struggles unleashed in 19th-century Latin America over the separation of Church and State. In these conflicts, the national churches, generally Catholic, found strong allies in the conservative parties, while the liberals succeeded in having anticlerical laws adopted in Colombia and Mexico. These struggles, to which Castellanos Villamil refers, escalated into civil wars. It was in Mexico where the victorious anticlerical liberal governments excluded the Catholic Church from the public sphere, unlike in Colombia where conservatism triumphed and a confessional state was preserved. These liberal ideas, prevalent in Mexico, were crystallized in the Constitution of 1857 and the Reform Laws, which irrevocably regulated the separation of Church and State (Castellanos Villamil, 2026:217-218).

Reyes Heredia de los (2007) examines the undeniable influence of Masonic thought in the 18th and 19th centuries, which, in his opinion,

[...] fostered the emergence of a critical religious modernity, in which personal faith was not denied, but rather stripped of its hegemonic claim over social organization. In many contexts, Freemasonry enabled the emergence of an *ethos* of the layperson who recognized the spiritual as part of the human experience, but without making it the guiding principle of public life. (Reyes Heredia de los, 2007:146)

In many ways, and given its contribution to liberalism, secularism is considered a contribution of Masonic thought towards secularization. According to Guerra Gómez (2013), it focuses on eliminating religion and its symbolism from all public aspects that correspond to the civil sphere, assuming that religious manifestations are not denied or prohibited, but only concern individual conscience and not official public spaces, nor are they supported by the government.

It can be said that the concept or idea of secularism originated during the French Revolution, although it later appeared in Europe as a fundamental element in the response to the need to establish a political system that could counter the absolutist monarchies of the time, which were supported by ecclesiastical power. From this perspective, a republican system in which power resided in the people and was also completely separate from the interference of any religious creed or belief came to fulfill that need (Blancarte, 2008).

However, the implementation of this model of government was not easy and generated clashes between those who advocated it, that is, the liberals and the existing monarchies, but especially in those countries dominated by the Catholic Church, with broad political powers of control as was the case in Latin America, where this struggle focused on eliminating the interference of that religious confession in the civil sphere, but it was different in Anglo-Saxon countries (in which that hegemonic religious power did not exist) where it focused on achieving the secularization of institutions (Blancarte, 2008; Lamas, 2008).

Thus, the development of secularism differed across countries. In those with a strong Catholic influence, the effects of secularism appeared to focus on limiting this religious current in the civil sphere. Therefore, it is observed that in this part of the world, secularism was considered applicable only to Catholicism, as other religious denominations did not experience these types of conflicts, or at least not as noticeably (Blancarte, 2008).

Celebration of religious rites of native peoples as a political spectacle and the principle of secularism

New winds of change in recent times have revived interest in the issue of secularism. This involves greater attention to the development of the so-called public practice of ethnic rituals in much of Latin America, since, from the point of view of secularism, their interpretation becomes more complex, given that religious practices assumed as “ancestral” by the original ethnic groups are considered protected, as is the case in Mexico, by laws such as the General Law of Culture and Cultural Rights, which considers these practices “Intangible Cultural Heritage” (Miranda Torres, 2020).

In this sense, the performance of religious rites in celebrations of indigenous peoples is clearly protected by their right to religious freedom, cultural identity, and self-determination. However, what the Mexican Constitution does not protect is the incorporation of these rites into partisan events or official ceremonies in which those who exercise governmental power violate the constitutional principle that establishes the country as a secular state, since they are symbolically appropriating the act of worship for political, proselytizing, or demagogic purposes.

The complexity seems to lie in the state's own claim that these are not religious rites, when, in indigenous communities, the customs and traditions, which play a fundamental role in the life of their communities, usually do not consider the separation of religious and political aspects (Blancarte, 2008). On the contrary, these practices are part of it, generating a liberality that does not exist for other religious beliefs that must comply with the Law of Religious Associations and Public Worship. This suggests an unequal treatment in which some are considered religious rites and others are not. The question is, on what legal principle do they base themselves to separate them or deny their essence?

Thus, the powers of the state *made it official* that indigenous rituals are not integrated as a formal religion. On the contrary, they are a cultural manifestation of a specific social group, and therefore cannot be read under the classic perspective of secularism—that is, the obligation of public power to avoid positions in which it adopts, privileges, or discriminates based on beliefs—which has generated confusion regarding their use outside the areas of the manifestations of the native communities. It is evident that it is deliberately manipulated, since these practices tend to be used as a political resource by the power apparatus to validate acts and actions in addition to “creating symbols of power” (Cardona Picón, 2025: n.p.).

We can say that initially these rites were kept hidden to make them invisible. Currently, under different assumptions focused on political legitimation, they are distorted and instrumentalized. Thus, political parties and governments resort to these ancestral ceremonies “to endow their projects or acts of power with an apparent ‘sacrality’” (Cardona Picón, 2025: n.p.), in such a way that they transform them into strategies for legitimizing themselves, rather than into a legal and respectful recognition of the rights of these Indigenous peoples. It is in this context that the ambiguity between secularism and this ritual serves to falsify a nonexistent connection, relativizing or violating the constitutional principle.



This situation, highly questioned by public opinion and legal doctrine, has become present in recent years in Mexico, given that traditional Indigenous ceremonies have been used to *legitimize* government acts, such as the delivery in 2018 of a *Staff of Command* by a representative group of 68 Indigenous peoples to the then president-elect of Mexico, Andrés Manuel López Obrador, as an act of purification through the performance of the ceremony, which included herbs, copal, and incense. The ceremony also represented trust and commitment to the new president. It took place in the Zócalo, the main square in front of the National Palace, the current seat of the Mexican government—a public space. (Medina, 2018; Monroy, 2018). The Presidential Staff exemplifies the creation of symbols of power and their political manipulation, as well as the convenient manipulation of secularism.

Andrés Manuel López Obrador, on December 16, 2018, as president of the republic, in Palenque, Chiapas, at the start of construction of the vilified “Maya Train,” included in the civil ceremony a ritual in which *they asked permission from Mother Earth* to carry out the aforementioned project through representatives of Mayan ethnic groups. Such actions demonstrate behaviors that openly distort the indigenous ritual to politically justify a highly questionable project, using the false premise, in our opinion, that these rituals do not represent religious ceremonies but cultural representations of the native peoples (Hernández, 2018).

In 2023, Hernández (2025) reports how this handover of the “Staff of Command” was repeated, but with a change in procedure. At that time, the then-President of Mexico, Andrés Manuel López Obrador, handed it to Claudia Sheinbaum Pardo, the candidate elected in the internal process of his political party, Morena. While the ceremony was private, taking place in a restaurant, afterward they walked together to the site of the ruins of the Aztec Templo Mayor in the center of Mexico City, openly displaying the staff, which is supposedly part of an indigenous ritual, although no indigenous people were present. This is corroborated by Sheinbaum herself in a letter to López Obrador in 2023 on the occasion of this event: “I take this staff of command, a representation of the deepest values of our living history, of the indigenous peoples, with pride and commitment, with humility, but with the full responsibility to continue the course set by our people: the one of the transformation that President AMLO has initiated” (Hernández, 2025).

Similar events have been repeated as a norm; for example, the event of March 8, 2025, when President Claudia Sheinbaum commemorated International Women's Day with a ritual at the National Palace with indigenous women, accompanied by the Head of Government of Mexico City, Clara Brugada, and several federal officials, and in which she was given, again, a Staff of Command (López-Castro, 2025).

In addition to the above, on September 1, 2025, on the occasion of the swearing-in of nine justices of the Supreme Court of Justice of the Nation (SCJN), who were elected in a highly questionable election, a “Traditional Ceremony of Purification and Handover of Staff of Command and Service” was held, according to Aguilar Esquivel (2025). This ceremony began at the so-called archaeological zone of Cuicuilco, where the nine justices participated, along with several representatives of indigenous communities, in a consecration of the staffs of command they would receive during the ceremony.

Later, in the Zócalo of Mexico City, in the presence of various groups, such as the Mexican Electrical Workers Union (SME), peasant organizations, such as the organized peasants of Atenco, State of Mexico, citizens from various states, including the mayor of the city of Oaxaca and representatives of indigenous and Afro-Mexican communities, and the general public, the purification of the platform with incense took place, and the ritual proceeded in which the elected ministers turned their bodies and looked to the four cardinal points and asked forgiveness of Tonantzin “for the environmental damage caused, and also that she guide our ministers of the Supreme Court of Justice of the Nation” (Aguilar Esquivel, 2025: n.p.). Subsequently, the ministers “raised their hands towards Quetzalcoatl” so that he would guide them “in this much-needed and necessary change” in their functions in the Supreme Court, thus ending the purification ceremony.

Next, they were presented one by one with the ceremonial staff that “represents the customary work of the people, how politics is done, and spiritual support,” concluding with speeches by several representatives of the indigenous peoples and by the new president of the Supreme Court, Hugo Aguilar, in which he delivered a political message and had the audacity to equate the ceremonial staff with the constitution. (Aguilar Esquivel, 2025: n.p.).

The questions have been swift, not only from the legal community but also from the general public, who consider such practices a violation of the secular state established in the fundamental charter, and even more so because they were carried out by those who were elected to defend that very Constitution, as mentioned by Martínez Cázares (2025), who considers this act to be a “direct attack on the secular state, observing the new ministers kneeling in a religious ceremony in the Zócalo of Mexico City, with priests, allusions to divinities, invocations to gods. Smoke. Fire. Offerings.”

Martínez Cázares (2025) invites us to reflect on whether this would have been officiated not by indigenous people, but by the archbishop of Mexico in a Thank you, *God*. The ministers knelt in the same square, blessed and sprinkled with *holy water*. In that case, the voices of indignation would come from the very holders of state power, and of course, that act would be considered a violation of the secularism mandated by the Mexican Constitution. Beyond political demagoguery, one must ask: How will they resolve the constitutional tensions that arise from their extra-legal interpretation of the scope of the human right in question?

Because if those entrusted by the Constitution itself with safeguarding rights neglect their obligations and resort to vagueness to determine what constitutes public worship, we are facing a true deconstruction of the rule of law, which has been so painstakingly built. Within legal scholarship, there are opposing viewpoints on this matter. Those who defend the government's position from the previous administration include Albor Guzmán (2023:106), who asserts that “these secularist stances are more reminiscent of a Juarez-era past that is now history.” However, most agree that this constitutes a clear constitutional violation perpetrated by the state powers. This is corroborated by authors such as Arteaga Nava (2025), who states that these are religious rites, “both those customary in Christian worship, in all its forms, and those of other religions, including the beliefs, rites, and ceremonies of the ethnic groups that settled in the national territory and which their descendants claim as their heritage.” (Arteaga Nava, 2025; n.p.).

The statement of reasons for the decree that reforms Articles 40 and 130 of the Political Constitution of the United Mexican States, regarding secularism, signed by deputies from the parliamentary groups of the Party of the Democratic Revolution, the Institutional Revolutionary Party, the Labor Party, Convergence, Alternative and New Alliance, establishes that “The secularism of the 21st century must allow the articulation of cultural and religious diversity [...]” (Congress of the Union, 2008). The Supreme Court of Justice of the Nation (SCJN) emphasizes the State’s obligations regarding religious freedom. To illustrate, we mention Amparo en Revisión 1595/2006, which, although an isolated thesis, emphasizes the possible interference of the State in the beliefs and religious freedom of citizens (SCJN, 2007)

The court's intention to curb possible biased interpretations of the human right to religious freedom is evident, as is the possible interference of the State through acts that the constitution itself sanctions when attempting to “mold” those who exercise the right.

Regarding what should be understood as public worship, the SCJN defines it in the aforementioned amparo, issuing various jurisprudential theses, stating that it understands public worship as those acts “specifically oriented to collectively develop the rites, ceremonies, and practices that the different religions recognize as institutionalized or formalized manifestations of their religious faith, defined and governed by rules established by them.” (SCJN, 2007b)

We also refer to Amparo en Revisión 1049/2017, whose relevant ruling determined that:



Religious freedom is a fundamental right that guarantees the real possibility for any person to freely practice their religion, [...] without discrimination or different legal treatment being established for citizens based on their beliefs. [...] In this regard, it is necessary for the State to assume a neutral and impartial role toward the various religions practiced within its territory [...]. (SCJN, 2019)

The resolution clarifies the aforementioned tension generated by improper conduct on the part of those who seem to believe they are not subject to pre-existing jurisprudence, because it would be unthinkable to think that the ministers of the court do not know it, and the existence of differential treatment for certain beliefs, whether ancestral or not, is evident, leaving aside the neutrality to which they are bound by constitutional mandate.

The State arrogates to itself the power to interpret religious freedom, its scope, and its exceptions outside of jurisdictional venues—an action that we consider foreign to the law that it must apply as a premise, but as indicated, it carries out the interpretation in the media, not in its jurisdiction, under arbitrary premises and without precedent in the country.

METHODOLOGY

This legal-dogmatic research, with political biases, has a qualitative approach under a transdisciplinary framework in constitutional law, indigenous rights, and cultural studies, starting from legal pluralism and intercultural governance that allows analysis beyond a normative structure, the symbolic tensions, and cultural practices.

The methods used for this purpose are legal hermeneutics, which allows us to examine the existing regulations on religious freedom in Mexico under a teleological and structural interpretation and not only a literal one; applied legal epistemology, which allows us to evaluate not only the truth content in government actions but also their legal justification; we also use the historical method to establish the historical evolution of the concepts of secularism and secularity, and the analytical method, which allows us to determine the validity of the legal literature we draw upon in the research.

The information-gathering techniques focus on documentary analysis, a review of specialized and topic-specific literature, legislation, jurisprudence, press notes, among others; likewise, a discursive analysis of the narrative about state participation in ceremonial rituals is carried out.

RESULTS AND DISCUSSIONS

The central point of the discussion is the manipulation and lack of respect toward the religious rites of the native peoples, modifying their essence and turning them into spectacles for political events while justifying controversial decisions. To clarify this, a matrix was developed in which we start from the constitutional legitimacy of the rites by the peoples themselves; if the authority instrumentalizes them for its purposes, that legitimacy is lost and the secular nature of the state is violated.

Parameters to Distinguish the Constitutional Protection of the Ritual and Its Instrumentalization by public power

Category	Why is it a religious rite?	Protected right	Risk to secularism	Legal criterion
Sacred content	Invocations, offerings, purification, blessing or communication with deities,	Religious freedom, conscience and cultural identity.	It does not exist because of the ritual itself; it arises if the State adopts or promotes its spiritual content.	The meaning attributed by the community determines its religious nature, not its folkloric appearance.



	ancestors or forces of nature.			
Transcendent purpose	It seeks protection, balance, spiritual permission, gratitude, or symbolic legitimation.	Cultural rights and self-determination of indigenous peoples.	Authority can transform spiritual purpose into a mechanism of political legitimation.	Autonomous community practice must be distinguished from official staging.
Authority and ritual protocol	It is led by spiritual guides, elders, traditional authorities, or recognized specialists.	Autonomy and indigenous normative systems.	The ruler can appropriate spiritual authority or present himself as invested with it.	Participation must be free, informed, and under community control.
Governmental organization	The ritual is incorporated into the inauguration, report, opening, campaign, or official act.	Religious neutrality and secular character of the Republic.	Confusion between civil authority and spiritual authority; appearance of official religion.	Greater state control, official protocol, and centrality of the official imply a greater constitutional risk.
Resources and public dissemination	It is financed, assembled or transmitted through institutional resources, symbols and channels.	Legality, equality and non-discrimination.	Selective sponsorship, personalized propaganda, or privilege of a belief.	Cultural support must respond to general, transparent and non-proselytizing criteria.
Political purpose	It is used to project indigenous support, bless the ruler, or reinforce a partisan narrative.	Article 24 of the Constitution: religious freedom without political or propagandistic use.	The instrumentalization of religious acts for political, proselytizing, or propaganda purposes.	Examine the electoral context, speech, images, recipient, and political benefit obtained.
Consent and representation	The community decides on the execution, participants, audiovisual recording and meaning of the ritual.	Self-determination, cultural dignity and participation.	Cultural appropriation and false representation of all native peoples.	Consent must be prior, free, informed, specific and culturally appropriate.
Constitutional conclusion	The rite retains its religious nature even though it	Articles 2, 24, 40 and 130 of	The violation does not stem from indigenous spirituality, but from its	It is compatible if the State guarantees autonomous exercise; it is questionable



	belongs to an indigenous worldview.	the Constitution.	adoption, sponsorship, or political exploitation by the State.	if it turns it into an official spectacle or propaganda.
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CONCLUSIONS

Mexican constitutionalism has tended toward the consolidation of human rights, enshrining the existence of a secular State, consolidated under diverse schemes from other States in Latin America, and constitutionally enshrining not only religious freedom and freedom of belief, but also state secularism. Latin American legal doctrine has mostly considered the terms secularism and secularity with different meanings, understanding the former as that which guarantees the exercise of the right through the neutrality of the state in terms of religious freedom and worship, and secularity, for its part, we can consider that it alludes to the secularization of the instances of public order and the social coexistence that derives from the existence of the former.

However, in recent times, we have found a strong constitutional tension regarding the ceremonial rituals that both the heads of the Federal Executive—previous and current—and the Supreme Court of Justice of the Nation have developed under schemes that contradict this tradition of a secular State that has characterized us. The disagreements that these behaviors have provoked not only among legal scholars but in Mexican society in general have generated an apparent collision between what are referred to as the uses and customs of the native peoples, a position with which some agree, although not the authors, since in these uses and customs there are clearly religious beliefs and expressions implicit. The ritual ceremonies performed, rather than being an expression of the rulers' beliefs empathetic toward the native peoples, and expressed in violation of the constitutional content, become an evident media manipulation attempting to create a non-existent equivalence and assuming control of said peoples under the schemes of retaining a staff of command that, precisely out of respect for their traditions, they should not retain, diminishing the value that it has for those peoples and using it, in our opinion, for purposes of political control, disrespecting those uses and customs of which they are so proud.

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