

Boundaries of Religious Freedom:  
Regulating Religion in Diverse Societies 6

Juan Marco Vaggione  
José Manuel Morán Faúndes *Editors*

# Laicidad and Religious Diversity in Latin America

 Springer

# **Boundaries of Religious Freedom: Regulating Religion in Diverse Societies**

Volume 6

## **Series Editors**

Lori G. Beaman, University of Ottawa, ON, Canada

Anna Halafoff, Deakin University, Vic, Australia

Lene Kühle, Aarhus Universitet, Denmark

Processes of globalization have resulted in increasingly culturally and religiously diverse societies. In addition, religion is occupying a more prominent place in the public sphere at the turn of the 21st Century, despite predictions of religious decline. The rise in religious diversity, and in the salience of religious identity, is posing both challenges and opportunities pertaining to issues of governance. Indeed, a series of tensions have arisen between state and religious actors regarding a variety of matters including burial rites, religious education and gender equality. Many of these debates have focused on the need for, and limits of, religious freedom especially in situations where certain religious practices risk impinging upon the freedom of others. Moreover, different responses to religious pluralism are often informed by the relationship between religion and state in each society. Due to the changing nature of societies, most have needed to define, or redefine, the boundaries of religious freedom reflected in laws, policies and the design and use of public spaces. These boundaries, however, continue to be contested, debated and reviewed, at local, national and global levels of governance.

All books published in this Series have been fully peer-reviewed before final acceptance.

More information about this series at <http://www.springer.com/series/11839>

Juan Marco Vaggione  
José Manuel Morán Faúndes  
Editors

# Laicidad and Religious Diversity in Latin America

 Springer

*Editors*

Juan Marco Vaggione  
Researcher of the National Council of  
Scientific and Technical Research  
Law and Social Research Centre of the  
National University of Córdoba  
Córdoba, Argentina

José Manuel Morán Faúndes  
Post-doctoral fellow of the National Council  
of Scientific and Technical Research  
Law and Social Research Centre of the  
National University of Córdoba  
Córdoba, Argentina

ISSN 2214-5281

ISSN 2214-529X (electronic)

Boundaries of Religious Freedom: Regulating Religion in Diverse Societies

ISBN 978-3-319-44744-5

ISBN 978-3-319-44745-2 (eBook)

DOI 10.1007/978-3-319-44745-2

Library of Congress Control Number: 2016957573

© Springer International Publishing Switzerland 2017

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made.

Printed on acid-free paper

This Springer imprint is published by Springer Nature

The registered company is Springer International Publishing AG

The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

# Foreword

As the public face of religion changes in many parts of the world and traditional religion is transforming, sometimes becoming “culture” or “heritage” as new players enter the scene, it is vital to have an understanding of local transformations and how those can be made sense of, as well as how they fit into a more comprehensive analysis. Categories that resonate in some locations are nonsensical in others. No matter how things are changing, the reality in Latin America is that Roman Catholicism has been the historically hegemonic religion and it continues to shape social institutions and their responses to social issues.

The contributions included here shed important light on some of the most pressing issues related to the intersection of religion with day-to-day life and social institutions in Latin America. The chapters capture the dynamic conversation that is happening around religion and public life. Many of the authors have identified sexuality and reproductive freedom as key sites of conflict, debate, and contention against the backdrop of the Catholic Church. There is a great deal to be learned from the contributions here. It is our hope that this volume provides a beginning place for ongoing conversation and a context for learning more about the similarities and differences between the countries included in this volume, as well as with each other.

This volume represents, in tangible terms, the commitment of all of the editors involved (Juan Marco Vaggione, José Manuel Morán Faúndes, Lene Kühle, Anna Halafoff, Lori G. Beaman, and Cristina Alves dos Santos) to the transmission of knowledge from scholars whose work is not always accessible to an English-speaking audience. In the case of Latin America, it was important to us to present a volume that is written by scholars who are living and working in the Global South. Juan Marco Vaggione and José Manuel Morán Faúndes committed themselves to the task of collecting the high-quality and insightful reflections that follow, and thanks are owed to them for their commitment to this volume and for taking up the

daunting task of ensuring that not only the content but also the translations were of high quality. Thank you also to Marianne Abou-Hamad, who has brought her sharp editorial eye to bear on this project.

We are delighted to include this volume in the Springer series *Boundaries of Religious Freedom: Regulating Religion in Diverse Societies*.

Lori G. Beaman

# Contents

<b>1</b>	<b>Introduction: <i>Laicidad</i> and Religious Diversity: Themes in the Debates on the Regulation of Religion in Latin America</b> .....	1
	Juan Marco Vaggione and José Manuel Morán Faúndes	
<b>2</b>	<b>The Problem of the <i>Plaza</i>: Religious Freedom, Disestablishment and the Catholic Church in Latin America’s Public Square</b> .....	21
	Julieta Lemaitre	
<b>3</b>	<b>Laicism: Exclusive or Inclusive?</b> .....	43
	Faviola Rivera-Castro	
<b>4</b>	<b>“It Takes Two to Tango”: The Religious and the Secular in Argentina’s Political Dance, 1860–1960</b> .....	57
	S.J. Gustavo Morello	
<b>5</b>	<b><i>Laicidades</i> in the Andean Sub-region: <i>Laicidad</i>, Sexuality, and Reproduction in Bolivia’s and Ecuador’s Constituent Assembly Debates</b> .....	73
	Marco Huaco Palomino	
<b>6</b>	<b>Religious Actors and Discourses in the Public Sphere: Controversies Around Sexual Education in Argentina</b> .....	101
	Juan Cruz Esquivel	
<b>7</b>	<b>Poverty, Sexuality, and Human Rights: Pluralism or Hegemony? Discourse of the Peruvian Catholic Church on LGBT Human Rights Within the City of Lima</b> .....	123
	Martín Jaime	



**8 Evangelicals Within Contemporary Argentinean Politics: Logics and Political Actors Around Sexual and Reproductive Rights** ..... 141  
Daniel Eduardo Jones, Marcos Andrés Carbonelli,  
and Santiago Luján Cunial

**9 Radiography of a Confessional State: The Religious Spectrum in Costa Rica** ..... 157  
Laura Fuentes Belgrave

**Index**..... 181

# Chapter 1

## Introduction: *Laicidad* and Religious Diversity: Themes in the Debates on the Regulation of Religion in Latin America

Juan Marco Vaggione and José Manuel Morán Faúndes

Both the theoretical proposals and the empirical approaches prioritized for considering the relation between politics and religion respond to a complex alchemy between localized temporalities and experiences with transnational influences. While the nation state continues to be the privileged context in debates about the political role of religions (and their diverse regulations), circumstances that transcend these limits have had a growing impact on academic agendas.<sup>1</sup> In the case of Latin America, the debates about the regulation of religion reflect the particularities of each country, as well as regional processes, and the forms in which diverse international situations impact the region. The cumbersome historical connection between religion and politics, which recognizes as antecedents the Spanish colonization built on the image of the sword and the cross and the decisive role of the Catholic Church in the processes of conformation of Latin American nations, has stamped a particular logic on the region. Catholicism formed a cultural and social fabric (a matrix of meanings) that, beyond the differences among the countries, permeates discussions and public decision-making. Latin America is therefore a region that is heir to a decisive religious tradition, in which confessional beliefs, discourses, and practices continue to play an important role in public life.

As such, regional academic agendas have tended to focus strongly on the ways in which the Catholic inheritance penetrates political processes, permeates cultural

---

<sup>1</sup>Perhaps a clear example of this are the geopolitics that occurred after the attack on the Twin Towers in New York City, leading to different ways of thinking about the links between religion and politics at both the national and international levels. Another example is the migratory flows that have been a relevant vector in the debate on the connections between religion and politics.

J.M. Vaggione (✉) • J.M. Morán Faúndes  
National University of Córdoba/National Scientific and Technical Research Council  
(CONICET), Córdoba, Argentina  
e-mail: [juanvaggione@yahoo.com](mailto:juanvaggione@yahoo.com); [jmf Moran@gmail.com](mailto:jmf Moran@gmail.com)

systems, and impacts different social practices in Latin America. The role of the Catholic Church in the creation of public policies and laws, the practices of the faithful, and the discourses of the Catholic hierarchy with respect to the situation of each country, among others, have attracted the attention of the social sciences in Latin America over time. Both in the military dictatorships and in armed conflicts, as well as in democratic transitions or consolidations, the Catholic Church and its leadership have been actors with a strong political impact. Also, in recent years, the election of an Argentine as pope has renewed the question of the impact and role of Catholicism in the region. Following the surprise of his election, there came numerous analyses and essays about the various implications in the countries' political dynamics (Mallimaci 2013; Vaggione 2013a), opening new fields of investigation that are still questioned.

However, the political, social, and cultural processes in the region have suffered transformations, which have also generated alternative academic interests and research questions. While the existence of other religious traditions as alternatives to Catholicism is a historical fact, the presence of evangelical churches in recent decades has increased notably, and with it the analyses and debates on religious pluralism and its effects in different countries (Freston 1999; Parker Gumucio 2005; Boyer 2008; Wynarczyk 2009; Carbonelli 2011; Smiderle 2011; Fediakova 2012; Beltrán 2012; Giumbelli 2013). At the same time, the forms of believing in and belonging to a given religion have mutated, with new practices and ways of interpreting the world being observed that separate themselves from the traditional canons of behavior promoted by religious leaders (Parker Gumucio 2005; Mallimaci and Giménez Béliveau 2007; Martínez 2011). This pluralization of the religious field has had marked effects on the ways of thinking about the connections between religion and politics in the region, as it completes the dismantling of the fiction of a Catholic nation in the different countries. These changes in the religious field, or at least in the ways in which it is constructed in the social sciences, generated new approaches and challenges with respect to the privileges of the Catholic Church and the insufficient religious equality in the different countries of the region.

Another change that has had important consequences in political dynamics and in academic agendas regarding the regulation of religion is the activism of feminist and LGBTI movements. After decades of work, these movements achieved impacts within national governments, expanding, in some cases, rights linked to sexuality and reproduction. In this context, one of the aspects on which various analyses in Latin America have focused is related to the incidence of the new paradigms of the body that challenge the traditional ways in which some religions embody these issues (Vaggione 2005; Campos Machado 2012; Rosado-Nunes 2012). In one way or another, the agendas of the feminist and LGBT movements intensified the question of the limits between religion and politics by including in the analyses and debates issues such as abortion, contraception, gender identity, and same-sex couples. The effect of making once depoliticized dimensions part of the public agenda also directly affects the question of the role of religion in contemporary democracies.

The transformations in the Latin American religious field are numerous and present diverse analytic challenges for academia, including those linked to the regulation of religions in contemporary societies. In particular, two principal types of challenges can be identified. On one hand, the strong public presence of the Catholic Church, in addition to its translation into a marked identity in the Latin American population, has also imparted a strong presence of Catholicism in the political sphere. Faced with this phenomenon, societies have sought diverse ways to regulate this religious interference in politics and in the state, and academic agendas have not stayed away from this search. Whether based on empirical or normative approaches, multiple investigations have delved into the ways in which states, principally through law and formal institutions, regulate (or not) the public presence of Catholicism as well as other religions (particularly the evangelical churches) that began to acquire strength in the region. On the other hand, the diversification and pluralization of the religious field, thanks to the emergence and growth of alternative ways of believing and practicing that challenge the Catholic hegemony, suggest negotiation of the boundaries between religion and politics in renewed manners. Thinking about regulation, in this sense, implies thinking about how religions themselves compete with each other, generating mechanisms for challenging or maintaining the old hegemonies, which create forms of regulation among belief systems.

## 1.1 The Themes in the Debate

The consequence of the intensification of research on religion in Latin America is the growing renewal and revision of the main approaches and focuses developed to understand it. Particularly the ways in which politics regulate the religious sphere, as well as the ways in which religion modulates and intervenes in politics, have been rethought from multiple perspectives, some of which conflict with each other. This has also caused a strengthening of the empirical approaches through which the phenomena associated with this issue have been studied, as well as the development of greater depth in the normative debates and reflections through which these issues have been considered. Of course these have always been issues present in universities and research centers, but there is a noticeable return to religion that characterizes the social and human sciences in general and their effects, implications, and particularities in the region.

The chapters included in this volume have the general goal of presenting some of these contributions from the region in a language in which they are not usually accessible. The chapters were written by Latin American academics and are the result of an open call for papers with the purpose of identifying scientific productions from various countries. This volume is made up of different reflections on Argentina, Bolivia, Colombia, Costa Rica, Ecuador, Mexico, and Peru that express historical, sociopolitical, and legal aspects that characterize the contexts in which they were produced. However, they also transcend these contexts, as they include analyses (theoretical and empirical) that allow for identifying dimensions of

connection between religion and politics that characterize Latin America in general. The articles feed off and dialogue with regional and international approaches, renewing them and taking them to their limits through the incorporation of the Latin American experience. This volume seeks to contribute to the construction of bridges between the region's own production and the English-speaking academic audience, in order to establish a critical dialogue that enriches comparative perspectives.

While the contributions to this book intersect with various disciplines, approaches, and themes, it is possible to identify two central analytic themes that run through it: (a) *laicidad* as a political limit on religion, and (b) diversity in the forms of religious identification. While these central themes do not necessarily exhaustively reflect the current state of the debates on religion and politics in Latin America, they do represent two ways in which these debates have often been thought of in the region. They are approaches that, in addition to serving as a framework for the works contained in this volume, reflect a great part of the theoretical, analytical, and empirical reflections from Latin America.

### ***1.1.1 Laicidad: A Political Limit on Religion***

*Laicidad* is the first theme connected to the debate on the limits between politics and religion, making it a central dimension in academic agendas. This focus mixes an analytic lens and a normative horizon in order to comprehend (and contain) religious influences in politics. Thus, the sustained power of the Catholic Church in Latin America has, as a correlate, the resonance of laicism as an ideology that seeks to delimit the borders of religious power, making it a privileged approach for scrutinizing the interaction between religion and the political field. In different disciplines, such as history, law, political science, and sociology, *laicidad* occupies a central place in understanding the ways of regulating religion, as well as its connections to the state and to politics.<sup>2</sup> The history of the governments in the region is also the history of their connections to the Catholic leadership, and was marked as much by the agreements as by the conflicts. The laicization process, or political secularization process, with its advances and retreats, cuts across the make-up of the states and the law and continues to be a relevant aspect in contemporary democracies.

The concept of *laicidad* is separate from the French notion of *laïcité* and is used as a term that refers to the distinct regulations on the connections between religion and politics in the region's countries (Blancarte 2006). However, the French-speaking influence contributes in different ways to the majority of the debates and analyses maintained by some of the authors with greatest impact in Latin America,

---

<sup>2</sup>In Latin America, during recent years, academic publications and events that have laicism as a theme have increased notably. This introduction does not intend to account for them, but it does recognize their growth in academic agendas. A comprehensive compilation with international and regional articles is Da Costa (2006). See also the bibliographic resources on the website of the Ibero-American Network of Lay Freedoms (Red Iberoamericana de las Libertades Laicas), <http://www.libertadeslaicas.org.mx/index.php>

which translates into, for example, them being the bibliographic sources most often referenced or in explicit adhesion to the model of *laicidad* although updated on the basis of local reality (see, for example, Da Costa 2006; Blancarte 2008; Cucchetti 2010; Di Stéfano 2011). The relation between religion and politics in Latin American academia has tended to connect the regional processes more to the French model of *laïcité* associated with the privatization of religion, than to the US model of church and state separation.

The French influence in the Latin American debates on the frontiers between politics and religion can be seen, among other things, in the conceptual kit generally used in the region for dealing with this phenomenon. Contrary to what occurs in Anglo-Saxon countries, where these debates are approached from the concepts of “secular” or “secularism”, the use that regional academics have given to the French concept of *laicidad* has tended to distinguish it from that of secularization (Blancarte 2006; Martínez 2011). According to Fortunato Mallimaci (2010), for example, while *laicidad* has been understood as the historic and legal relation that each state undertakes in its relation with the political, civil, and religious society, secularization is presented as the cultural transformation process of beliefs that has led to a decrease in the power of religious institutions and the emergence of autonomous domains of social life. In this line, Roberto Blancarte (2006) proposes understanding *laicidad* as a model of social coexistence whose sovereignty is legitimated not by religious elements, but rather by popular sovereignty. So, although it is a term that tends to be associated with the legal system and the way in which public law regulates religious phenomena, it cannot be reduced to this, but rather also supposes a form of government that is autonomous and independent from religions. *Laicidad* is also a conceptual proposal linked to a form of government that assumes a neutral and impartial position of political power with respect to different religions and beliefs (whether they are religious or not).

The extensive use of the concept of *laicidad* in the region transforms it into a signifier under which a complex lattice of postures and definitions, which do not necessarily coincide, are included (Da Costa 2011). The “return to religion” has also been accompanied by critical revisions of the principal concepts utilized, and *laicidad* as a dimension of contemporary politics is not left out. Thus, different conceptualizations and implications coexist, which range, for example, from models with an anti-clerical bent to those that seek the harmonic integration of religious power and political power.<sup>3</sup> Readings also coexist that restrict *laicidad* to the link between the state and the church together with others that broaden it to include different facets and connections between religion and politics. Additionally, the concept mixes empirical approaches that analyze the process of laicization

---

<sup>3</sup>This diversity in the ways of defining *laicidad* also characterizes the debates outside the region, as an adjective tends to be included in order to further specify the concept. For example, *laicidad* in republican models or in democratic models, militant (anti-clerical) or management *laicidad*, inclusive or exclusive *laicidad*, and abstention or confrontation *laicidad*, are some examples in this vein. These dichotomies are laid out in the works of Bauberot (1994) and Willaime (2008), among others. Even the Catholic Church defends healthy *laicidad* (Benedict XVI, 2006).

(political secularization) with normative proposals that debate the democratic limits of religion.

Beyond its multivocal use, *laicidad* has been transformed into an analytic concept and a privileged normative horizon for analyzing regional politics, accounting for how the situation in each country reflects their different thresholds of laicization.<sup>4</sup> The idea of thresholds of laicization, originally developed by the French sociologist Jean Baubérot (1990), has allowed in Latin America not only theorizing about the complex lattice that surrounds the normative separation between religion and politics, but also channeling the empirical analyses that critically evaluate the degree of effectiveness of this separation. The thresholds of laicization manifest the divergent forms of connections between church and state in the region's countries. While all the legal systems defend freedom of religion and/or conscience, the way in which the law regulates religious institutions presents important variations. While some norms of public law have achieved (at least formally) incorporation of the construction of a state independent from religion, others are permeated by appeals to the sacred and/or the construction of a religious state, instituting in many cases formal connections to the Catholic Church.

In this context, the bodies of law, and in particular the constitutions, have been one of the prioritized materials when scrutinizing these thresholds (Huaco Palomino 2004; Precht Pizarro 2006; Oro and Ureta 2007; García Jaramillo 2013; Maroto Vargas 2013; Esquivel 2014). While almost two centuries of institutional history have transpired, a large part of the constitutions (national and sub-national) continue to reflect the impact of religion in the construction of politics. For example, the appeal to the sacred penetrates the majority of Latin American constitutions through the invocation of God in their preambles. This invocation reflects the importance of religion, particularly Catholicism, during the processes of formation of nation states (Di Stéfano 2011), but it has been maintained despite diverse constitutional reforms.<sup>5</sup> Also, an important number of constitutions grant Catholicism a special status that, it could be said, makes *laicidad* fragile as a normative horizon. These cases range from constitutions that establish a quasi-confessional state to those that guarantee both symbolic and material privileges to the Catholic Church.<sup>6</sup> Constitutions of this

---

<sup>4</sup> A group of academics proposes the existence of different dimensions for generating an index of *laicidad* that allows for measuring the different situations of the countries in the region (Blancarte 2012a).

<sup>5</sup> The most-repeated formula is the invocation of the protection of God (for example in the constitutions of Argentina, Brazil, Colombia, Honduras, Panama, and Venezuela). Other types of invocations are “putting our faith in God” (El Salvador), “invoking the name of God” (Guatemala, Paraguay), and “to almighty God” (Peru).

<sup>6</sup> The examples of these cases are multiple: the constitution of Costa Rica says in its Article 75 that “The Holy Roman Catholic Religion is that of the state, which contributes to maintaining it”; the constitution of Panama establishes in its Article 35 that “The Catholic religion is recognized as the religion of the majority of Panamanians”; Article 37 of the constitution of Guatemala and Article 26 of the constitution of El Salvador establish that “The legal personhood of the Catholic Church is recognized”; the constitution of Argentina institutes in its Article 2 that “The Federal Government maintains the Holy Roman Catholic faith”; the constitution of Peru states in its Article 50 that “The state recognizes the Catholic Church as an important element in the historical, cultural, and moral

kind coexist, however, with others that reinforce in their dispositions separation and autonomy between the state and the Catholic Church. Some include specific provisions that explicitly “de-officialize” Catholicism, affirming, for example, that the state has no official religion (Nicaragua, Article 14), that it does not maintain any religion (Uruguay, Article 5), or that religious institutions are separated from the state (Cuba, Article 5). Even in recent years, faced with different constitutional reforms, the possibility of expressly including *laicidad* was debated and was achieved, for example, in the case of Mexico (Article 40).

The theoretical and empirical interpretations that refer to *laicidad* as an analytical and normative approach have also focused their attention on specific sociopolitical dynamics exposing the power of religious institutions in the region. Beyond the differences at a legal and institutional level that exist among the diverse contexts, the Catholic Church has political power that strains the limits of *laicidad* in the majority of the countries in the region. Regional academia reflects on and analyzes the ways in which some churches, especially the Catholic Church, continue to exercise pressure in the political field in order to influence legislation and public policies, aside from what is indicated by the legal frameworks. Even public servants and bureaucrats on many occasions appeal to religious symbolism and reasons of faith, or directly establish strategic alliances with churches, calling into question the borders that separate politics from religion (Esquivel 2009; Lorea 2009). Approaches that focus on the political role of evangelical churches in the region can also be added. The growth of the evangelical faithful also has repercussions on the public role that these churches have begun to play in some countries.

While the political influence of religion occurs in different fields, there are two in particular about which exist a relevant number of studies: decisions connected to education (Mauro 2008; Esquivel 2013; Preiswerk 2013; Torres 2014) and the ways of regulating family and sexuality (Htun 2003; Dides 2004; Campos Machado 2012; Rosado-Nunes 2012; Vaggione 2013b; Díez 2015). Both fields make up areas where religion, and especially Catholicism, have historically exercised strong control, translated not only into a series of moral precepts that have sought to be inculcated socially and culturally, but also into institutional prerogatives that in many cases have lasted to the present day. On one hand, it is impossible to ignore the central role that the Catholic Church has played in the make-up of the institutional matrix of education in different Latin American countries. In diverse contexts in the region, the network of Catholic institutions has consolidated to inevitably structure the organization of the formal education system (Nosiglia and Zaba 2003). This has triggered academic interest in scrutinizing this space, analyzing the complex ways in which religious influence persists in these areas, as well as the processes of untangling that have occurred in some contexts.

On the other hand, *laicidad* also continues to be a privileged analytic and normative framework for a subset of academics investigating the connections between

---

formation of Peru, and lends its collaboration”; Article 82 of the constitution of Paraguay states that “The protagonism of the Catholic Church in the historical and cultural formation of the nation is recognized.”



religions and sexual politics in Latin America. The politicization of sexuality and the recognition of sexual and reproductive rights promoted by feminist and LGBTI movements directly implicate a debate about the role of religion (and its limits) in the region's democracies. These movements' proposals in relation to sexuality have impacted the region, generating new sociopolitical dynamics and moving the borders of what is private, the limit of democracy, in order to destabilize the naturalized constructions in culture, politics, and law. Not only did they confront the Catholic Church as a patriarchal and heteronormative actor, but they also, at least partially, constructed different politics in which they also confront, in terms of Foucault (1992), a regime of truth maintained by the church and the state, and their complex overlapping, among other influences. But far from retreating or giving up territory in the face of the entrance of sexual and reproductive rights in public agendas, religious actors have rearticulated their public presence. Their most conservative versions have sought to obstruct the recognition and implementation of these rights. In this field, diverse investigations have accounted for how the inscription of religion in the public sphere has mobilized actions of opposition to the agenda of sexual and reproductive rights. Whether it is through the cultural hegemony that Catholicism continues to have in the region, through the institutional privileges that it still has in some places, or through the political strength of its leadership, a large part of these works have concentrated on analyzing Catholic forces as central actors in these processes of opposition (Htun 2003; Vaggione 2005, 2013b; Araujo 2005; Dides 2006; Rosado-Nunes and Citeli 2010; Amuchástegui et al. 2010; Nugent 2010; Peñas Defago 2010; Morán Faúndes 2013; Lemaitre Ripoll 2013; Luna 2013).

Other investigations have begun to focus on certain evangelical sectors that have also reacted to the politicization of the body and sexuality promoted by feminist and LGTBI movements (Campos Machado 2012; Carbonelli et al. 2011; Jones and Cunial 2012; Vital and Leite Lopes 2013). In many cases, the relevance that the study of these phenomena has acquired in academic agendas has incited growing interest in recent years in the debate about *laïcité*, incorporating sexuality and gender as central aspects for understanding the role of religions in contemporary democracies. This "return to *laicidad*", incorporating sexual and reproductive rights, generates analytic and normative challenges with respect to the ways of regulating religion, as seen in some of the articles in this volume. Added to the situation of insufficient separation and autonomy of church and state that characterizes the majority of the countries in the region is the reaction of different religious sectors to the debates about access to contraception, decriminalization of abortion, or the recognition of rights for same-sex couples. This has intensified the interest in analyzing the threshold of *laicidad* in different countries bringing sexuality to the center. But, at the same time, the inscription of religious actors in disputes about sexuality has opened questions about the limits of lay states for controlling and/or avoiding this religious presence in the political field, and of the real reach that *laicidad* can face with new scenarios proposed by religion in Latin America (Vaggione 2005).

*Laicidad* as a construct is one of the central themes that runs through the chapters included in this volume. The analysis of the connections between state and church and the debate about the limits of democracy in the face of religion find in *laicidad*

a privileged approach with great legitimacy in the region. Within this theme, contributions offer normative approaches in which different conceptions and their limits are debated, analyses that propose a diachronic vision of the interplay between church and state are discussed, and approaches to contemporary political dynamics on sexual arrangements and the role of religion are investigated.

### ***1.1.2 The Diversification of Religious Beliefs***

The change in the forms of religious identification constitutes another relevant theme in the region's academic agendas. Secularization, as a theory that proposed the gradual withdrawal and privatization of religion as a consequence of modernity, generates questions in Latin America as in other regions (Casanova 1994). The majority of the population continues to believe and the percentage of agnostics or atheists has not grown significantly during the twentieth century (Pew Research Center 2014).<sup>7</sup> There have been, however, important changes in the ways in which people identify with religion and spirituality, which are analyzed through different approaches and give way to renewed challenges to contemporary forms of understanding and regulating religion. As in other regions, while secularization has not implied a decrease or disappearance of religious belief, it has generated a marked process of individuation, syncretism, and autonomization in the ways of identifying with religion (Parker Gumucio 2005; Mallimaci and Giménez Béliveau 2007; Martínez 2011; Blancarte 2012b). Religion has ceased to be the organizing center of institutions and social bonds, but it assumes new forms, new ways of believing, new practices, and renewed forms of thinking about and interpreting the world. These transformations have caught the attention of academic agendas, resulting in the development of a series of analyses and conceptual frameworks that have sought to make clear the changes in religious beliefs and practices in Latin America, as well as their consequences for democracies, rights, and politics in general.

Among the multiple changes highlighted in the Latin American literature, there are two that have tended to be underlined in a cross-cutting way in practically the entire region. The first refers to the different modifications associated with specific religious affiliation. Although Catholicism continues to maintain its impact in Latin America and a large majority of people self-identify as Catholic, quantitative data have shown that affiliation to this religion has tended to slowly decrease in overall terms, with an increase in belonging to other faiths, especially evangelical. While during most of the twentieth century different works affirmed that 90% of the

---

<sup>7</sup>According to data from a regional survey by the Pew Research Center, while only 4% of the population in the region was educated without religious affiliation, 8% are unaffiliated, a category that includes those who self-identify as atheists or agnostics, or who have no particular religious affiliation. Without a doubt, this percentage is distributed heterogeneously in the different countries, as, for example, Uruguay is the country with the most unaffiliated population (37%) (Pew Research Center 2014).

population self-identified as Catholic (Pew Research Center 2014), in recent decades this percentage has begun to decrease, and, at present it has dropped notably.

Although space does not permit us to outline the details of religious diversity in each country, a brief overview of the demographics may be helpful. Each country has its own history of colonization and settlement, which translates into unique contours and practices related to Catholicism, some of which play out, as we shall see, in debates over rights and the place of religion in the public sphere. Different surveys show an important increase of evangelical churches during the twentieth century and more clearly since the 1970s and 1980s. According to data collected by the Pew Research Center (2014), today 69% of the Latin American population identifies as Catholic, 19% identifies as evangelical, and 8% are religiously unaffiliated (atheist, agnostic, or no particular religion).<sup>8</sup> The remaining 4% include Jehovah's Witnesses, Mormons, Muslims, Hindus, Jews, Spiritists, and adherents of Afro-Caribbean, Afro-Brazilian, or indigenous religions, such as Umbanda and Candomble (Pew Research Center 2014). According to Corporación Latinobarómetro (2014), using a different methodology, Catholicism has decreased from 80 to 67% between 1995 and 2013. However, the Catholic Church is still one of the most trusted institutions in the region, overcome only by the family. Even though there was a decrease in this trust between 1996 and 2011 from 73 to 64%, it increased again in 2013 to 73%, with the election of Pope Francis being one possible explanation (Corporación Latinobarómetro 2014).

In the countries discussed in detail by the authors (Argentina, Mexico, Peru, Costa Rica, Bolivia, and Ecuador), Roman Catholicism remains the predominant religion despite the decrease in the percentage of Catholic believers. According to surveys from these countries (similar to others in the region) there has been a pattern of exodus in the Catholic population marked by the difference in percentage between those being raised as Catholic and those currently identifying as Catholic (these differences range from 9 to 15% depending on the country) (Pew Research Center 2014). However, the existing data indicate that Catholicism is still the majoritarian religion in these countries: Ecuador (81%), Mexico (79%), Peru (77%), Argentina (77%), Bolivia (76%), and Costa Rica (62%). Costa Rica in particular has seen a more pronounced growth of evangelical believers than in the other five countries, going from 9% in 1996 to 21% in 2013 (Corporación Latinobarómetro 2014).

Beyond the limitations of these measurements (Bastian 1997), it is common in academia to affirm that during the last three or four decades there has been a significant change in the region's religious sphere. As Parker Gumucio (2012) indicates, religious changes in Latin America are associated with the expansion of conversion churches and not with the reforms of the Catholic Church at the national level,

---

<sup>8</sup>This process presents itself, however, with different intensities in the different countries in the region. So, while in some countries a predominantly Catholic scenario is observed, such as in Paraguay, Mexico, Colombia, Ecuador, Bolivia, Peru, Venezuela, Argentina, and Panama, Catholic affiliation in other countries represents 50% or less of the population, as seen in Uruguay (42%), Honduras (46%), El Salvador (50%), Guatemala (50%), and Nicaragua (50%). In the case of the last four countries, the Protestant population oscillates between 36 and 41%, almost equaling the Catholic population (Pew Research Center 2014).

which means that when they lose confidence in Catholicism, the faithful tend to seek evangelical alternatives and not give up their faith. This process and its multiple social and political effects interrupted the construction of Latin America as Catholic. Without the Catholic Church necessarily losing its political power or the majority of believers in the region, there has been a large number of studies that have sought to account for the different phenomena caused by this growth in non-Catholic identifications, principally evangelical (for example, Parker Gumucio 2005; Boyer 2008; Wynarczyk 2009; Carbonelli 2011; Smiderle 2011; Beltrán 2012; Giumbelli 2013).

These works have made the ways of understanding the connections between politics and religion more complex, spotlighting different aspects that form part of the entrance of diverse dominations and belief systems into the public sphere. For example, one of the principal points highlighted by the analyses in this area has been related to the importance of distinguishing the “religious diversity” that these transformations have implied with respect to an incomplete and even truncated process of “religious pluralism” (Frigerio and Wynarczyk 2008; Carbonelli 2011). According to Frigerio and Wynarczyk (2008), the growth of alternative religions to Catholicism has created panic among “the sects,” unleashing a reaction that reinforces social and state regulations, which, far from recognizing religious plurality, reinforce the Catholic hegemony at the cultural, social, and political levels. Therefore, religious diversity does not necessarily bring as a consequence religious plurality that recognizes and embraces diversity politically and culturally. At the same time, some works have called attention to how internal diversity in the evangelical field has paradoxical consequences with respect to its inscription in the public sphere. On one hand, this diversity has allowed these denominations to incorporate themselves into the predominantly Catholic “cultural market,” thanks to the multiplicity of ethical postures and spiritual quests they propose (Fediakova 2012). But on the other hand, it has incited processes of struggles for hegemony within the evangelical field, establishing disputes between the different denominations (Freston 1999).

The second transformation observed in the region is linked to the pluralization of forms of expression and belief that cohabit in the interior of each religion. Diverse studies have shown that belonging to a faith does not necessarily imply ascribing non-restrictively to the postulates that its ecclesiastical leadership maintains. On the contrary, the ways of being Catholic, evangelical, etc. are diverse, and often people connect their religious identification with ideas, principles, and practices that do not necessarily coincide with those promoted by the churches and temples (Parker Gumucio 2008; Giménez Béliveau and Irrazábal 2010). There exists, in some way, a process of partial disidentification in broad sectors of the population: while they continue self-identifying with certain religions, they do so in criticism or dissent with religious leadership. There are multiple worldviews and ethical frameworks generated as a consequence of modernization, many of them distant from traditional precepts defended by certain institutions, which have been received by diverse sectors of the population, combining them with their own beliefs and religious practices. Conceptualizations such as “believing without belonging,”

“Catholic in my own way,” “do-it-yourself religion,” among many others, take on meaning in the framework of the analyses focused on these processes. So, as Cucchetti (2010, 94) points out, in Latin America the data have shown “the presence of a deinstitutionalization of belief, of do-it-yourself religion, of levels of belief unregulated by participation or ecclesiastical instruction, and even a certain private presence of religion, all of these dimensions that make up modern secularized society.”

One of the areas where the processes of religious diversification, both among religions and within each one, has been analyzed with growing interest is connected to belief systems in their connection with (new) ways of defining the family, sexuality, or reproduction. As mentioned earlier, in addition to putting in play sexual politics and legislation that contradict the principle postulated by Catholic authorities and conservative evangelical churches, feminist and LGBTI movements also politicize ethical frameworks antagonistic to the sexual mores defended by these churches. While conservative religious morality, principally Catholic, defends a posture obsessed with how, why, where, and to what end the act of sex is carried out, these movements have a relational ethical construction in which autonomy and freedom of choice with respect to pleasure are the founding values (Seidman 1997). So, while the agenda of feminist and LGBTI movements could be defined, in principle, as secular (Franco 2003) (in some sectors it is even strongly anti-clerical), it has also impacted ways of believing and the practices associated with these, intensifying pluralism and heterogeneity within religion. Together with the interpretation that points out the conservative role of religion toward sexuality, there have been a series of studies that demonstrate a less visible facet, both analytically and politically: religion as a favorable area for sexual freedom and diversity (Vaggione 2005; Jones and Carbonelli 2012; Gudiño Bessone 2012; Jones et al. 2013; Fuentes Belgrave 2013).

Religion is dynamic and changing, and has been permeated in diverse ways by the agendas and proposals of these social movements. Without ignoring the fact that religious leadership is still an influential actor maintaining patriarchy and heteronormativity, religions have also been shown to be heterogeneous fields in which antagonistic constructions on sexuality coexist. Currently, there are diverse sectors that, organized around a particular faith, sustain an agenda favorable to sexual and reproductive rights from a religious position that challenges the more traditional worldviews maintained by some hierarchy. This is the case, for example, of the school of thought of feminist theology that has taken on feminist ideas to reinterpret sacred texts (Tamez 1989; Vuola 1996; Althaus-Reid 2000; Riba 2005; Aquino and Rosado-Nunes 2008; Peñas Defago and Sgró Ruata 2009), or of organizations like Catholics for Choice, which defend a Catholic identity that calls into question the conservative ideas of the Vatican leadership (Vaggione 2005; Gudiño Bessone 2012; Fuentes Belgrave 2013). At the same time, diverse surveys carried out in Latin America have shown that at the level of general membership, people who ascribe to religions like Catholicism do not necessarily agree with the sexual precepts defended by its leadership, combining their faith with support for certain sexual and

reproductive rights.<sup>9</sup> This pluralization of the religious field has also impacted certain religious leaders, who have declared themselves to be in favor of the demands of LGBTI or feminist collectives, developing a kind of religious dissidence (Vaggione 2005). Additionally, in different parts of the region, pluralist churches have been formed, many of them Protestant, that explicitly support sexual and reproductive rights, even participating in public debates in support of this agenda (Jones and Carbonelli 2012; Fuentes Belgrave 2013).

This diversity present in the religious field is another central theme that some of the chapters in this volume develop. The social sciences dedicated themselves to interpreting the growth of evangelical denominations in the region as one of the most significant changes of the twentieth century. This kind of approach is also connected to the ways in which religion is regulated. The question about the connections between states and the Catholic Church is made more complex in the face of religious pluralization. Religious pluralization renews and invigorates the debate on the formal and substantial privileges of the Catholic Church in the region's countries. In addition to *laicidad* as a critical paradigm and to the limited power of the Catholic Church, the principle of religious equality is added as another insufficient normative horizon in the region. Diversity and pluralism are also included in the debates on the limits of religion through the impact of issues connected to gender and sexuality. Feminist and LGBTI movements have impacted Latin American countries in many ways (and with different results) with one important aspect being the influences of religious beliefs and actors as part of lawmaking processes. Although the main religious traditions are still antagonistic to these movements' agendas, there has also been important support from the religious side for sexual and reproductive rights.

## 1.2 The Contributions of This Volume

*Laicidad* as a component of democratic politics and of the diversity of the religious field has two dimensions in which intersections and tensions of a large part of the debates on the regulation of religion are framed. Discussions about how religion is regulated imply debating about the limits between religion and politics and the central role of law and formal institutions as privileged mechanisms for containing these limits. But the regulation of religion is not only debated on the legal plane.

---

<sup>9</sup>For example, a survey carried out by Catholics for Choice – Peru (2010) in the city of Lima established that 64.4% of the Catholic population considered that Catholic women could use emergency contraception; in Mexico a national survey found that only 15% of the Catholic population thought that abortion should be prohibited in all circumstances (Catholics for Free Choice – Mexico 2010); the survey carried out by Catholics for Free Choice (2003) established that 91% of the Catholic population of Colombia and Mexico approve of the use of condoms and contraceptive pills, a figure that is 79% in the case of Bolivia; similarly, in Uruguay, Argentina, Mexico, and Brazil, between 50 and 59% of the Catholic population approves of same-sex marriage (Pew Research Center 2014).

The transformations of cultural practices and forms of believing also (self-)regulate and construct their own field of religion as a cultural phenomenon. Regulating, in this case, does not only mean containing, but also means administering in complex ways the relations between religions and within each religion.

Some of the chapters in this volume concentrate on the ways in which religion seeks to permeate the field of politics, as well as on the ways in which politics tries to contain religion. In this context, some authors grant centrality to the limitations and reaches of laicism, going into depth on its use in the region as a way of thinking about (or even drawing) the political limits on religions in the region's democracies. Other contributions in this volume give analytic centrality to diversity, with respect to both Catholicism as the majority religion and the hetero-patriarchal constructions that tend to characterize the principal system of religious beliefs. However, the majority of the chapters include, beyond their emphasis, interrelated dimensions connected to both central themes.

Paying attention to the relevance that the concept of laicism has acquired in the region, as well as to its semantic plurality, Julieta Lemaitre Ripoll's chapter traces a path through the different kinds of normative frameworks of separation of religion and politics, considering among these different meanings of *laïcité*. Under what is called the problem of the public square, her work covers three typologies that clear up the diverse theoretical traditions under which the division between church and state has been and continues to be reflected upon. In this proposal, the author analyzes revolutionary anti-clericalism, which seeks the privatization of religion and its replacement in the public sphere with civic values and scientific reasoning; liberal laicism, which relegates religion to the private sphere but proposes a neutral state that protects its free exercise; and positive laicism, which promotes the presence of religions in the public sphere.

In a complementary direction to the work of Lemaitre Ripoll, the chapter by Faviola Rivera Castro proposes a dual focus that explores two modes of laicism that have been predominant in academic discussions in Latin America, as in the rest of the world. The first mode, which the author calls "exclusive laicism," is taken from the idea that religion should be kept separate from the public sphere, understood as not only the complete state sphere but also everything related to the community's public life. The second, called "inclusive laicism," refers to a model that is born of a critical revision of the former, defending the freedom of people to publicly express their faith and contribute to the democratic debate based on their worldviews. Rivera's work covers both theoretical traditions, reflecting on how the model of exclusive laicism, despite the criticisms it has received, still maintains the political potential to be applied to the Latin American region.

Gustavo Morello's chapter takes a panoramic view of the specific ways in which the principal religious actor in Latin America, the Catholic Church, has been connected to state political power over the last 100 years in Argentina. This work registers how religion has approached the political world, and how politics has approached the religious world, maintaining a close, but at the same time complex, mutual relation. Morello develops his analysis by observing how this connection is strained to the degree that the religious field begins to become more pluralistic in the

face of transformations produced by modernity. So, beyond the normative approaches to laicism, Morello accounts for the process through which the relation between political and religious powers has developed in Argentina, with a recurring empirical approach that historicizes and contextualizes them.

The chapter by Marco Huaco Palomino gives significant weight to the interaction between both central themes presented earlier (*laicidad* and diversity) as a way of understanding the debates on the regulation of religion in the region. This chapter analyzes the debates that took place during the processes of constitutional reform in Bolivia and Ecuador. On one hand, Huaco Palomino considers the ways in which these debates include the issue of laicism and of religious and spiritual beliefs as part of the constitutional frameworks. On the other hand, the chapter includes an analysis of the forms of regulating sexuality and reproduction, paying attention to the role of religious actors and arguments during the constitutional debates.

If, as we pointed out earlier, education and sexuality have made up two spaces where the historical tensions between ecclesiastical powers and the states in the Latin American region have been concentrated, the chapter by Juan Cruz Esquivel analyzes an issue that interconnects both dimensions, in order to show the possible conditions that religion imposes on contemporary democracies: sexual education. Through a review of the parliamentary process for the approval of the 2006 National Sexual Education Law in Argentina, and its later implementation as a public policy, Esquivel analyzes the disputes between the state and the Catholic Church. To do so, he focuses on the strategies of the ecclesiastical powers for impacting the political world, as well as on the receptivity of decision makers with respect to demands with religious content. As the author states: “the democratic imperative of organizing social harmony in the framework of growing plurality involves a broadening and diversification of citizens’ rights. These processes coexist with the permanent worldview in which political culture places the Catholic Church as one of the pillars of governability.”

Following the plot of the tensions that transformations connected to the body and sex generate, the chapter by Martín Jaime carries out an analysis of the discourse of the Peruvian Catholic leadership with respect to sexuality. Looking at the case of the rights of LGBTI people, Jaime goes in depth into a dimension that has taken on great relevance in recent years in the studies of religion and politics in the Latin American region: the position of conservative religious actors with respect to human rights, and the ways these positions deal with demands for recognition of sexual and reproductive rights as human rights, made by feminist and LGBTI movements.

The book ends with two chapters that investigate the complexities of the different ways in which religious pluralization has occurred, especially in connection to the politicization of sexuality achieved by feminist and LGBTI movements, while at the same time they offer new perspectives for (re)considering the connections between religion and politics. The research by Daniel Eduardo Jones, Marcos Andrés Carbonelli, and Santiago Luján Cunial articulates the relation between religion, politics, and sexuality. Looking at the case of the debates on marriage equality and civil unions, this work goes over the ways in which evangelical actors in Argentina have positioned themselves in the disputes connected to national sexual politics. In



this way, this chapter makes a dual contribution. On one hand, it focuses its attention on a group of religious actors that are not always considered in the regional literature due to their minority character with respect to the Catholic hegemony. On the other hand, it shows that far from making up a monolithic block, the evangelical field is politically divided with respect to issues of sexual morality, with markedly conservative sectors and others that are openly progressive.

Finally, while the former chapters analyze specific religious actors, the work of Laura Fuentes Belgrave directs its attention to the ways in which the public believes in general. Through a combination of qualitative and quantitative methodologies, Fuentes Belgrave shows how the religious field in Costa Rica is currently constituted, demonstrating the diversity of ways of believing and thinking to which people adhere. Here again the relevance that these issues connected to sexuality acquire is made evident in investigating religiosity. As follows from the chapter by Fuentes Belgrave, it is in these issues that tensions and separations occur between the practicing—in some cases even militant—faithful and another group of “institutional dissidents” who explore alternative forms of exercising spirituality. The author highlights how these tensions are at the same time intersected by variables such as gender and age, making an even more complex analysis of the religious lattice.

Both the normative reflections and the empirical developments in laicism and the processes of laicization, as well as the debates raised by the diversification of religion, mark in one way or another a large part of the Latin American academic agenda around the intersection of religion and politics. It is precisely from these two themes that the principal contributions to regional academia have been constructed, and upon which it is possible to establish a critical dialogue with the objects of study and approaches currently prioritized in other latitudes. This volume tries precisely to contribute to building bridges for the development of this dialogue, and to make visible some of the principal ways in which the debate about the ways of regulating religion in diverse societies is thought about in Latin America.

We want to take this opportunity to express our gratitude to the authors, editors, and translators who collaborated on this volume. It is not an easy task to produce academic works in a different language, and without their patient and hard work this publication would not have been possible. The constant help of Marianne Abou-Hamad has been crucial for the project. Finally, we want to express special gratitude to Lori G. Beaman, whose intelligence, support, and energy made this volume possible.

## References

- Althaus-Reid, M. (2000). *Indecent theology: Theological perversions in sex, gender, and politics*. London: Routledge.
- Amuchástegui, A., Cruz, G., Aldaz, E., & Mejía, M. C. (2010). Politics, religion and gender equality in contemporary Mexico: Women's sexuality and reproductive rights in a contested secular state. *Third World Quarterly*, 31(6), 989–1005.

- Aquino, M. P., & Rosado-Nunes, M. J. (Eds.). (2008). *Teología Feminista Intercultural: Exploraciones latinas para un mundo justo*. Mexico D.F.: Ediciones Dabar.
- Araujo, K. (2005). Sobre ruidos y nueces: Debates chilenos en torno a la sexualidad. *Iberoamericana*, 5(18), 109–126.
- Bastian, J.-P. (1997). *La mutación religiosa de América Latina: para una sociología del cambio social en la modernidad periférica*. Mexico D.F.: FCE.
- Baubérot, J. (1990). *La laïcité, quel héritage?: de 1789 à nos jours*. Ginebra: Labor Et Fides.
- Baubérot, J. (1994). The two thresholds of laicization. In R. Bhargava (Ed.), *Secularism and its critics* (pp. 94–136). New Delhi: Oxford University Press.
- Beltrán, W. M. (2012). Descripción cuantitativa de la pluralización religiosa en Colombia. *Universitas Humanística*, 73, 201–237.
- Benedict XVI. (2006). *Discurso al 56 Congreso Nacional de la Unión de Juristas Católicos Italianos*. [http://www.vatican.va/holy\\_father/benedict\\_xvi/speeches/2006/december/documents/hf\\_ben\\_xvi\\_spe\\_20061209\\_giuristi-cattolici\\_sp.html](http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/december/documents/hf_ben_xvi_spe_20061209_giuristi-cattolici_sp.html). Accessed 20 Feb 2016.
- Blancarte, R. (2006). Laicidad: la construcción de un concepto de validez universal. In N. Da Costa (Ed.), *Laicidad en América Latina y Europa: repensando lo religioso entre lo público y lo privado en el siglo XXI* (pp. 32–36). Montevideo: CLAEH.
- Blancarte, R. (2008). *Para entender el Estado laico*. Mexico D.F.: Nostra.
- Blancarte, R. (2012a). ¿Cómo podemos medir la laicidad? *Estudios Sociológicos*, 30(88), 233–247.
- Blancarte, R. (2012b). Religión y sociología; cuatro décadas alrededor del concepto de secularización. *Estudios Sociológicos*, 30, 59–81.
- Boyer, V. (2008). *Expansion évangélique et migrations en Amazonie brésilienne. La renaissance des perdants*. Paris: IRD/Karthala.
- Campos Machado, M. D. (2012). Religião, cultura e política. *Religião & Sociedade*, 32(2), 29–56.
- Carbonelli, M. (2011). Ciencias Sociales, evangélicos y política. Una lectura sobre la producción científica acerca de la participación política evangélica en la vida democrática Argentina (1983–2010). *Revista Cultura y Religión*, 5(2), 96–116.
- Carbonelli, M., Mosqueira, M., & Felitti, K. (2011). Religión, sexualidad y política en la Argentina: intervenciones católicas y evangélicas entorno al aborto y el matrimonio igualitario. *Revista del Centro de Investigación. Universidad La Salle*, 9(36), 25–43.
- Casanova, J. (1994). *Public religions in the modern world*. Chicago: University of Chicago Press.
- Catholics for Free Choice. (2003). *Actitudes de los Católicos sobre Derechos Reproductivos, Iglesia-Estado y Temas Relacionados. Tres Encuestas Nacionales en Bolivia, Colombia y México*. Washington, DC: Belden Russonello & Stewart.
- Catholics for Free Choice – Mexico. (2010). *Encuesta de Opinión Católica en México 2010. Actitudes, valores y percepciones de la feligresía católica mexicana*. Mexico D.F.: Catholics for Free Choice – Mexico.
- Catholics for Free Choice – Peru. (2010). *Religión, sexualidad y Estado. Percepciones de católicos y católicas*. Lima: Catholics for Free Choice – Peru.
- Corporación Latinobarómetro. (2014). *Las religiones en tiempos del Papa Francisco*. Santiago de Chile: Corporación Latinobarómetro. <http://www.latinobarometro.org/latNewsShow.jsp> Consultado el 2 de junio de 2016. Accessed 14 June 2016.
- Cucchetti, H. (2010). Religiones especulares: ¿confesionalización, secularización o desencantamiento? *Sociedad y Religión*, 20(32/33), 81–98.
- Da Costa, N. (Ed.). (2006). *Laicidad en América Latina y Europa. Repensando lo religioso entre lo público y lo privado en el siglo XXI*. Montevideo: CLAEH/ALFA.
- Da Costa, N. (2011). El fenómeno de la laicidad como elemento identitario. *Civitas*, 11(2), 207–220.
- Di Stéfano, R. (2011). Por una historia de la secularización y de la laicidad en la Argentina. *Quinto Sol*, 15(1), 1–31.
- Dides, C. (Ed.). (2004). *Diálogos Sur-Sur sobre religión, derechos y salud sexual y reproductiva: los casos de Argentina, Colombia, Chile y Perú*. Santiago: Universidad Academia de Humanismo Cristiano/PROGÉNERO.

- Dides, C. (2006). *Voces en Emergencia: El discurso conservador y la píldora del día después*. Santiago: FLACSO-Chile.
- Díez, J. (2015). *The politics of gay marriage in Latin America: Argentina, Chile and Mexico*. New York: Cambridge University Press.
- Esquivel, J. C. (2009). Cultura política y poder eclesiástico: Encrucijadas para la construcción del Estado laico en Argentina. *Archives de sciences sociales des religions*, 146, 41–59.
- Esquivel, J. C. (2013). *Cuestión de educación (sexual). Pujas y negociaciones político-religiosas en la Argentina democrática*. Buenos Aires: CLACSO.
- Esquivel, J. C. (2014). Religión y Política en Argentina. La influencia religiosa en las Constituciones provinciales. *Revista de Direito da Cidade*, 6(6), 348–368.
- Fediakova, E. (2012). ‘Saliendo del refugio de las masas’: evangélicos chilenos y compromiso social (1990–2010). In C. P. Gumucio (Ed.), *Religión, cultura y política en América Latina. Nuevas mirada* (pp. 125–145). Santiago: USACH.
- Foucault, M. (1992). *La verdad y las formas jurídicas*. Madrid: La Piqueta.
- Franco, J. (2003). Deponer a El Vaticano. El proyecto secular del feminismo. *Debate Feminista*, 27, 28–44.
- Freston, P. (1999). Neo-pentecostalismo in Brazil: Problems of definition and the struggle of hegemony. *Archives de Science Sociales des Religions*, 105, 145–161.
- Frigerio, A., & Wynarczyk, H. (2008). Diversidad no es lo mismo que pluralismo: cambios en el campo religioso argentino (1985–2000) y lucha de los evangélicos por sus derechos religiosos. *Sociedade e Estado*, 23(2), 227–260.
- Fuentes Belgrave, L. (2013). Afirmar la autonomía reproductiva en la disidencia religiosa. *Iconos. Revista de Ciencias Sociales*, 45, 59–74.
- García Jaramillo, L. (2013). El influjo del principio de laicidad en el constitucionalismo colombiano. *Estudios Constitucionales*, 11(2), 425–450.
- Giménez Béliveau, V., & Irrazábal, G. (2010). Católicos en Argentina: hacia una interpretación de su diversidad. *Sociedad y Religión*, 20(32/33), 42–59.
- Giumbelli, E. (2013). Cultura pública: evangélicos y su presencia en la sociedad brasileña. *Religião & Sociedade*, 23(40), 13–57.
- Gudiño Bessone, P. (2012). Experiencia, aborto y maternidad en las católicas feministas. *Nómadas*, 34, 1–15.
- Htun, M. (2003). *Sex and the state. Abortion, divorce and the family under Latin American dictatorships and democracies*. Cambridge: Cambridge University Press.
- Huaco Palomino, M. (2004). Perú: ¿confesionalidad o laicidad del Estado? In D. Ortmann (Ed.), *Anuario de ciencias de la religión: las religiones en el Perú de hoy* (pp. 319–361). Lima: UNMSM/CONCYTEC.
- Jones, D., & Carbonelli, M. (2012). Evangélicos y derechos sexuales y reproductivos: actores y lógicas políticas en la Argentina contemporánea. *Ciências Sociais Unisinos*, 48(3), 225–234.
- Jones, D., & Cunial, S. (2012). Derrota parlamentaria y reposicionamiento político de actores religiosos: el rechazo de la federación Alianza Cristiana de Iglesias Evangélicas de la República Argentina (ACIERA) a la ley de matrimonio igualitario. *Sociedad y Religión*, 22(37), 85–122.
- Jones, D., Peñas Defago, M. A., & Godoy-Anatívia, M. (2013). *Religiones, Matrimonio Igualitario y Aborto. Alianzas con y entre Actores Religiosos por los Derechos Sexuales y Reproductivos en Argentina*. Córdoba/New York: CDD/NYU.
- Lemaitre Ripoll, J. (2013). *Laicidad y resistencia: movilización católica contra los derechos sexuales y reproductivos en América Latina*. Mexico D.F.: UNAM.
- Lorea, R. A. (2009). Brazilian secularity and minorities in the biggest Catholic nation in the world. *Archives de sciences sociales des religions*, 146, 81–97.
- Luna, N. (2013). O direito à vida no contexto do aborto e da pesquisa com células-tronco embrionárias: disputas de agentes e valores religiosos em um estado laico. *Religião e Sociedade*, 33(1), 71–97.
- Mallimaci, F. (2010). Entre lo ‘que es’ y lo que ‘queremos que sea’: secularización y laicidad en la Argentina. *Sociedad y Religión*, 20(32/33), 8–30.

- Mallimaci, F. (2013). El catolicismo argentino de Bergoglio y el papado de Francisco. Una primera aproximación desde la Argentina. *Sociedad y Religión*, 23(40), 211–244.
- Mallimaci, F., & Giménez Béliveau, V. (2007). Creencias e increencia en el Cono Sur de América. Entre la religiosidad difusa, la pluralización del campo religioso y las relaciones con lo público y lo político. *Revista Argentina de Sociología*, 5(9), 44–63.
- Maroto Vargas, A. (2013). La confesionalidad del estado costarricense: un proceso en constante renovación. *Reflexiones*, 92(2), 189–198.
- Martínez, A. T. (2011). Secularización y laicidad: entre las palabras, los contextos y las políticas. *Sociedad y Religión*, 21(36), 66–88.
- Mauro, D. (2008). Imágenes especulares. Educación, laicidad y catolicismo en Santa Fe, 1900–1940. *Prohistoria*, 12(12), 103–116.
- Morán Faúndes, J. M. (2013). Feminismo, Iglesia Católica y derechos sexuales y reproductivos en el Chile post-dictatorial. *Revista Estudios Feministas*, 21(2), 485–508.
- Nosiglia, M. C., & Zaba, S. M. (2003). El papel de la Iglesia Católica en la formulación e implementación de las políticas educativas argentinas en los '90. *Historia de la Educación. Anuario*, 4, 61–94.
- Nugent, G. (2010). *El orden tutelar: Sobre las formas de autoridad en América Latina*. Lima: Desco/CLACSO.
- Oro, A. P., & Ureta, M. (2007). Religião e política na América Latina: Uma Análise da Legislação dos Países. *Horizontes Antropológicos*, 13(27), 281–310.
- Parker Gumucio, C. (2005). ¿América Latina ya no es católica? Pluralismo cultural y religioso creciente. *América Latina Hoy*, 41, 35–56.
- Parker Gumucio, C. (2008). Mentalidad religiosa post-ilustrada: creencias y esoterismo en una sociedad en mutación cultural. In A. Alonso (comp.), *América Latina y el Caribe. Territorios religiosos y desafíos para el diálogo* (pp. 337–364). Buenos Aires: CLACSO.
- Parker Gumucio, C. (2012). Religión, cultura y política en América Latina: nuevos enfoques. In C. P. Gumucio (Ed.), *Religión, cultura y política en América Latina. Nuevas miradas* (pp. 13–73). Santiago: USACH.
- Peñas Defago, M. A. (2010). Los estudios en bioética y la Iglesia Católica en los casos de Chile y Argentina. In J. M. Vaggione (Ed.), *El activismo religioso conservador en Latinoamérica* (pp. 47–76). Córdoba: Ferreyra.
- Peñas Defago, M. A., & Sgró Ruata, M. C. (Eds.). (2009). *Género y religión. Pluralismos y disidencias religiosas*. Córdoba: Ferreyra.
- Pew Research Center. (2014). *Religion in Latin America: Widespread change in an historically Catholic region*. <http://www.pewforum.org/files/2014/11/Religion-in-Latin-America-11-12-PM-full-PDF.pdf>. Accessed 7 Dec 2015.
- Precht Pizarro, J. E. (2006). La laicidad del Estado en cuatro constituciones latinoamericanas. *Estudios Constitucionales*, 4(2), 697–716.
- Preiswerk, M. (2013). Las aulas: espacio de conflicto entre laicidad, confesionalidad e indigenización. *T'inkazos*, 33, 161–175.
- Riba, L. (2005). La perspectiva de género en la teología latinoamericana. In C. Schickendantz (Ed.), *Cultura, género y sexualidad. Estudios interdisciplinarios* (pp. 155–233). Córdoba: Editorial de la Universidad Católica de Córdoba.
- Rosado-Nunes, M. J. F. (2012). O aborto sob o olhar da religião: um objeto à procura de autor@s. *Estudos de Sociologia*, 17(32), 21–43.
- Rosado-Nunes, M. J., & Citeli, M. T. (2010). Religiões na esfera pública: Estratégias institucionais de intervenção-Igreja Católica no Brasil. In J. M. Vaggione (Ed.), *El activismo religioso conservador en Latinoamérica* (pp. 19–45). Córdoba: Ferreyra.
- Seidman, S. (1997). *Difference troubles: Queering social theory and sexual politics*. Cambridge: Cambridge University Press.
- Smiderle, C. G. S. M. (2011). Entre Babel e Pentecostes: cosmologia evangélica no Brasil contemporâneo. *Religião & Sociedade*, 31(2), 78–104.

- Tamez, E. (Ed.). (1989). *Through her eyes: Women's theology from Latin America*. New York: Orbis/Elina.
- Torres, G. (2014). Iglesia Católica, educación y laicidad en la historia Argentina. *História da Educação*, 18(44), 165–185.
- Vaggione, J. M. (2005). Reactive politicization and religious dissidence: The political mutations of the religious. *Social Theory and Practice*, 31(2), 165–188.
- Vaggione, J. M. (2013a). El límite sexual para una política posible. Cuerpo y Pobreza. *Debate Feminista*, 48, 285–292.
- Vaggione, J. M. (2013b). *Laicidad y sexualidad*. Mexico D.F.: UNAM.
- Vital, C., & Leite Lopes, P. V. (2013). *Religião e Política: uma análise da atuação de parlamentares evangélicos sobre direitos das mulheres e de LGBTs no Brasil*. Rio de Janeiro: Fundação Heinrich Böll/ISER.
- Vuola, E. (1996). *Teologia Feminista: Teologia de la Liberacion*. Madrid: Iepala.
- Willaime, J.-P. (2008). The paradoxes of laïcité in France. In E. Barker (Ed.), *The centrality of religion in social life: Essays in honour of James A. Beckford* (pp. 41–54). Aldershot: Ashgate.
- Wynarczyk, H. H. (2009). *Ciudadanos de dos mundos. El movimiento evangélico en la vida pública Argentina 1980–2001*. Buenos Aires: Universidad de San Martín.

## Chapter 2

# The Problem of the *Plaza*: Religious Freedom, Disestablishment and the Catholic Church in Latin America's Public Square

Julieta Lemaitre

**Abstract** The privileged place that the Catholic Church has held in Latin America since colonial times continues to permeate the region's countries today. This chapter examines the complex problem of the political presence of the Catholic Church in Latin American democracies. It locates this presence in the formation of nation states in the nineteenth century and in the many processes of democratization in the twentieth century. The author then engages with modes of disestablishment in Latin American countries, and the intimate link between the constitutional rights of freedom of religion and the relationship between the state and the Catholic Church. The chapter concludes by framing the church's presence in the Latin American public square as a problem of the institutional power of the church, linked to contentious histories rather than to universal formulations of the right of freedom of religion.

**Keywords** Religious freedom • Religious establishment • Catholic Church in Latin America • Sexual and reproductive rights

Imagine you are standing in the center of a Latin American city, in its main square or *plaza*. The city, drawn in colonial times as a grid, spreads out from that plaza. It was probably founded in that same spot hundreds of years ago, and national history is narrated from that place outward. Marches and sit-ins meet regularly in the plaza, perhaps today, protesting against the powers that be. All around you, on all four sides of the plaza, stand buildings representing the nation and its history. At least two sides boast major public buildings: perhaps the seat of Congress or of the High Courts, the Presidential Palace or City Hall. And wherever you are, on one side of the main plaza, the best spot is reserved for the Catholic Church and its national cathedral.

---

J. Lemaitre (✉)

Faculty of Law, Universidad de los Andes, Bogotá, Colombia

e-mail: [jlemaitr@uniandes.edu.co](mailto:jlemaitr@uniandes.edu.co)

© Springer International Publishing Switzerland 2017

J.M. Vaggione, J.M. Morán Faúndes (eds.), *Laicidad and Religious Diversity in Latin America*, Boundaries of Religious Freedom: Regulating Religion in Diverse Societies 6, DOI 10.1007/978-3-319-44745-2\_2

The privileged place of the Catholic Church is not merely the picturesque heritage of colonial history. The plaza remains a powerful symbolic place of citizenship and the material seat of power, and the church's presence remains a political fact, often reflecting how the country is governed, or at the very least, how church hierarchy thinks it should be governed. The massive material presence of the cathedral reflects both its importance as a place of worship, and its centrality in the troubled history of power-sharing between church and state in the region.<sup>1</sup>

Every single Latin American nation began its independent life with a Catholic establishment—that is, with Catholicism as the only official religion of the state. Most of the first constitutions mentioned not only that Catholicism was the religion of the state, but that it was the only religion allowed public worship, and in some countries even private worship was excluded and Catholicism was the only accepted religion “to the exclusion of all others.”<sup>2</sup> Therefore, the difference between most nineteenth century constitutions in Latin America lies not in whether or not there is a Catholic establishment (there is) but whether private worship of other religions is allowed—the more liberal constitutions allowed it, the more conservative prohibited it. Catholic establishment impacted many important features of everyday life, such as whether or not non-Catholics could receive a religious burial in a cemetery. It also defined the content of freedom of religion: in a country with a Catholic establishment, freedom of religion traditionally meant the private practice of other religions was tolerated as a matter of individual conscience.

Disputes over Catholic establishment were at the core of several nineteenth century civil wars between liberals, advocating disestablishment, and conservatives, supporting it. The political alliance between the Catholic hierarchy and conservative and nationalist parties bound the fate of disestablishment to the triumph or defeat of these parties, in elections or in war. Sometimes the church hierarchy itself fanned the flames of war, convinced of the holiness of its own interests in power and in governance. In some countries, notably in Colombia and Mexico, these religious wars reached into the twentieth century: in Colombia, with its mid-century civil war known as *La Violencia* and in Mexico with the Cristero Rebellion in 1929.

Even today, in the early decades of the twenty-first century, in many Latin American countries the Catholic Church continues to influence the daily functioning of the state, supported by conservatives and denounced by liberals and leftists. For example, church representatives can have specific institutional powers, such as controlling a country's compulsory religious education, reviewing and approving school books, being the sole military chaplaincy, providing public health and edu-

---

<sup>1</sup>For authoritative general histories of the Catholic Church in Latin America see Dussell (1981), Lynch (2012), and Mecham (1966).

<sup>2</sup>Famously, Simón Bolívar wanted his 1826 Constitution for Bolivia to allow other religions but met opposition, and it only included the tenet that no other religion will be allowed to worship *publicly* (i.e., private worship was allowed). It did however include the rare phrase that “there is no human power over conscience.” Article 6 says: “La Religión Católica, Apostólica, Romana, es de la República, con exclusión de todo otro culto público. El Gobierno la protegerá y hará respetar, reconociendo el principio de que no hay poder humano sobre las conciencias.” No other constitution included the phrase “there is no human power over conscience.”

cational services, and participating in the planning of health care. The church also receives money from the state, not only in the form of numerous and generous tax exemptions, but also as subsidies for its health and education services or for its many charities, as well as in some countries in the form of specific stipends for priests. Furthermore, the Catholic Church also has an important political presence through its bishops' widely publicized comments on laws and on politics. They sometimes openly support and oppose political candidates and specific policies, both in official press releases and during religious services, flexing the church's political muscle. This power has historically benefited conservative leaders and parties, and advocated for church interests, especially in religious education.

In the transition from the twentieth to the twenty-first centuries, under the long rule of Popes John Paul II and Benedict XVI, the church rallied its political powers on a single commitment: to directly oppose and block any legal change liberalizing sexual mores. Initially this struggle included radical opposition not only to abortion but also to sexual education in school, divorce and remarriage in civil law, and to the use of scientific methods of family planning. In the twenty-first century, however, Catholic resistance refocused on the opposition to the liberalization of attitudes toward abortion and homosexuality (Lemaitre 2009, 2010, 2013; Vaggione 2005, 2013; Mujica 2007). Under the banner of bio-ethics, abortion-related activism has expanded to new and related issues, such as emergency contraception and assisted reproduction. These issues are thinly veiled as different from abortion but still revolve around the same claims of human personhood from the moment of conception. The church has also rallied opposition to emerging claims for the recognition of rights to same-sex couples, linking abortion and homosexuality to the radical rejection of both in John Paul II's conservative sexual theology.<sup>3</sup>

This activism has not diminished with Pope Francis. For example, a quick review of the news coverage in Latin America in two months of 2014, April and May, shows the Catholic Church opposing civil unions between same-sex couples in Peru (La República 2014b); denouncing the decriminalization of abortion in cases of rape in armed conflict in Colombia (RCN 2014); actively supporting an amendment of the constitution of the state of Nuevo León in Mexico to include the right to life from conception (Milenio 2014); campaigning in the state of Veracruz in Mexico against the legalization of civil unions for same-sex couples (Cancino 2014); and testifying against the emergency contraceptive pill before Congress in Honduras, claiming it is a form of abortion (La Prensa 2014).

How should this intense presence of the Catholic Church in the political life of Latin American democracies be framed? On the one hand, there is an argument for the political activity of the church as part of civil society, similar to an NGO, with

---

<sup>3</sup> John Paul II was the first modern pope to develop a theological position on women (known as the theology of the body, arguing that traditional gender roles express God's will). See also John Paul II *Mulieris Dignitatem* (1986). Benedict XVI further as the leader of the former Inquisition, the Congregation for the Doctrine of the Faith, led not only the crackdown on leftist liberation theology, but also awareness of homosexual desire as "a tendency to evil." See Congregación para la Doctrina de la Fe (1986).



additional protections in the exercise of its religious freedom. In this line of reasoning, the fact that the church provides certain public services and is in part funded by the state does not preclude its right to express political opinions in the public square: the church's activism would be protected by the constitutional rights of free expression, freedom of religion, and freedom of conscience. Faced with this protection, any state limitation on the church's activism is a violation of human rights, and if the views espoused by the church (for example against homosexuality) are offensive to some, they should still be treated with the same care and respect given to unpopular views in a democracy. On the other hand, state protection of the church and of its activism, as well as church influence on laws, public policies and public service delivery, can be construed as a violation of the principle of separation of church and state, a foundational principle of Latin American democracies, deeply rooted in a history of conflict and contestation.

This essay examines the complex problem of the political presence of the Catholic Church in Latin American democracies, a problem I call the problem of the plaza, to draw attention to the specificity of the presence of the Catholic Church in Latin America. The first section of this essay locates the political presence of the church in the formation of nation states in the nineteenth century and in the many processes of democratization in the twentieth century. The second section engages with the different forms of disestablishment in Latin American countries, and the intimate link between the constitutional right of freedom of religion and disestablishment. Finally, the third section examines the problem of the plaza as the problem of the institutional power of the church, linked to contentious histories rather than to universal formulations of the right to freedom of religion.

## **2.1 Modes of Disestablishment in Latin America: Anticlericalism, *Laicidad*, and Friendly Cooperation**

Separation of church and state is appreciated in liberal democracies as a guarantee of human rights and constitutional values. Separation, known in the Anglo-American tradition as non-establishment, protects citizens against the tyranny of a confessional state. In Latin America, Protestant churches championed disestablishment, both mainline Protestant churches (Lutheran, Anglican, Presbyterian, and Methodist) and the fast-growing churches more generally known as evangelical (especially Pentecostals, but also Jehovah's Witnesses and multiple small fundamentalist congregations). For these churches, establishment, in the mode of a Catholic state, has historically been synonymous with persecution, while disestablishment has meant religious tolerance for Protestant denominations.

However, non-Catholics have not been the main force behind disestablishment: Latin American liberals have more notably championed it as a general guarantee of liberal rights. Across the region the confessional Catholic state represented the powerful political alliance between the Catholic Church and conservative parties, an

alliance that also advocated for limitations of civil and political rights cherished by liberals. For example, establishment has meant limited rights to freedom of expression, political association, and even censorship of publications. An additional liberal concern was the sway of a church actively resisting both modernization of traditional hierarchies in private life, and the functioning of free markets. The burden of church property on the real estate market was a particular problem for nineteenth century liberals, since the church, as an extensive owner of urban and rural property, effectively took these properties out of circulation forever. More recently, liberals have opposed church restrictions on access to science, especially reproductive science, but also on some forms of scientific research (i.e., stem cell therapies). Liberals have also opposed religious education on the grounds of being an obstacle to development and to progress in science.

A less influential but more vocal strand of calls for disestablishment comes from the Latin American left, which has frequently denounced the alliance between national churches and oppressive governments, as well as, more generally, between religion and the exploitation of the poor. In Latin America the left has been particularly adamant about describing Catholic evangelization as a mechanism for the exploitation of indigenous and Afro-American populations, as well as for indigenous genocide. Furthermore, in some countries, notably Argentina, the church was a staunch ally of military dictatorship, an alliance sorely resented by the left.

Lastly, within the church itself, part of the clergy and the Catholic faithful have also advocated for disestablishment, inspired by the modernization of the church during the Second Vatican Council. For these Catholic advocates of disestablishment, separation from the state guarantees the church its independence, especially when faced with an authoritarian government. They consider that even in a democracy church autonomy is curtailed when it receives funds from the state, or when the hierarchy is seen as blessing government acts. Instead, they argue that an independent church can provide protection, even literal sanctuary, to citizens threatened by the state, as well as a space for resistance. During the long night of regional dictatorships, some national churches, notably in Chile, Guatemala, and El Salvador, and at some point in Brazil, denounced tortures and disappearances, generating a persistent appreciation among intellectuals and leftists, but also sustaining religious calls for disestablishment.

Within the church, the liberation theology movement has also sought a separation from the state for additional reasons: their cause is not institutional autonomy *per se*, but the identification of the church with the poor and the downtrodden. For these nuns and priests, their commitment to Catholicism entails sharing the hard fate of the poor, and dedicating their lives to alleviating the suffering of others. The central tenet of liberation theology has been that the political activity of the church should be aimed at alleviating the suffering of the poor, not only through charity but also through organizing communities to help themselves. These claims have roots in the social doctrine of the church, represented best by Pope Leo XIII's (1891) pro-worker Encyclical *Rerum Novarum*, as well as, in the early twentieth century, the Catholic Action (*Accion Católica*) groups organized to help the poor and, in some countries, by political parties known as Christian or Catholic Democratic Parties.

But liberation theology went further in the mid-twentieth century, calling for radical political action to challenge economic structures that reproduced inequality and injustice. In the liberationists' view, disestablishment was necessary for a church called to stand with the poor, and not with the powerful.

The pull of these different advocates for disestablishment has been strong, and today all countries in the region, except for Costa Rica, have adopted some form of disestablishment. That is, all countries in the region, except for Costa Rica, have amended their constitution to renounce the official commitment of the state to Catholicism. However, the exact terms of each disestablishment vary, depending on the balance of political forces in each country, including not only the forces in favor of disestablishment (such as Protestant churches and liberals as much as pro-disestablishment Catholics), but also the strength of the conservative forces resisting disestablishment. While each country has a unique regime, they share problems as well as solutions to these problems.

The different solutions can be grouped into three forms of disestablishment: first, the anticlericalism of the nineteenth century, second the more contemporary liberal *laicidad*, and third the renewed commitment to the church known as friendly cooperation. Briefly, while anticlericalism called for a state to be hostile to organized religion, especially to the Catholic Church, liberal *laicidad* calls for a state that is neutral before organized religion and a religion that has little presence in the public square, and friendly cooperation calls for a state that favors faith generally and maintains numerous institutional links with the Catholic Church. The following sections describe each mode of disestablishment.

### ***2.1.1 Latin America's Legacy of Radical Anticlericalism***

During colonial rule, the Catholic Church was not merely an established church; it was hierarchically under the control of the Spanish Crown and part of its apparatus of government. Given the Crown's power over the church, known as royal patronage, there was little room for an independent church, and the relationship was so intimate that the state collected taxes to benefit the church, in the form of tithes.

After independence, the Vatican first supported the Crown and denounced rebels as defying the will of God, pulling support from the liberal clergy who championed independence. In the nineteenth century the Vatican actively resisted liberalism in Europe and abroad, especially after losing the Papal States to Italian liberals between 1861 and 1870. Struggling for its relevance as an institution, the Vatican successfully rejected the possibility that royal patronage could be inherited by the new Latin American states, as well as the possibility of national Catholic Churches, and instead it led what was known as the Romanization of the Catholic Church in Latin America—that is, its submission to Vatican control. At the same time, the church rejected disestablishment, insisting the new Latin American republics had to be officially Catholic, and successive popes wrote encyclicals denouncing

disestablishment, and liberalism more generally, as sinful.<sup>4</sup> What resulted was in fact a struggle for power that mapped onto internal struggles between liberals and conservatives and lasted throughout the nineteenth century, sometimes into the twentieth.

Rejection of disestablishment had a direct link to Catholic dogma, and was not solely a grab for power. The church believes it has the objective truth about the world, generally, and in particular the truth about moral knowledge. Being the carrier of this truth, revealed by God, gives the church the responsibility to preach and convert and to defend what it knows to be both true and good. This responsibility gives it both the right and duty to ensure that civil governments follow its guidance; to refuse this responsibility by accepting disestablishment is a grave error, as it involves the separation of objective moral knowledge from the stewardship of nations. This dogma led directly to establishment, and it was shared by early leaders of Latin American independence, many of whom were also Catholic clergy. The first Latin American constitutions were confessional, following the model of the 1812 Constitution of Cádiz, which not only declared Catholicism as the state religion but also limited the rights of other faiths with the assertion that the error has no rights.<sup>5</sup>

Anticlericalism soon surfaced in the new republics, reflected in the platforms of some liberal political parties but more actively in the writing of liberal and leftist intellectuals. Anticlericalism came first through republican aspirations inspired both by the American Declaration of Independence and by the French Revolution, both of which premised disestablishment. It was ardently defended especially by those who looked up to the French Revolution, where anticlericalism sought the emancipatory end of all organized religion and the enshrinement of reason in its stead. Anticlericalism flourished at different times in Latin America, influenced by European liberalism which also became anticlerical as it confronted the Vatican. It also found its own voice and expression in local resistance to the many abuses of the clergy, especially foreign priests accustomed to exercising governance over Indians and slaves, and enjoying vast untaxed personal wealth.

Anticlericalism found its most radical expression in Mexico during the Mexican Revolution, and its bloody developments became the regional representation of the dangers of radical anticlericalism. The Revolution was ardently hostile to the Catholic Church as a rival to state power and as an obstacle to achieving freedom and equality. In this spirit, the revolutionary Constitution of Mexico in 1917 adopted a radical limitation of church rights, expanding the disestablishment already enshrined in the liberal reform laws of 1857. The revolutionaries completely eliminated the right of the church to own property and to educate children, and the rights of priests

---

<sup>4</sup>See Gregory XVI *Mirari vos* (1832), Pius IX *Singulari nos* (1834), *Quanta cura* and *Syllabus* (1864). See also from Pius X *Vehementer nos* (1906) explaining the errors disestablishment, a position shared by Popes Benedict XV, Pius XI and Pius XII.

<sup>5</sup>Article 12 of the Constitution of Cádiz read: “La religión de la Nación española es y será perpetuamente la católica, apostólica, romana, única verdadera. La Nación la protege por leyes sabias y justas, y prohíbe el ejercicio de cualquiera otra.”

to be elected or to have any opinion in politics, even precluding the clergy from criticizing the government. They also prohibited public display of icons and religious ceremonies, and public wearing of religious habits, and revolutionaries often targeted churches and clergy for collective violence.<sup>6</sup>

However, in spite of the cautionary tale of the Mexican Revolution, anticlericalism also grew in the shadow of the regional influence of French positivism as a cultural commitment to scientific truth and the aspiration to modernity through reason and science. While for many positivists religion was a civilizing force, for others it represented superstition, ignorance, exploitation and an obstacle to progress. Rather than the violence of the Revolution, positivism envisioned a gradual dying out of oppression and religious superstition through science and education. The understanding of Catholicism as an obstacle to progress was already present in the influential activities of the Masonic secret society which in the nineteenth century found itself also in direct conflict with the Catholic Church (see Pius IX's [1864] *Quanta Cura* Encyclical against freemasonry and "the errors of modernity"). This confrontation played out most notably in the Brazilian religious troubles of the 1870s, with a standoff between freemasons, who wanted the church to remain under the often stifling control of the Brazilian state, and the bishops who were loyal to the Vatican.

While anticlericalism is widely understood as a deeply political position in the region, and many intellectuals continue to take anticlerical positions, it has not had political success. Even the anticlericalism of the Mexican Revolution was never fully implemented, and resulted in the Cristero Rebellion of 1929 and in the active tolerance of Catholic worship and influence in the country, despite the anticlericalism of the constitution. Eventually in 1992, Mexico adopted a *Law of Religious Associations* that removed the main anticlerical provisions from the constitution.<sup>7</sup> Even the leftist revolutions, such as those of Cuba, Nicaragua, and Venezuela, and the leftist regimes in Ecuador and Bolivia, while initially anticlerical, have softened their stance in favor of an active tolerance of the church. The Cuban Revolution for example, formally atheistic and defending atheism in the constitution, allowed for the presence and activity of the church, overcoming its initial anticlerical periods where religious belief was considered antirevolutionary by definition (Crahan 1985). In a similar trend, anticlerical legal reforms in the region were short, and what has remained is a disestablishment widely known as *laicidad*, encompassing a neutral state which tolerates the presence of the church and its political influence.

---

<sup>6</sup>For an authoritative account see Blancarte (1992).

<sup>7</sup>The constitutional reform modified articles 3, 5, 24, 27, and 130. Read in conjunction with the 1992 *Law of Religious Associations* [*Ley de Asociaciones Religiosas y Culto Público de México*], it establishes a regime of state neutrality on religious issues and enshrines in law the tolerance that existed in practice since the 1929 Cristero Rebellion.

### 2.1.2 *Laicidad*

Unlike anticlericalism, the liberal model of *laicidad* has had a lasting influence on regional constitutions. In *laicidad*, disestablishment curtails the presence of the church in the public square, while respecting freedom of religion and conscience in the private sphere, and giving some legal recognition and special protection to all organized religions and all faiths and beliefs. The paradigm of *laicidad* for the nineteenth century was the so-called “Reform” of the Mexican liberals of the 1850s, perhaps the most aggressive program of disestablishment in the region, followed closely by Guatemala. It included the disappearance of many of the establishment privileges of the Catholic Church, such as the existence of taxes earmarked for the church, the power to provide sanctuary to criminals, and the right to judge priests who committed criminal offenses. The Reform program also included the expropriation of the church’s vast and untaxed urban and rural property, allowing it only to keep property related to worship (such as churches, convents, and houses where nuns and priests lived). In addition, Reform laws created the possibility of civil (non-religious) marriage and divorce, public cemeteries, public assistance for the poor, public hospitals, a public register of births and deaths, and compulsory public education. Up to this moment, all of these services had been provided for, and controlled by, the Catholic Church, revealing the extent of its control over everyday life, from the cradle to the grave.

Other liberal governments in the region implemented similar reforms in the nineteenth and twentieth centuries, adopting some or all of these changes, and generating the identification between liberalism and disestablishment. For example, the government of José Santos Zelaya (1893–1909) in Nicaragua created secular public education and established civil marriage and divorce, as well as public cemeteries and a public register of births and deaths. It also eliminated the collection of tithes through the state. The same type of reforms were adopted in Argentina through different laws between 1820 and 1860, and in 1882 Argentina adopted a law defining public education as free, compulsory, and secular. In Brazil these changes occurred in 1891 at the end of the monarchy, although much more peacefully than in the rest of the region, as the church was glad to be freed of what it felt was suffocating state control. In Chile, liberal reforms also allowed for public cemeteries, civil marriage, and a public registry of births and deaths. In 1925 the Chilean Constitution officially declared the separation of church and state and established secular education also with little resistance from the church. In Colombia, during the liberal governments between 1863 and 1885 there were many of the same reforms, but they led to a series of civil wars with the church being defended by the Conservative Party. These wars ended in the military victory of the conservatives in 1885, and the re-establishment of the Catholic Church with many of its former privileges in the 1886 constitution and the ensuing concordat, or treaty, with the Vatican. Liberal reforms introduced in Ecuador by President Eloy Alfaro (1897–1901, 1906–1911) also led to a civil war where conservatives ardently defended church privileges; in Ecuador, however, the conservatives lost and *laicidad* reforms were firmly established in the constitution.

Uruguay represents a very thorough example of *laicidad*, with gradual reforms that completely separated church and state. Its 1830 constitution established Catholicism as the religion of the state, but included toleration of other religions. Without any dramatic anticlerical parties or political activism, Uruguay adopted the nineteenth century Reform-like program that so many other nations did, albeit at a measured pace: in 1837, civil marriage was enacted; public cemeteries in 1861; a public registry in 1880; in 1885 compulsory civil marriage and the possibility of divorce; in 1892 it curtailed direct monetary aid to the church; and in 1909 it established secular education. By 1919, Uruguay finalized its process of disestablishment with a unique feature, which was the insistence on not teaching religion in public schools, and not allowing any religious symbols in public buildings or public documents, even changing the names of publicly observed religious holidays to reflect secular commitments.

In spite of conservative opposition to disestablishment, *laicidad* reforms were not, like anticlericalism, overtly hostile to religion. This remained an area of significant importance for people's private lives, and many liberals were devout Catholics in spite of the church's wrath against liberalism—in fact, some of the leading liberals of the nineteenth century were clergymen. Some liberal provisions—for example, those limiting the political activities of the clergy and prohibiting the entry of foreign clergy into the country, as in Guatemala, Mexico, and Nicaragua—seem to correspond to the partisan activities of the church in the civil wars rather than to an antireligious *animus*. However, it is true that *laicidad* as a mode of disestablishment is neutral toward religion, and it does not give the Catholic Church preferential treatment over other religions in spite of its majority status. This preferential treatment in disestablished democracies consolidated in the twentieth century, especially in countries that had agitated conflicts over disestablishment in the past, as discussed in the next section.

### ***2.1.3 A Special Relationship: The Catholic Church and its Friendly Cooperation with Latin American States***

For most of the twentieth century the Vatican still resisted the disestablishment that swept Latin America, insisting on endorsing confessional states—that is, states that were officially Catholic. The Vatican had successfully navigated the loss of the Papal States, and “Romanization” of national churches was part of its success. Rome maintained a measure of power through national churches that were subordinate to the pope and that kept their privileges in countries where the majority was formally Catholic, especially in relation to states weakened by civil wars and poverty. The Vatican signed numerous treaties with these states, known as concordats, that were valid under international law and that granted special privileges for the national church. In Colombia, for example, these privileges included the administration of extensive mission territories where the church was responsible for

managing the state's relations with indigenous peoples and converting them to Catholicism; mission territories occupied over half the country in the early twentieth century. Even today these concordats grant the church numerous if slightly different privileges in different states, such as tax exemptions, special courts for clergy who commit crimes, freedom to manage their property as they see fit without state regulation, subsidies for the provision of health services, public education, and so on.

Until well into the twentieth century, the church considered its relationship with the modern states to be ideally that of establishment, underwritten by a concordat that enshrined establishment in international law.<sup>8</sup> The church only accepted, and even advocated, disestablishment in those countries where Catholicism was a minority religion and it was the only circumstance in which it thought freedom of religion was a natural right and not the defense of error. In the 1960s, however, during the process of updating itself and adapting to contemporary life, known as the Second Vatican Council (Vatican II) the Catholic Church accepted disestablishment for all nations, regardless of the majority's faith. The Catholic definition of disestablishment, however, was not reflected in anticlericalism or in *laicidad*. Instead, the church sought a separation that would allow it to keep many of the privileges acquired through the concordats, and to defend the measure of freedom and independence from states it had ardently defended in the nineteenth century establishments against strong states that had the upper hand, as in Brazil. The mode of disestablishment advocated by the church is known today as friendly cooperation, although it is also called positive *laicidad* by its defenders and neo-confessionalism by its critics.<sup>9</sup>

Friendly cooperation accepts the idea that the state can be in principle neutral toward the different churches and religions, and not have an official religion. But it does not accept the reduction of religious life to the private sphere, as in *laicidad*, and instead expects the state to have a generally positive view of the role of religion in society, and not be "godless." To this extent, the state must cooperate with churches of different denominations, granting them such privileges as tax breaks and public funds for the provision of public services. Friendly cooperation as a mode of disestablishment also extends strong legal rights to all religious denominations. These rights include, for example, the rights to preach and convert and to promote religious values in public life. They also include the right to freely own property as well as the possibility of receiving funds either through tax breaks or through specific budget designations for the provision of certain services, particularly health and education.

---

<sup>8</sup> See Leo XIII's *Immortale Dei* of 1885.

<sup>9</sup> This term is widely used by conservative legal authors who also attempt to re-name both anticlericalism and *laicidad* under the derogative neologism *laicismo* while reserving *laicidad* for friendly cooperation or positive *laicidad*. See Prieto (2009) for a typical example from an Opus Dei university.



In the strongest version of friendly cooperation in formerly officially Catholic nations, the state has no official religion but recognizes that Catholicism is the majority religion, and, without causing harm to other religious denominations, grants certain privileges to the Catholic Church that reflect its role in the country's history. The Peruvian Constitution of 1978, in an article that remained after the 1992 reform, enshrines the recognition of the Catholic Church as "an important element of the historic cultural and moral formation of Peru" and therefore says the state "offers cooperation" (article 50, 1992 Constitution of Peru). In other countries the special relationship is found not in the constitution but rather in the concordats that are also good law. In Venezuela, until the government of Hugo Chávez (1999–2013), the Catholic Church enjoyed special status and received funds for its religious works (Venezuela 1964). In Argentina, Article 2 of the 1994 constitution says the federal government "sustains the apostolic and Roman Catholic religion." This support has been interpreted as a financial commitment that does not impede disestablishment, but that does require money from the national budget to be allocated to the support of Catholic clergy, including not only the support of the military chaplaincies, but stipends for seminarians and priests, both practicing and retired.

The Spanish Constitution, a model for Latin American conservatives, stipulates that "No religion shall have a state character. The public authorities shall take into account the religious beliefs of Spanish society and shall consequently maintain appropriate cooperation relations with the Catholic Church and other confessions" (article 16.3). This command results in a list of special considerations and respect for the Catholic Church and the Catholic faith, a relationship directly related to the Franco dictatorship, which ardently defended the role of Catholicism and the Catholic Church in the formation of the nation and the Spanish state. The Spanish Constitutional Court has said that these articles enact a "positive *laicidad*," which is derived from the dimension of religious freedom (see Tribunal Constitucional de España 2001).

Today, the three modes of disestablishment—anticlericalism, *laicidad*, and friendly cooperation—continue to fluctuate in Latin American constitutional law. Multiple constitutional reforms, laws, and interpretations adopt different definitions of disestablishment, redefining what they mean by secular. Increasingly, the influence of US constitutionalism, with its conservative defense of nondenominational Christianity in the state and with its strong version of religious freedom, supports the friendly cooperation model of disestablishment. This is echoed by the Catholic Church's commitment to the friendly cooperation model of disestablishment, and its vigorous advocacy for robust religious freedoms. The following section explains how friendly cooperation is the background for a robust interpretation of religious freedom, expanded to protect the church as an institution with political power, sidelining the primacy of its more discreet version in the Latin American *laicidad* regime of disestablishment, with religious freedom limited to private worship and individual conscience.

## 2.2 Religious Freedom and Disestablishment in Catholic Nations

Until the nineteenth century the Catholic Church refused to be separated from the state in predominantly Catholic countries, even supporting armed struggle as a form of resistance. This resistance waned until the mid-twentieth century when, under Vatican II, the church reformulated its role in the world. First, it fully accepted the possibility of moral knowledge by other means different from Catholic revelation, which allowed it to accept the value of other religions, and the possibility that the state could be moral even if separate from the church.<sup>10</sup> But even as the passionate defense of confessional states disappeared from the agenda of the church, the responsibility of the objective knowledge of good and evil did not. The church eventually reconciled disestablishment with its conviction of its own moral superiority and its objective moral knowledge by reframing itself as a civil society actor, albeit an actor who had the special task of sanctifying public life. This is what the clergy and the faithful do when they give statements in the media supporting or rejecting a law or public policy or march against legal abortion or against gay rights: they are sanctifying public life.

Opposition to the sanctification of public life does not take place on a level playing field, as with other political disputes. The activities and beliefs of the church, and the religious commitments of the faithful receive special protection from the state as an exercise of religious freedom. For example, Catholics who refuse to provide medical services to women having a legal abortion can disobey the law with impunity as long as this disobedience is related to deeply held religious beliefs. In this understanding, religious freedom is no longer the right of a persecuted minority. It becomes, under the tutelage of the powerful Catholic Church, the church's right and the right of its faithful to sanctify public life even if this means disregarding the law. That is, religious freedom allows the church, the bishops, the clergy, and the faithful to bring to the public square arguments that are based on their faith, and to infuse it with their religious values, which they argue are also those of the majority of the population, challenging the legitimacy of laws that go against their religious beliefs. Minorities whose views are not religious—for example, homosexuals expressing their sexual orientation to support or oppose a law—are not granted the same special protection given to religious freedom.

Which religious actions are protected by religious freedom and which aren't? When does state protection of religious freedom violate disestablishment? The answers to these questions depend on the specific mode of disestablishment adopted in each constitution. In an anticlerical regime of disestablishment, all religious denominations are strictly confined to the private sphere, and there is some hostility toward the public practice of religious political influence. For example, in Mexico, in spite of the 1992 reforms, the constitution still has an article that prohibits the

---

<sup>10</sup>The most important document of Vatican II in this respect is on religious freedom: *Dignitates Humanae* (Second Vatican Council 1965).

clergy from having opinions in politics, and the regulatory decree for the 1992 *Law of Religious Associations* prohibits the church from having television or radio shows or from owning any mass media, reflecting the heritage of anticlericalism. In a regime of *laicidad*, however, where the state is neutral and religious activity is limited in the public sphere, religious freedom protects the right of citizens as individuals to associate, express, and advance their purposes provided this does not affect the rights of others or the religious neutrality of the state. An example of *laicidad* is the Uruguayan practice of excluding any religious presence from the public sphere, which includes the elimination of any religious symbols from public buildings and religious education from public education: while religious education in private schools is protected by religious freedom, public schools must be neutral.<sup>11</sup> Finally, under a regime of friendly cooperation, where the state has a positive attitude toward religion and faith in general, religious freedom protects and even promotes all expressions of faith, all religious associations, and all faith-based religious activity. It can even include special privileges for the Catholic Church. In 2013, for example, the Peruvian Supreme Court dismissed a challenge against the law that declared the Señor de los Milagros (Lord of Miracles, a religious image of Jesus Christ) the patron saint of Peru. The challenger claimed this law violated his religious freedom as an evangelical Christian, as well as the principle of *laicidad*, but the court considered the religious icon to reflect Peruvian identity and Catholic tradition, and said the consecration did not violate religious freedom; the court also cited the special cooperation the Peruvian state grants the Catholic Church in the constitution.<sup>12</sup>

Clearly the Catholic Church favors a friendly cooperation mode of disestablishment. Its ideal, however, is not Peru but the USA, where disestablishment does not preclude a favorable attitude toward religion—especially toward the Christianity of the majority of citizens—and religious freedoms protect the vigorous faith-based political activity of both churches and the faithful. The Vatican II formulation of disestablishment was adopted under the assumption that it would guarantee a stronger version of religious freedom, as in the USA. Proponents of the separation within the church, especially the American priest John Courtney Murray, argued that disestablishment benefited the church because religious freedom was the best guarantee of the independence of the institution. His argument was that an independent church would be a better champion of objective moral order, as it was not tied to governments. In this understanding, religious freedom is not only the right of individuals to have their beliefs: it is a right of the church as an institution to act in the public and private spheres, rather than just a right of the faithful.

Canon law defines religious freedom of the church as the right to preach and teach, the right to collective worship, the right of the church to have its own rules and its own authorities, the right of the church to pass judgment in temporal matters,

---

<sup>11</sup>In another example, Holy Week is still a national holiday, but it is called the Week of Tourism; the Immaculate Conception was renamed Beach Day. For Lynch (2012, 198), this renaming “helps explain Catholic distrust of liberalism in Latin America.”

<sup>12</sup>Peru, Tribunal Constitucional, March 19, 2013 EXP. N° 03372-2011-PA/TC.

the right to form educational, religious, and cultural associations, and the right to own property and use it as it sees fit (Code of Canon Law, can. 747). It also includes the right of freedom of conscience, defined as the individuals' and institutions' right not to be pressured to perform acts that violate religious beliefs. As such, freedom of conscience protects Catholic duty to sanctify daily life by promoting religious values in the public square.

Self-interest is not the only reason the Catholic Church defends a robust religious freedom and a friendly cooperation mode of disestablishment. The church also believes it still has the responsibility of moral stewardship of the polity, a responsibility that comes from its objective knowledge of right and wrong. That is, in spite of openness to other religions, the church still openly believes its own moral knowledge to be superior, generating a particular burden. The wager on disestablishment rests then on the hope that a church separate from the state will be a better moral steward than a church that partners with national governments in confessional regimes.

Thus, the Catholic definition of religious freedom justifies its acceptance of disestablishment: disestablishment only makes sense if it allows for a strong and free church that can exercise moral stewardship, and it requires a state that is willing to accommodate religious beliefs, a state that does not favor other religions, and a state that accommodates religious beliefs and practices even when they are in tension with constitutional values. In its understanding of religious freedom, the church emphasizes its institutional dimension, not its individual dimension. This is what some have called neo-confessionalism: a constitutional regime that protects religious freedom; not the freedom of religious conscience of an individual, but the freedom of action of a powerful non-state institution (Chiassoni 2013, 51).

Protection of the church's independence, including its political action, has deep roots in Catholic dogma explaining the nature of the church as a society separate from civil society, with its own authorities and its own laws. In medieval times this was phrased as ecclesiastical freedom—the church's freedom from the rule of kings—and it has changed to adapt to contemporary democracies without losing the conviction that the church has a right to govern itself freely. This conviction today is protected by the right to religious freedom: a right the church considers a God-given right, founded in universal moral law and accessible to reason, and even as the synthesis of all other human rights (Carozzo and Philpott 2012, 36).

*Dignitates Humanae*, Vatican II's declaration on religious freedom, offers three concurring definitions of religious freedom that better explain the church's position (Second Vatican Council 1965). The first definition is religious freedom as liberty of conscience, whereby individuals have the right to follow their conscience and cannot be coerced into acting against their conscience. The second concurring definition is that religious freedom protects the social expression of conscience in collective acts of religion. These two definitions follow liberal definitions of freedom of religion, coined to protect minorities from oppression by religious majorities and by the state, and forged in the anvil of Europe's numerous religious conflicts. Then the document adds a third definition of religious freedom that reflects the Catholic tradition of objective knowledge of the moral order, and its responsibility to provide

stewardship to civil society. This third aspect defines religious freedom as protecting religion generally, and creating the duty for governments to “show it favor,” not as in the first two aspects of protection of individual conscience, but to show it favor because it is defined as a direction of lives toward God, and therefore transcends temporal affairs, and thus is a human good of the utmost importance. Governments must favor this activity because “the function of government is to make provision for the common welfare.” Further, the document adds that a government would “clearly transgress the limits set to its power, were it to presume to command or inhibit acts that are religious” (Second Vatican Council 1965, 3).

Because this definition of religious freedom demands that governments favor religion and precludes them from commanding or inhibiting acts that are religious, it guarantees the Catholic Church its place of honor in the plaza: it is the right to govern its side of the plaza without state interference. If in the process it guarantees the freedom of other minority religions to govern themselves, it seems a small price to pay for ecclesiastical freedom. This freedom includes the right to act according to their own understanding of sexuality and reproduction within the church, for example by monitoring and controlling the sexuality of their religious and faithful, as well as the right to promote their views of women and homosexuals in the public arena. If the faithful of other denominations and progressive Catholics are offended by the views of the church, that rejection is reframed as a matter of intolerance, a lack of pluralism, and a breach of religious freedom—not as a matter of the unchecked institutional power of an influential corporation with no control from the state.

### **2.3 Sex and the Catholic Church in the Latin American Public Square**

Perhaps the most pressing concern for contemporary calls for disestablishment is the Catholic Church’s activism against sexual and reproductive rights. Even under Pope Francis, reputedly less socially conservative than his predecessors, church authorities oppose these rights on a daily basis, not only within the religious frame of sin and salvation, but explicitly rejecting laws that are applicable to all citizens regardless of their faith.<sup>13</sup> This activism exists against the backdrop of already problematic aspects of church dogma, such as discrimination against women within the church, the poor control and monitoring of systemic sexual abuse of children, lack of internal democracy, and severe difficulties controlling corruption within the

---

<sup>13</sup> A further example of internal division is the difference among bishops and priests in the importance they give to activism on sexuality and reproduction. Notable among these is the widely covered remark by Pope Francis that he did not have the authority to judge homosexuals. In 2014 the very conservative Peruvian Church did not join a march against same-sex civil unions, announcing they wanted to concentrate on opposition to the decriminalization of abortion (Atencio 2014).

Vatican itself.<sup>14</sup> But it also exists against the backdrop of a particular national history that varies in each country, a history in many cases marked by the political presence of the Catholic Church, its many privileges, its alliance with conservative parties, and its long-time tension with liberalism.

The opposition to the church's activism against sexual and reproductive rights can be traced not only to different forms of liberalism outside the church, but also in relation to power struggles within the church itself. John Paul II's and Benedict XVI's triumph was the triumph of a faction of the church itself: it is clear that the church, as a political body, has internal divisions between a more progressive current, which would favor the poor and equality of sexual and reproductive rights, and a more conservative current. With the fall of progressive liberation theology in the context of the Cold War, through a move that identified liberation theology with communism, there was also a change in the balance of power in the Vatican. Conservative national churches and semi-secret societies such as Opus Dei supported John Paul II and his successor, Benedict XVI, in their silencing of liberation theology, as well as in their radical opposition to laws liberalizing sexual customs. It was a realignment of political fervor of the faithful in the region distancing itself from the fight against poverty that galvanized liberation theology toward conservative support of the traditional family structure and forms of reproduction. This shift was reflected in the religious doctrine of the two popes, both in denouncing liberation theology and in the development of an orthodox doctrine (John Paul II's theology of the body) that defended traditional gender roles as a reflection of the divine will.<sup>15</sup> Acknowledging the triumph of the conservative church cannot, however, obscure the complexity of the internal contradictions of the church. The same individuals may be in favor of civil unions for same-sex couples but against the decriminalization of abortion, for example, and some priests called progressive for their opposition to dictatorships and their work with the poor are at the same time the fiercest opponents of sexual and reproductive rights.<sup>16</sup>

Recognizing this internal complexity and the contradictions of Catholicism does not deny the change of direction of the church in Latin America in the last decades—away from concern about poverty and toward a solid alliance with social conservatism around the world. The emphasis on conservative activism in turn has revitalized the historical closeness between the Catholic Church and conservative parties and factions in the region (such as the PAN in Mexico) and fueled the socially conservative aspects of some leftist parties (such as the Workers Party [PT] of Brazil). It has also paved the way for conservative alliances with fundamental evangelical congregations, intensely interested in political action, as well as with the more conservative factions of Protestant churches, and even with conservative Jewish and Muslim leaders.

---

<sup>14</sup>These conflicts have been widely covered by the international press. See, for example, The Guardian 2010; El Mundo 2014.

<sup>15</sup>See John Paul II *Mulieris Dignitatem* 1986; Congregación para la Doctrina de la Fe 1986.

<sup>16</sup>See, for example, this interview with Peruvian bishop Luis Bambarén in La República (2014a).

As a reaction, the activism of the church in matters of sexuality and reproduction has led to a revival of disestablishment as a progressive cause. Feminist and LGBTI activists in the region have called for disestablishment in a *laicidad* model, limiting religion to private worship, and sometimes making calls for a return of anticlericalism as hostility to religion. They have found allies in liberal and left-wing political parties, as well as in liberal intellectuals, doctors, and scientists. For example, since 2000 Latin American feminists have led a campaign that has been replicated worldwide through the Canadian AWID (Association for Women's Rights in Development) campaign called "Your Mouth is Fundamental Against Fundamentalism" [*Tu boca fundamental contra los fundamentalismos*] (see *Articulación Feminista Marcosur* 2015). The campaign's theme identifies the opposition to sexual and reproductive rights as a religious fundamentalism that erodes individual liberties. Another example is the fact that in Colombia since 2008, when the Inspector General's Office began promoting conservative Catholic values, feminists have campaigned for disestablishment; one of their slogans is "free people in lay states, it's my body, it's my choice." Yet another example is the fact that in Mexico, also in 2012—partly in response to an effort by the Catholic conservative PAN party to amend the constitution to include a more robust formulation of religious freedom—an alliance of feminists, sexual rights activists, and liberals began a successful campaign to include a provision in the constitution that Mexico was a lay republic. This formulation has a close relationship with other liberal laws passed in Mexico City, such as marriage and adoption rights for same-sex couples and the decriminalization of abortion during the first 3 months of pregnancy. The church opposed these laws, and when abortion was decriminalized in the first 12 weeks of pregnancy, the cathedral in the plaza rang their bells in mourning and protest for the deaths of unborn children. The feminist response to this protest is the call for *laicidad* as the mode of disestablishment, while in turn the church and its defenders demand friendly cooperation.

However, the confrontation between feminist and LGBTI rights defenders, on the one hand, and the Catholic Church and its socially conservative allies, on the other, is not limited to the confrontation between two political sectors with opposing interests. It is also a confrontation where one of these political actors has a dense history of engagement with the state, a history of institutional power, and an endless appetite to regulate sexual mores. It is an actor that has enjoyed privileges shared by no other political actor, and has also been part of dense national histories of political conflict. As constitutionalism adopts global prescriptions for the content of rights, the content of the Catholic Church's religious freedom remains undebated. What can religious freedom mean in Latin America for an institution that has had and continues to have so much political, social, and economic power? Does religious freedom give the Catholic majority the right to disobey laws that protect minorities? These are the questions we must resolve as national legal communities, where disestablishment and religious freedom follow the trajectories of distinct national politics, and not in globalized arenas where the US definition of religious freedom tends to prevail.

Engagement with these questions should not ignore the fact that the church has internal divisions that are not resolved by democratic means. Thus, tensions between

the Vatican and national churches or between them and some orders of priests or nuns, on how to achieve the church's mission in the region, are resolved by Vatican authority. The infighting that resulted in triumph for Joseph Ratzinger (Benedict XVI) and the silencing of Leonardo Boff (a major liberation theologian) are not open to scrutiny, and no one can participate in them except for church hierarchies, all composed by men who have vowed to be celibate and are usually white and old. Does the lack of internal democracy and experience with reproduction and sexuality challenge the right of the church to speak out against or in favor of laws that regulate sexuality and reproduction?

These are unanswered questions, to which this essay has sought to provide an approach and an initial contextualization; these are questions that, in any case, cannot be answered by transplanting debates on religious freedom that are rooted in countries with Protestant majorities. In the USA, the Supreme Court has interpreted disestablishment in notoriously confusing forms; however, amid the confusion it is clearly considered an important value that includes respect for the plurality of religions that form part of US history. Disestablishment in the USA occurred early and included the disestablishment of multiple churches; it was done in the name of religious pluralism, so the state would not benefit a particular creed or church.<sup>17</sup> Latin American history is quite different: here disestablishment has only one name—the disestablishment of the Catholic Church—and its full relevance to constitutional law and to individual freedoms has yet to be constructed.

For now, any visitor standing in the middle of the main plaza must remember that the cathedral in front of her is not a relic. It offers religious services regularly and is also a space for political mobilization. Remember the bells in Mexico City, mourning the unborn children? Their sound is not only the clanging of religious ideas in the public square. It is also the sound of an institutional political actor who has often been the state's rival for the hegemony of political power. Remember that the Catholic Church accepts disestablishment only if it guarantees that it can govern itself, its money, its property, its many charities, hospitals and health centers, schools and universities, media, priests, and faithful, as it sees fit. In other words, it accepts disestablishment only if it can continue, with the same force, present and active, for better and for worse, governing its own side of the public square.

## References

- Articulación Feminista Marcosur. (2015). Tu boca fundamental contra los fundamentalismos. *Articulación Feminista Marcosur*, November 17. <http://www.mujeresdelsur-afm.org.uy/tu-boca-fundamental-contra-los-fundamentalismos>. Accessed 17 June 2016.
- Atencio, Roberto. (2014). Iglesia católica no marcharía contra la ley de unión civil. *Correo del Peru*, May 19. <http://diariocorreo.pe/ultimas/noticias/9560771/edicion+huancayo/iglesia-catolica-no-marcharia-contra-ley-de>. Accessed 10 June 2015.

---

<sup>17</sup>There is abundant legal literature on religion in US constitutionalism. For an authoritative review, see Witte and Nichols 2011.



- Blancarte, R. (1992). *Historia de la iglesia católica en México*. Mexico D.F: Fondo de Cultura Económica.
- Carozzo, P., & Philpott, D. (2012). The Catholic Church, human rights and democracy: Convergence and conflict with the modern state. *Logos*, 15(3), 15–43.
- Cancino, Karla. (2014). Arrecia Iglesia Católica en Xalapa campaña contra ley de convivencia. *Diario de Xalapa*, May 5. <http://www.oem.com.mx/diariodexalapa/notas/n3380461.htm>. Accessed June 10, 2015.
- Chiassioni, P. (2013). *Laicidad y libertad religiosa*. Mexico D.F: UNAM.
- Congregación para la Doctrina de la Fe. (1986). *Carta a los Obispos de la Iglesia Católica sobre la atención pastoral a personas homosexuales*. [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19861001\\_homosexual-persons\\_sp.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19861001_homosexual-persons_sp.html). Accessed 3 July 2015.
- Crahan, M. E. (1985). Cuba: Religion and revolutionary institutionalization. *Journal of Latin American Studies*, 17, 319–340.
- Dussell, E. (1981). *A history of the Church in Latin America: Colonialism to liberation*. Grand Rapids: Eerdsman Publishing.
- El Mundo. (2014). El Papa Francisco decide que Banco Vaticano permanezca operativo. *El Mundo Madrid, España*, May 7. <http://www.elmundo.es/internacional/2014/04/07/53426099e2704ed648b456f.html>. Accessed 10 June 2015.
- La Prensa. (2014). Iglesia Católica reitera oposición a la píldora del día después. *La Prensa, Tegucigalpa, Honduras*, April 24. <http://www.laprensa.hn/lasultimas24/693292-98/iglesia-catolica-reitera-oposición-a-la-píldora-del-día-después>. Accessed 10 June 2015.
- La República. (2014a). Luis Bambarén: “Tengo confianza en que la tiranía de César Álvarez y su grupo ya terminó”. *La República*, April 13. <http://www.larepublica.pe/13-04-2014/tengo-confianza-en-que-la-tiranía-de-cesar-alvarez-y-su-grupo-ya-terminó>. Accessed 10 June 2015.
- La República. (2014b). Unión civil enfrenta a Iglesia Católica con Vargas Llosa. *La República*, April 23. <http://www.larepublica.pe/23-04-2014/union-civil-enfrenta-a-iglesia-catolica-con-vargas-llosa>. Accessed 10 June 2015.
- Lemaitre, J. (2009). Anticlericales de nuevo. In L. Peroni (Ed.), *Derecho y Sexualidades* (pp. 286–304). Buenos Aires: Librería.
- Lemaitre, J. (2010). By reason alone: Catholicism, constitutions and sex in the Americas. *ICON*, 10(2), 493–511.
- Lemaitre, J. (2013). *Laicidad y Resistencia*. Mexico D.F: UNAM.
- Lynch, J. (2012). *New worlds: A religious history of Latin America*. Oxford: Oxford University Press.
- Mecham, J. L. (1966). *Church and state in Latin America: A history of politico-ecclesiastical relations*. Chapel Hill: University of North Carolina Press.
- Milenio. (2014). Arzobispo se pronuncia a favor del derecho a la vida. *Milenio*, May 25. [http://www.milenio.com/region/Iglesia\\_catolica\\_Monterrey-derecho\\_a\\_la\\_vida-aborto-eutanasia-Congreso\\_local-iniciativa\\_de\\_reforma\\_0\\_305369559.html](http://www.milenio.com/region/Iglesia_catolica_Monterrey-derecho_a_la_vida-aborto-eutanasia-Congreso_local-iniciativa_de_reforma_0_305369559.html). Accessed 10 June 2015.
- Mujica, J. (2007). *Economía política del cuerpo. La reestructuración de los grupos conservadores y el biopoder*. Lima: Fondo de Población de las Naciones Unidas/Centro de Promoción y Defensa de los Derechos Sexuales.
- Prieto, V. (2009). La laicidad positiva del Estado colombiano. *Pensamiento y Cultura*, 12(1), 39–65.
- RCN. (2014). Choque entre Iglesia y ONG por decisiones congreso a favor del aborto. *RCN Radio*, May 7. <http://www.rcnradio.com/noticias/choque-entre-iglesia-y-ongs-por-decisiones-del-congreso-favor-del-aborto-135066>. Accessed 10 June 2015.
- The Guardian. (2010). Rebel U.S. nuns in showdown with Vatican over women’s role. *The Guardian*, June 9. <http://www.theguardian.com/world/2012/jun/09/vatican-showdown-america-liberal-nuns>. Accessed 10 June 2015.

- Vaggione, J. M. (2005). Reactive politicization and religious dissidence the political mutations of the religious. *Social Theory and Practice*, 31(2), 233–255.
- Vaggione, J. M. (2013). *Laicidad y Sexualidad*. Mexico D.F: UNAM.
- Witte, J., & Nichols, J. A. (2011). *Religion and the American constitutional experiment*. Boulder: Westview Press.

## ***Vatican Documents***

- Gregory XVI. (1832). *Mirari vos*. Encyclical. Vatican. <http://es.catholic.net/op/articulos/2501/mirari-vos-sobre-los-errores-modernos.html>. Accessed 27 Jan 2016.
- John Paul II. (1986). *Mulieris Dignitatem*. Apostolic letter. Vatican. [https://w2.vatican.va/content/john-paul-ii/en/apost\\_letters/1988/documents/hf\\_jp-ii\\_apl\\_19880815\\_mulieris-dignitatem.html](https://w2.vatican.va/content/john-paul-ii/en/apost_letters/1988/documents/hf_jp-ii_apl_19880815_mulieris-dignitatem.html). Accessed 27 Jan 2016.
- Leo XIII. (1885). *Immortale Dei* of 1885. Encyclical. Vatican. [http://w2.vatican.va/content/leo-xiii/es/encyclicals/documents/hf\\_l-xiii\\_enc\\_01111885\\_immortale-dei.html](http://w2.vatican.va/content/leo-xiii/es/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei.html). Accessed 27 Jan 2016.
- Leo XIII. (1891). *Rerum Novarum*. Encyclical. Vatican. [http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf\\_l-xiii\\_enc\\_15051891\\_rerum-novarum.html](http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html). Accessed 17 June 2016.
- Pius IX. (1834). *Singulari nos*. Encyclical. Vatican. <http://www.papalencyclicals.net/Greg16/g16singu.htm>. Accessed 27 Jan 2016.
- Pius IX. (1864). *Quanta cura* and *syllabus* Encyclical. Vatican. <http://www.filosofia.org/mfa/far864a.htm>. Accessed 27 Jan 2016.
- Pius X. (1906). *Vehementer nos*. Encyclical. Vatican. [http://w2.vatican.va/content/pius-x/en/encyclicals/documents/hf\\_p-x\\_enc\\_11021906\\_vehementer-nos.html](http://w2.vatican.va/content/pius-x/en/encyclicals/documents/hf_p-x_enc_11021906_vehementer-nos.html). Accessed 27 Jan 2016.
- Second Vatican Council. (1965). *Dignitates Humanae*. Statement. Vatican. [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651207\\_dignitatis-humanae\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html). Accessed 17 June 2016.

## ***Case Law and Legislation***

- Code of Canon Law. Book III: The Teaching Function of the Church. *Libreria Editrice Vaticana*. [http://www.vatican.va/archive/ENG1104/\\_P2H.HTM](http://www.vatican.va/archive/ENG1104/_P2H.HTM). Accessed 17 June 2016.
- Ley de Asociaciones Religiosas y Culto Público de México. (1992, July 15). Diario Oficial de la Federación.
- Sentencia del Tribunal Constitucional de Perú. (2013). March 19, EXP. N° 03372-2011-PA/TC. <http://www.tc.gob.pe/jurisprudencia/2013/03372-2011-AA.pdf>. Accessed 17 June 2016.
- Tribunal Constitucional de España. (2001, February 15). Decision STC 46/2001, Caso Secta Moon.
- Venezuela. (1964). *Law approving the agreement between the Republic of Venezuela and the Holy Apostolic See*. Official Gazette of Republic n27478, June 30.

## Chapter 3

# Laicism: Exclusive or Inclusive?

Faviola Rivera-Castro

**Abstract** This chapter examines two perspectives on the meaning of political laicism (*laicidad*). According to the traditional view, which the author calls “exclusive,” laicism requires the exclusion of all religious content from state institutions as well as from formal politics. The second, “inclusive” view emerged as a reaction against the traditional view and in response to both the growth of religious pluralism and the more public role assumed by some religious organizations in recent decades, placing no restrictions on the expression of religious content in society at large and therefore allowing it in both public institutions and formal politics. The author considers traditional laicism from a historical perspective in the case of Mexico in order to bring to light the fact that Mexican traditional laicism initially constituted a *liberal* response to the political challenges posed by the dominant Catholic Church. The author then presents the central features of an acceptable version of exclusive laicism that we should think of as an institutional arrangement that can develop within different political ideologies, such as republicanism or liberalism. The liberal (exclusive) conception of laicism constitutes an adequate response to the growing religious pluralism in Latin America today. A plausible version must be fully compatible with the protection of basic liberal values and freedoms, such as freedom of conscience and freedom of expression (which includes the expression of religious convictions in the public sphere).

**Keywords** Laicism • Religious Pluralism • Liberal Laicism • Republican Laicism • Religious neutrality • Institutional arrangement • Separation between church and state

There are two main perspectives on the meaning of political laicism (*laicidad*). According to the first view, laicism is a standpoint on the relationship between

---

F. Rivera-Castro (✉)  
National Autonomous University of Mexico, Mexico City, Mexico  
e-mail: [faviolarivera@gmail.com](mailto:faviolarivera@gmail.com)

religion and politics that requires the exclusion of all religious content from the institutions of the state (“public institutions” for short) as well as from formal politics, i.e., from the discourses by public officials and campaigns for public office. By religious “content” I mean the display of religious symbols, the observance of religious rituals (such as taking an oath on a sacred text), and the use of religious language that can be taken as an expression of endorsement or disapproval of a particular religion or of religion as such. According to the second view, laicism places no restrictions at all on the expression of religious content in society at large and therefore allows it in both public institutions and formal politics. I will call the first view “exclusive” and the second one “inclusive.”<sup>1</sup>

The exclusive view is the traditional view, which may also require the exclusion of some religious content from the public sphere more broadly (e.g., the broadcasting of religious services through electronic media, the wearing of religious attire outside of religious buildings, and the carrying out of religious services outside religious buildings, among other prohibitions). This exclusive view may also prohibit clergy from publicly expressing their personal opinions on political issues and holding political meetings inside religious buildings. The inclusive view, by contrast, is a recent development on the meaning of laicism that emerged as a reaction against the traditional exclusive view and in response to both the growth of religious pluralism and the more public role assumed by some religious organizations in recent decades. It may be surprising that its advocates call “laicist” (“*laica*”) an inclusive view that promotes the expression of religious convictions and arguments in public institutions and in political debate more broadly. The reason for this is that such advocates wish to present their understanding as a new “revised” version of laicism. Against the traditional, exclusive view, they wish to promote an allegedly updated rendering of laicism that is in fact inclusive. This supposed revision manifestly implies the complete reversal of the traditional doctrine of political laicism and its transformation into its exact opposite. In this inclusive view, laicism ceases to call for limits to the expression of religious content in some areas of public life and begins to welcome different types of religious expression in all social domains. Instead of rejecting laicism, the proponents of the inclusive view aim to subvert traditional laicism and turn it against itself.

In this chapter, I argue that the growth of religious pluralism and the more public role assumed by some religious institutions do not by themselves call for the end of exclusive laicism. On the contrary, a revised version of traditional laicism that continues to be exclusive constitutes an adequate response to this changing social context. A plausible version of exclusive laicism has to be fully compatible with the protection of basic liberal values and freedoms, such as freedom of conscience and freedom of expression (which includes the expression of one’s religious convictions in the public sphere).

The chapter is organized as follows. In the first section I briefly consider traditional laicism from a historical perspective in the case of Mexico. My aim here is to bring to light the fact that Mexican traditional laicism initially constituted a *liberal*

---

<sup>1</sup>For the “inclusive” view (and a criticism of it) see Chiassoni 2013.

response to the political challenges posed by the dominant Catholic Church. In the second section, I present the central features of a version of exclusive laicism that can be acceptable today. Here I maintain that we should think of laicism as an institutional arrangement that can develop within different political ideologies, such as republicanism or liberalism. In the third section, I argue that a liberal (exclusive) conception of laicism constitutes an adequate response to the growing religious pluralism in Latin America today.

### 3.1 Traditional (Liberal) Laicism

Laicism historically developed in Hispanic America in response to a political and ideological conflict with the dominant Catholic Church. Thus, traditional laicism was not originally motivated by the political problems posed by religious pluralism or by a subjective attitude of hostility toward religion as such. Instead, laicism constituted a response to an ideological and political conflict between two institutions: the state and the dominant church. This is why it is often believed that the exclusive conception of laicism should be abandoned today: because the growth of religious pluralism has replaced the original conflict between the state and the still dominant Catholic Church. As I will argue later, this usual assumption is unwarranted, but in this section, I will briefly explain how Mexican traditional laicism originally constituted a *liberal* response to the political problems posed by the leading church. The two main points that I wish to highlight are the kind of political problems that originally motivated the advancement of laicism and the institutional liberal response that ensued.

It is rarely noticed that laicism originally developed in Mexico within the liberal ideology that was dominant in Hispanic America in the late nineteenth and early twentieth centuries.<sup>2</sup> This liberal ideology emphasized citizens' formal equality; the individual freedoms of occupation, of thought, and of the press, as well as economic freedoms; popular sovereignty, a republican form of government (i.e., non-monarchical), constitutionalism; and the disestablishment of religion. However, the strongest political opponent to liberal reformers was the Catholic Church, which was the most powerful corporation that stood against all the changes that liberal reformers envisioned. The church opposed civil equality in order to protect its own legal privileges and immunities, rejected the freedoms of thought and of the press as threats to religious morality and clerical authority, fought against economic reforms that endangered its position as the largest landowner and wealthiest corporation, favored a form of government that mirrored its own hierarchical structure (i.e., absolute monarchism), and sought to maintain official recognition and support by the state. The church was not only a wealthy financial agent and a central political actor, but also in charge of public education (i.e., schooling open to all regardless of race and social class), the registry of births and deaths, and the running of hospitals

---

<sup>2</sup>On Mexican liberalism see Hale (1968, 1989).

and cemeteries. The confrontation between the liberal state in the making and the Catholic Church influenced liberalism to take the direction of laicism.

The challenge posed by the church to the liberal regimes was particularly complex because it opposed all aspects of liberal ideology in the name of the religion of the vast majority. This challenge combined claims to political and economic power with the defense of morality and religion. Thus, the state could not limit the political and economic power of the church without being regarded as an enemy of morality and religion. The latter, in turn, sought to undercut the authority of the church in all its manifestations. The confrontation between the two powers took place at all levels of social life: economic, political, juridical, administrative, social, and ideological.

In a confrontation that led to civil war, liberal reformers forced the selling of church property that wasn't used for religious services in the name of economic progress; abolished clerical legal privileges and immunities in the name of civil equality; established a regime of separation of church and state in order to both free the state from the church's power of influence and protect religious freedom; established a civil registry; declared religious matrimony null for civil purposes; closed monasteries and nunneries; secularized cemeteries and hospitals; and set in motion a process of gradual laicization of state-funded schooling. In the midst of the civil war, the government confiscated church property not directly related to religious services. These reforms ended a centuries-old tradition of religious establishment and opened the way for religious freedom.

The institutional response that liberal reformers offered to the political and ideological confrontation with the Catholic Church was twofold. On the one hand, they established a regime of separation between church and state. The purpose of separation was not to protect religious institutions from state interference (though the state was committed to not interfere in their internal affairs), but to free the state from the power of influence of the dominant church and to force the transformation of the latter into an independent civil association. For the first time, the state did not coerce citizens to comply with religious duties, Catholic baptism was separate from the official registry of birth, officially recognized matrimony did not presuppose a particular religion, and Catholic baptism was not a requirement for burial in cemeteries.

On the other hand, liberal reformers established a policy of religious neutrality according to which the state had to be *neutral* regarding religion as such. According to this policy, the state was neither to favor nor attack religion. This policy developed in the context of the debates about how to develop official schooling, which was a central means in the ideological battle against the dominant religion. Official schooling was crucial for the creation of citizens who could be loyal to a liberal state despite their religious convictions. As liberal reformers sought to make official schooling independent from Catholicism, they understood that neutrality required the exclusion of all religious content that could otherwise be taken as an endorsement or criticism of religion in public institutions and official discourse. In the particular case of official schooling, separation and neutrality required the prohibition of religious institutions from running official schools, the prohibition of religious

personnel from teaching in them, and the exclusion of all religious content from school buildings and from the school curriculum. At the same time, liberal reformers granted religious institutions the right to establish their own private schools. Though the liberal regimes did not apply this policy strictly, neutrality required the removal of all religious symbols and rituals from public institutions (oath bibles were indeed forbidden) insofar as they could be taken as expressions of religious endorsement. Likewise, official discourse had to be free from all religious language that could be taken as an affirmation or criticism of religion. If consistently carried out, the policy on religious neutrality would lead to the invisibility of religion in public institutions and in official discourse.

I have very briefly considered here the liberal beginnings of Mexican traditional laicism in order to highlight three main points. The first point is that traditional laicism originally constituted a distinctively *liberal* response to the political challenge posed to the state by the hegemonic Catholic Church. Thus, it would be a mistake to assume that laicism is necessarily incompatible with basic liberal rights and values. On the contrary, liberalism took the form of laicism in the Mexican case in order to protect basic liberal rights and values (such as freedom of conscience) against the forceful opposition of a dominant and powerful church. The second point is that the development of traditional laicism was motivated by the *political* and *ideological* confrontation between the state, on the one hand, and the dominant religious institution, on the other. Thus, it would be a mistake to suppose that traditional laicism has been primarily or solely motivated by an attitude of hostility toward religion. The third point is that this original liberal laicism was primarily characterized by two features: on the one hand, a regime of separation between the state and religious institutions; on the other hand, a policy of neutrality that required public officials and institutions to abstain from both favoring and criticizing religion. In the following section, I will develop this third point into the claim that we should understand political laicism as an institutional arrangement.

### 3.2 Laicism as an Institutional Arrangement

Building on historical experience, I propose to conceive *liberal* laicism as an *institutional arrangement* for the protection of basic liberal political values, which include freedom of conscience and citizen's equality. Historically, as we saw in the previous section, a laicist arrangement aims to realize such basic values in a social context characterized by the political and ideological confrontation between the state and a dominant religious institution. In response to this context, the main institutions in a laicist arrangement have been a regime of separation between churches and the state as well as a policy of religious neutrality. As I explained in the previous section, these were the institutions central to historical liberal laicism.

Why an "institutional arrangement"? In the ongoing debate over the meaning of laicism, the distinction between basic political values and institutional arrangements has gone unnoticed. According to some, laicism is a regime that protects

freedom of conscience and citizens' equality, which are both basic political values.<sup>3</sup> According to others, laicism is a view on the source of political legitimacy: a laicist regime, in this perspective, does not make use of religious sources but appeals to popular sovereignty as the source of its legitimacy (Blancarte 2004). Here again, laicism is identified with a basic political value—popular sovereignty. However, other authors maintain that the heart of laicism is the value of neutrality, which is a policy that is part of an institutional arrangement (Guevara 2007). The distinction between these conceptual levels matters for our understanding of laicism. Basic political values express a political regime's fundamental commitments and are usually expressed in encompassing political doctrines such as liberalism, republicanism, or socialism. Institutional policies, by contrast, are ways to realize basic political values through specific institutional arrangements that are responsive to specific features of the social and political context. While basic political values may be deemed appropriate for all societies and may indeed be affirmed in quite different social and political contexts, policies or institutional arrangements develop in light of specific and arguably contingent features of every society. In what follows, I argue that we should *not* identify laicism with basic political values (such as freedom and equality or popular sovereignty). Instead, we should regard laicism as an institutional arrangement regarding the relation between religion and politics in light of basic political values. Such an institutional arrangement can develop within different political doctrines (such as republicanism or liberalism) and should not be identified with anyone in particular. An advantage of this proposal is that it allows us to distinguish between (French) republican and liberal laicism as two variants of laicism that developed historically in two different social and political contexts. One could stretch the claim and argue in favor of a socialist variant of laicism, but I will not develop this point here.<sup>4</sup>

The distinction between the level of basic political ideas, on the one hand, and of institutional arrangements, on the other, is important for reasons of conceptual clarity. Basic political ideas may be realized within quite different institutional arrangements and do not necessitate any one in particular. For example, freedom of conscience may be protected under a regime of separation between church and state, but also under a regime that aims to place all religious organizations on a level of equality and thus favors those that are at a disadvantage. While we may agree that all societies should protect the individual right to freedom of conscience, identifying which particular institutional arrangement may be more conducive to this aim will depend on specific features of the social context. Some societies may opt for a regime of separation or for the equal support of all religious confessions in light of very specific considerations, such as the conflict between the state and a dominant religion, the fear that a particular confession may seize political power in order to impose its own views on all of society, or the perception that the state should

---

<sup>3</sup> See “Declaración Universal de la Laicidad” in Blancarte (2007).

<sup>4</sup> Marcel Gauchet (2003) suggests this possibility in *La religión en la democracia: el camino del laicismo*.



guarantee equality of opportunity to all citizens in their exercise of the right to freedom of conscience, to name three possibilities.

If we place laicism at the level of basic political ideas—such as freedom of conscience, equality, or popular sovereignty—quite different institutional arrangements may be rightly defended in its name. A regime of separation and a state policy supporting all religions equally may be adequately called “laicist” to the extent that both are said to protect freedom of conscience. As it is manifest, the placing of laicism at this conceptual level would stretch its meaning so widely that laicism, lacking any distinctive features, would be impossible to identify. If all societies that in some way or another protect freedom of conscience and equality are supposed to be laicist, what, one should ask, does the adjective “laicist” add to these basic political values that is not already contained in them? If placed at this conceptual level, laicism would be devoid of any specific content.

Alternatively, if we claim laicism to be an institutional arrangement regarding the relationship between religion and politics, it becomes possible to determine its meaning more precisely. From this perspective, laicism can be claimed to be a way of realizing basic political values that are directly relevant to the political problems posed by organized religion. Among such values we may include freedom of conscience and citizens’ equality. This way of regarding laicism is plausible from both a historical and a conceptual perspective. Historically, political actors began to refer to a political regime or a particular institution (such as the official school) as “laicist” in order to express its independence from both religious institutions and religious content. Laicism was originally identified not with basic political values but with the specific institutions that can best realize them. Among such institutions, as we have seen, appear prominently the separation between church and state and the policy of religious neutrality. From a conceptual point of view, on the other hand, the view of laicism as an institutional arrangement allows us to capture the fact that laicism has in fact developed within both liberalism and republicanism. There is no good reason why laicism should be exclusively identified with either of these political doctrines, though there is a strong tendency in the literature on the topic to identify laicism with the French republican experience (Laborde 2008; Poulat 2012). Such a tendency falls prey to the same temptation of associating laicism with basic political values. If one does so, we should rightly ask what the adjective “laicist” adds to republicanism after the two of them have been identified. If, instead, we regard republicanism as a family of basic political values, on the one hand, and laicism as a republican arrangement aimed at the realization of such values (specifically of those that directly bear on the political problems posed by religion), it becomes possible to identify other kinds of laicism, such as the liberal variant briefly presented in the previous section. As I mentioned earlier, one could go a step further and identify a socialist variant of laicism, but I will not do so here.

In the remainder of this section I will explain what is distinctive about a liberal laicist arrangement from two points of view: first, what’s distinctive about it within the family of liberal institutions; second, what distinguishes it from a traditional republican laicist arrangement. I will take these two points in turn.

Among liberal institutions, authors often include a regime of separation between the state and religious institutions as a way of addressing the problems posed by religious pluralism (Ryan 2012). Thus, a regime of separation is not what is distinctive about liberal laicism within the family of liberal institutions. Instead, what's distinctive about it is the specifically *laicist* policy of religious neutrality, which, as we saw, requires the exclusion of *all* religious content from public institutions and from official discourse. If consistently carried out, as I mentioned, this policy leads to the invisibility of religion in formal politics. I wish to emphasize that this is a distinctively “laicist” conception of neutrality. Liberals, as is well known, have usually favored some kind of neutrality both in theory and in practice (Kymlicka 1989). However, within liberal discourse, neutrality is usually understood with respect to a plurality of religious confessions, not with respect to religion as such. With the usual understanding, a state may be neutral with respect to a plurality of religious confessions when it does not act with the aim of favoring or disfavoring any one in particular (or some of them). Thus, a policy of neutrality, so understood, is compatible with the affirmation of religious content in public institutions and in official discourse as long as such content does not intend to favor or disfavor any religious confession in particular. By contrast, a distinctively laicist policy of religious neutrality is directed to religion as such with the aim of making it invisible in public institutions and in official discourse. Since it is directed to religion as such, laicist neutrality can be carried out in the absence of religious pluralism. Though the latter is the historical scenario in which laicism was first developed, I will claim in the following section that exclusive laicism can also constitute an adequate response in a social context of growing religious pluralism.

Within the family of liberal institutions, a laicist arrangement represents a radical, exclusivist position on the relationship between religion and politics. Liberal writing on the expression of religious convictions in political debates is divided between those who favor some degree of exclusion and those who argue for inclusive views.<sup>5</sup> The debate has focused on whether public officials and ordinary citizens may appeal to religious grounds to support their views on legislation and public policy.<sup>6</sup> Despite the disagreements among the various liberal views on offer, all authors share the assumption that the expression of religious convictions should be allowed in public political discourse, i.e., in the discourse by public officials, candidates running for public office, and ordinary citizens speaking publicly about political issues. For all their disagreements, there is an underlying agreement that the expression of religious symbols and religious language more generally should not be banished from official discourse. Liberal authors agree that, if there are to be limits to this kind of expression, such limits should apply only to the grounds offered for judicial decisions, legislation, and public policy, all of which involve the use of coercion by the political authority. In a polity in which there is a plurality of moral views, some of which are religious and some are not, there are good reasons for

---

<sup>5</sup>For a taxonomy of inclusive and exclusive views see Greenawalt 1996.

<sup>6</sup>Robert Audi (1997) and John Rawls (1999) offer the most prominent exclusivist proposals. Christopher J. Eberle (2002) has developed an influential inclusivist view.

thinking that religiously based justifications cannot be appropriate in matters that apply to all citizens through the force of law. Though partisans of exclusive laicism may agree with this liberal consensus, they go further in demanding the complete exclusion of *all* religious content from public institutions and from official discourse. This is why laicism constitutes, within liberalism, a radical exclusivist position on the relationship between religion and politics.

To conclude this section, I now turn to what distinguishes liberal laicism from the better-known traditional republican variant. There are two main differences. The first one concerns their respective attitudes toward religion; the second one involves the scope of laicism. Whereas liberal laicism is committed to a policy of religious neutrality according to which the state should neither favor nor attack religion, the traditional republican variant incorporates a strand of the Enlightenment critique of religion that considers religious beliefs to be irrational. Consequently, the latter turns out to be hostile to religion in a way that the former is not. Though both of them affirm the constitutional protection of freedom of conscience, the republican variant goes further and also affirms “freedom of thought,” which is an emancipatory conception of individual freedom that focuses on the individual’s capacity to affirm and live by only those convictions that can withstand rational scrutiny.<sup>7</sup> The successful exercise of this capacity is autonomy, which is an ideal of character to be pursued by citizens. The exercise of autonomy entails the emancipation from oppressive social powers as well the subjection of authority and tradition to rational criticism. If religious convictions, in particular, are considered to be irrational superstitions, freedom of thought leads to requiring the emancipation from religion. This emancipatory conception of individual freedom, which in fact has historically been taken to require emancipation from religion, has been central to traditional republican laicism. By contrast, this view of individual freedom is absent in the liberal conception of laicism, which, as we saw, rules out the official criticism of religion as inconsistent with neutrality. To be sure, neutrality has undeniable negative effects on the dominant religion (though not necessarily on religion as such), but liberal laicist institutions do not pursue the explicit aim of emancipating citizens from religion.

The second point of contrast between the liberal and the republican variants of laicism concerns their respective scopes. Though both of them seek to exclude all religious content from public institutions and from official discourse, republican laicism goes further and also requires the exclusion of specific cultural affiliations (Laborde 2008). This asymmetry is rooted in their respective conceptions of citizens’ equality. Whereas liberal laicism affirms a conception of formal legal equality that can be compatible with cultural diversity, the republican variant also includes a conception of equality as homogeneity that directly clashes with multiculturalism. According to the latter, citizens should conceive of themselves in light of universal political values, but should abstract themselves from differences due to religious or cultural particularity. The republican commitment to the creation of a culturally homogeneous citizenry has led to the refusal to admit the existence of cultural minorities.

---

<sup>7</sup> As has been noted, these two conceptions of freedom are in tension; see Baubérot (2000).

Indeed, the official republican ideology does not recognize cultural minorities. Within republican discourse, difference and pluralism are associated with division and conflict. By contrast, a liberal conception of laicism does not require citizens' cultural homogeneity and can be made compatible with cultural diversity.

In this section, I have argued that laicism should not be identified with basic political values, but should be conceived of as institutional arrangement. In the particular case of liberal laicism, I have built on historical experience in order to claim that we should understand it as an institutional arrangement characterized by two features: a regime of separation between church and state and a policy of religious neutrality that requires the exclusion of all religious content from public institutions and from official discourse. In the following section I will make two amendments to this historical conception of liberal laicism and present a new version that, I believe, can be plausible today in response to the growing religious pluralism of societies previously characterized by the dominance of a powerful religious institution.

### 3.3 Liberal Laicism Today

The purpose of this final section is to argue that a liberal conception of laicism constitutes an adequate response to the political problems posed by growing religious pluralism. In the ongoing debate over the meaning of laicism, it is often thought that the growth of religious pluralism has rendered traditional exclusive laicism dated and that a major revision is in order (Blancarte 2007). Indeed, as I reminded the reader in the first section, traditional exclusive laicism originally developed in response to the political and ideological challenges presented to the state by a dominant and powerful religious institution. Since the social context has changed significantly, it is often assumed that traditional (exclusive) laicism must therefore be abandoned. As I mentioned at the beginning of this chapter, some claim that traditional laicism should be replaced with an inclusive view that welcomes the expression of religious content in public institutions and in official discourse. In this view, the growth of religious pluralism and the more public role assumed by some religious organizations call for the open expression of religious content in all domains of social life. Against this powerful trend, I wish to argue that religious pluralism does not by itself make exclusive laicism obsolete. On the contrary, in a polity increasingly divided along religious lines, exclusive laicism may be the adequate response.

The kind of exclusive laicism that I believe can fit the bill is the liberal variant because it is fully compatible with the protection of basic individual rights and liberties, such as freedom of conscience and of expression. As we saw, the two main features of historical liberal laicism are a regime of separation between religious institutions and the state, on the one hand, and a policy of religious neutrality that requires the exclusion of all religious content from public institutions and from official discourse. However, at least three amendments are necessary for this conception of laicism to be adequate today. The first amendment is that the regime of

separation implies the supremacy of the state over religious institutions. This means that the latter should not only be independent from political power; religious institutions should also be subordinate to political authority. The second amendment takes note of the fact that that “neutrality” has been a misnomer and replaces it with “independence.” As is well known, claims to state neutrality have been much criticized in recent decades because no matter what the state does with regard to religion, its policies are certainly never neutral: by attempting to make religion invisible in its domain, the state at the very least places the dominant church at a disadvantage, though not necessarily all religions. However, claims to laicist religious neutrality have in fact never been about avoiding negative effects for the dominant church. It is apparent that the laicist prohibitions and limitations to organized religion in all domains of life are harmful for the latter’s interests. Instead, claims to neutrality have been about the *independence* of public institutions and official discourse from institutionalized religion. Neutrality has not meant not affecting institutionalized religion adversely.

The third amendment is that the kind of religious content that has in fact mattered in historical laicism is not religious content in general, but the religious content that is specific to the dominant religion. With the growth of religious pluralism, the independence that matters concerns the religious content that diverse religions’ institutions affirm. Thus, liberal laicism does not claim independence from religion in general, but only from the religious content that institutionalized religions affirm. The reason for this amendment is that, as we saw in the first section, the motivation for historical liberal laicism is a political conflict that emerges in the relationship between the state and a dominant religious *institution*. Thus, the initial motivation is not some sort of prejudice against religion as such (and here lies a difference with republican laicism that we saw in the second section). Setting aside an attitude of hostility to religion in general, there is no evident reason why a laicist state should be independent from religion. For this reason, whatever independence a liberal laicist state may claim with regard to religion concerns institutionalized religion—and not religion in general. An important implication of this amendment is that since the state does not claim independence from religion, there is no need to specify in advance what counts as religion and what does not. This is a welcome result at a time when people attach quite different meanings to the word “religion” and give their religious views and convictions an immense variety of content. Thus, a liberal laicist state is not in the business of determining what is to be recognized as religion. Such a state claims to be separate from institutionalized religions and, to this extent, from all the religious content that they affirm.

In summary, I propose to characterize liberal laicism as the claim that the state should be separate from, and maintain its supremacy over, religious institutions. There is no claim that the state should be neutral. Instead, the claim is that the state is independent from all the religious content that institutionalized religions affirm.

What do these features mean in practice? They require the state to refrain from explicitly supporting or attacking institutionalized religion either in the form of material contributions or through legislation aimed at either of these two purposes. They also require that political authority not interfere in matters pertaining to the

internal organization of religious institutions. The latter, in turn, must comply with the rule of law and must willingly submit to the commands of the political authority. Separation and independence require public officials not to express any religious content that could be taken as an expression of endorsement or criticism of religion.<sup>8</sup> According to this, public officials must abstain from carrying religious symbols and from employing religious language that can be taken as an endorsement or criticism of religion. Public buildings and electoral campaigns, insofar as the latter are part of formal politics, should also be free from all religious content (words, symbols, and rituals). The curriculum in official schooling, more specifically, must neither include the teaching of religious convictions nor criticize them. As part of the regime of separation, religious institutions must not participate in official schooling in any way. Legislators and judges must not appeal to the religious values affirmed by religious institutions as grounds for legislation or judicial decisions. It would not be right to object that these demands on public officials violate their freedom of expression. Public officials are no ordinary citizens but state agents who have a duty to uphold laicism. To this extent, the regime of separation and the requirement of independence apply to them as well.

It is easier to appreciate the distinctive character of liberal laicism by noticing what it does *not* require. First, this kind of exclusive laicism does not extend its limitations and exclusions to the public sphere at large. Liberal laicism is fully compatible with citizens' freedom to express their own religious views and convictions through mass media.<sup>9</sup> Religious institutions and ministers are likewise free to express themselves in the public sphere. As part of the regime of separation, however, the state is not to interfere in the public sphere in order to protect the religious values affirmed by institutionalized religion from criticism or attacks by law-abiding citizens who wish to express their hostility. Second, liberal laicism does not seek to establish a separation between politics and religion, but only to separate a state's institutions and officials from institutionalized religion. According to this, liberal laicism places no demand on religious authorities to refrain from participating in public political debates, though laicism does exclude religious content from electoral politics. Third, liberal laicism respects the civil and political rights of religious authorities and personnel who, like any other citizens, have rights to freedom of expression in the public sphere and to vote. However, since laicism requires the exclusion of all religious content from electoral campaigns, religious personnel are not allowed to run for public office or to serve as public officials.

To conclude this chapter, I will briefly explain why the conception of liberal (exclusive) laicism that I have presented here is an adequate response to the political conflicts posed by the growth of religious pluralism, while inclusive laicism, on the other hand, is not. As I have emphasized, historical laicism was motivated by the political problems posed by organized religion—as opposed to an attitude of hostility toward religion. More specifically, laicism was historically motivated by the

---

<sup>8</sup> Here, and in what follows, by “religious content” I mean the religious content that institutionalized religions affirm.

<sup>9</sup> For a different view see Delarbe 2013.

political problems created by a dominant and powerful religious institution. With the growth of religious pluralism, people often assume that exclusive laicism has become dated. However, there is no good reason to think so. With the rise of religious pluralism, the political conflict that is relevant to laicism shifts its place from the sphere of the state to civil society. While in the past the political confrontation took place, as we saw, between the state and a dominant religious institution, in a context of religious pluralism the conflict takes place among the various religious institutions in civil society.

Laicism becomes relevant when such institutions (or at least one of them) seek the state's favor in order to strengthen their own position in society. Religious institutions may, and indeed often do, seek to obtain material benefits from the political authority and symbolic recognition in public buildings and official ceremonies. Such institutions may, and frequently do, try to propagate their own values in society through official schooling and through their embodiment in legislation and in judicial decisions. However, if the state is to remain an impartial arbiter among the plurality of religious institutions, it must not single out any one in particular for support or criticism. When such institutions (or at least one of them) seek the state's favor, an adequate response is to prevent the state from favoring any one in particular by making it independent from all of them. This is the response offered by exclusive laicism according to which, as we have seen, the state and its officials are to remain separate from religious institutions and independent from the religious content that such institutions affirm.

An alternative to this solution, of course, is to open public institutions to the participation and expression of all religious institutions. This is the option that inclusive laicism recommends. However, this second alternative is not an adequate response to the conflict among religious institutions. Instead, inclusive laicism only exacerbates the problem by shifting its place to the sphere of the state. When religious institutions compete for the state's favor in the various ways that I have just mentioned, it falls on public institutions and officials to prove that they offer equal support and recognition to all religious institutions. Otherwise, the conflict among religious institutions over the state's favor will deepen. If public institutions and official discourse are to be open to the expression of religious content, they must make sure that such an expression treats all religious institutions in an equal manner, such that none of them in particular is singled out for special treatment. However, the requirement that public institutions and officials prove that they offer equal support and recognition to all religious institutions would be extremely difficult to meet. Though it could be possible to establish, say, whether all public buildings display the individual religious symbols that matter to each religious institution, it would be nearly impossible to determine whether public officials offer equal support and recognition to all the diversity of religious content in their public appearances and speeches. This is especially the case when there is great disparity among the various religious institutions in the power that they wield in society. A dominant church will quite likely receive many more expressions of endorsement by public officials than a minority one. However, if the state and its officials were to treat all religious institutions in an equal manner, this kind of unequal treatment would be

unacceptable. Thus, my claim is not that it would be wrong in principle to express religious content in public institutions and official discourse. Instead, my claim is that if the state is to function as an impartial arbiter in the conflicts among religious institutions, it is better for public institutions and officials to distance themselves from all religious content. The reason for this distance is not hostility to religion, but the recognition of the impossibility of assuring religious institutions of equal treatment if religious content is allowed in public institutions and official discourse. If this is correct, exclusive laicism is evidently a superior alternative to its inclusive counterpart in conditions of religious pluralism.

## References

- Audi, R. (1997). Liberal democracy and the place of religion in politics. In R. Audi & N. Wolterstorff (Eds.), *Religion in the public square: The place of religious convictions in political debate* (pp. 1–66). Lanham: Rowman and Littlefield.
- Baubérot, J. (2000). *Histoire de la laïcité française*. Paris: Presses universitaires de France.
- Blancarte, R. (2004). Definir la laicidad (desde una perspectiva mexicana). *Revista Internacional de Filosofía Política*, 24, 15–27.
- Blancarte, R. (2007). Laicidad: La construcción de un concepto universal. In V. Rodolfo (Ed.), *Laicidad. Una asignatura pendiente* (pp. 27–50). Mexico D.F.: Ediciones Coyoacán.
- Chiassoni, P. (2013). *Laicidad y libertad religiosa*. Colección de cuadernos “Jorge Carpizo,” Para entender y pensar la laicidad, no. 10. Mexico D.F.: Universidad Nacional Autónoma de México e Instituto Iberoamericano de Derecho Constitucional.
- Delarbe, R. T. (2013). *Laicidad y medios de comunicación*. Colección de cuadernos “Jorge Carpizo,” Para entender y pensar la laicidad, no. 17. Mexico D.F.: Universidad Nacional Autónoma de México e Instituto Iberoamericano de Derecho Constitucional.
- Eberle, C. J. (2002). *Religious conviction in liberal politics*. Cambridge: Cambridge University Press.
- Gauchet, M. (2003). *La religión en la democracia: el camino del laicismo*. Barcelona: El Cobre.
- Greenawalt, K. (1996). Religious expression in the public square—The building blocks for an intermediate position. *Loyola of Los Angeles Law Review*, 29, 1411–1420.
- Guevara Niebla, G. (2007). Laicismo: un proyecto pendiente. In R. Vázquez (Ed.), *Laicidad. Una asignatura pendiente* (pp. 113–124). Mexico D.F.: Ediciones Coyoacán.
- Hale, C. A. (1968). *Mexican liberalism in the Age of Mora, 1821–1853*. New Haven: Yale University Press.
- Hale, C. A. (1989). *The transformation of liberalism in late nineteenth-century Mexico*. Princeton: Princeton University Press.
- Kymlicka, W. (1989). Liberal individualism and liberal neutrality. *Ethics*, 99, 833–905.
- Laborde, C. (2008). *Critical republicanism: The hijab controversy and political philosophy*. Oxford: Oxford University Press.
- Poulat, É. (2012). *Nuestra laicidad pública*. Mexico D.F.: Fondo de Cultura Económica.
- Rawls, J. (1999). The idea of public reason revisited. In J. Rawls (Ed.), *The law of peoples: With “The Idea of Public Reason Revisited”* (pp. 129–180). Cambridge: Harvard University Press.
- Ryan, A. (2012). *The making of modern liberalism*. Princeton: Princeton University Press.



# Chapter 4

## “It Takes Two to Tango”: The Religious and the Secular in Argentina’s Political Dance, 1860–1960

S.J. Gustavo Morello

**Abstract** When one thinks about church/state relationships in Latin America, one tends to concentrate on the efforts the Catholic Church makes to maintain its influence over public affairs, facing a state apparatus aimed at restricting it. In Argentina’s case, the competition for relevancy in the public arena, more than a struggle, can be likened to a dance. The Catholic point of view in the Argentine political scenario cannot be fully understood unless we consider its dancing partner—the state, or national government. Tango is a dance meant for two. These two protagonists wheel artistically over the stage in a complex and varying relationship that becomes imbued with tension and undergoes transformations, in step with the beat of the music.

**Keywords** Catholic Church • Peronism • Nineteenth century liberalism • Conservatives • Marxist revolution • Religious pluralism

### 4.1 Introduction: The Context

This chapter aims to show the complexity with which boundaries of influence are negotiated between the religious and political actors on Argentina’s stage.<sup>1</sup> These boundaries will continually change to the beat of the music. The period under study herein goes from the beginnings of the National Organization Process (1860) up until the end of the 1960s. As I understand it, what happened during that 100-year period illustrates the complexity of the negotiations for public relevance among this country’s political, religious, and secular agents. This century has been

---

<sup>1</sup>Emphasis is placed on the Córdoba City example. Located 700 km northeast of Buenos Aires, by population size it is the second largest city in the country (INDEC 2012).

S.J.G. Morello (✉)  
Boston College, Chestnut Hill, MA, USA  
e-mail: [morellog@bc.edu](mailto:morellog@bc.edu)

characterized by the monopoly of public affairs by Catholicism, despite attempts by other agents to “crash” the “milonga”<sup>2</sup> dance. The end of the 1960s marked a change of context: Argentina was transformed by the pluralization of the Catholic world, the consolidation of other religious referents in the public sphere, the expansion of secular ethical proposals, and political violence. The Catholic Church will continue to play a significant role in the public sphere; however, it will be one that is now no longer either homogeneous or exclusive (Levine 2012).

Here I should mention some historical negotiations that took place between the religious and political agents around the redefinition of state responsibilities, political structures, and the church; these conflicts led to the increasing complexity and pluralization of society. I support my theoretical point with empirical examples from the cities of Buenos Aires and Córdoba.

## 4.2 The Theoretical Framework: The Rhythm of the Dance

A multiplicity of social, political, and economic transformations have redefined the boundaries between what is religious and what is secular. These boundaries are defined and negotiated in many different dimensions (Dobbelaere 1999; Gorski and Altinordu 2008; Romero 2009). This chapter will concentrate on two of these dimensions: state secularization and the ongoing phenomenon of social pluralization.

In Latin America, the drawing of the boundaries between religious and political influence was basically a process of desacralizing public affairs, carried out by political agents in order to create a lay state structure. In Argentina, the first conflicts took place between the incipient liberal bourgeoisie, which grew in the wake of agriculture and industrialization, and the Catholic anti-secular elites that rejected the differentiation of social strata<sup>3</sup> and tried to continue monopolizing the whole public arena (Mallimaci 1996). However, despite this face-off, these two stakeholder groups maintained their complementary relationship. Often it was the political agents who involved the church in public life. This mimics the dance movements of tango couples, who appear to be fighting when they are actually dancing.

The context became more complex when a third dancer appeared. The appearance of new agents on the social scene, such as immigrants and workers, completes the social network and creates the need for new game rules. For Catholicism, this meant the presence of other social agents in the public sphere (Levine 2009). The church was monopolizing this arena as the state’s only dancing partner. This caused it to view its “peers,” sharing floor space with it and hailing from civil society and from strata that were free from religious authority, with a certain suspicion.

---

<sup>2</sup>A tango-dancing event.

<sup>3</sup>The differentiation of specific social subsystems, each with its own sphere of incumbency, free from interference by the others, is one of the modern-day features. A result of this separation was the differentiation between the political and religious spheres (Casanova 1994).

Throughout the twentieth century, Latin America as a whole, and especially Argentina, went from a situation of Catholic monopoly to one of double pluralization: the old Catholic version, and that of religious plurality (Berger 2014; Gill 1998; Levine 2012).

Not only did the Catholic leaders lose their monopoly of the moral or religious expression of society, but also deep within the Catholic world there emerged a “civil society” of a diverse type, with multiple movements and alternative opinions (Romero 2009). The Catholic agents reacted in different ways to pluralization: they had different ways of understanding it and acting on it. While for some it was a welcome reality, for others it was one of the consequences of moral corruption created by liberal ideas; while some tried to deal with the tensions, others wished to suppress conflict entirely (Morello 2012).

### 4.3 The Dance: Catholics and the Secularization Process

#### 4.3.1 *The Construction of a Liberal-Type Order and Its Challenges: 1860–1940*

The conflict to redefine boundaries between secular and religious matters broke out in Argentina when the political authorities began to organize the national government. Once the tensions caused by the civil war (1820–1850) had been resolved, the National Constitution had been approved (1853), the Province of Buenos Aires had been incorporated within the federation (1861), and the campaign for “national organization” began under the presidency of Bartolomé Mitre (1862–1868).

Mitre assumed the presidency and was faced with two challenges: uniting the country and effectively forming a state government. On one hand, he had to incorporate the refractory provinces, and on the other, he had to neutralize the power of the sectors hampering the action of a central government. The influence of the Catholic Church was one of the obstacles to be overcome. One step he took in this sense was to suppress the High Seminar of Córdoba and to create a single Conciliar Seminar<sup>4</sup> in Buenos Aires, where the attempt would be made to form a “national clergy” instead of a “local clergy,” which would face the task of maintaining its privileges within the growing government structure. To the conflict over establishing the limits of political power was added another over economic power. The government was trying to set limits on ecclesiastical property. Through donations and inheritances, the church had become one of the country’s main landowners (Roitenburd 2000). Córdoba Province’s Livestock Minister, Tomás Garzón, proposed a law enabling the state to use lands managed by the church as collateral for

---

<sup>4</sup>After the Council of Trent (1545–1563), the Catholic Church standardized the formation of its priests. The colonial church in Argentina lacked resources to implement this change. Since the National Constitution (1853) had established the Catholic Church as an “official” one, President Mitre understood that it was his responsibility to undertake that long-delayed reform.

mortgage loans. Despite the fact that the church owned these lands, their use was restricted by the state. The beat of the dance was now controlled by the secular elite groups that were organizing the national government dance tune in step with the chords of local liberalism.<sup>5</sup>

Law 1420, implemented under the presidency of Julio A. Roca (1880–1886), imposed free, obligatory, and secular preparatory education, initiating one of the most important power struggles between the state and the church in Argentina. In addition to the debates over the secular and religious apportioning of educational space, in Córdoba this confrontation had its own special features. The liberal politician, Ramón J. Cárcano, submitted a thesis to the Córdoba National University that questioned the right of the Catholic Church to interfere in family legislation: the dogmatic conclusions of the Council of Trent could no longer be accepted as valid norms for the institution of marriage within a secular society. Cárcano's proposal not only justified the creation of a "civil registry" for marriages, but also gave children born outside of sacred wedlock the same rights as legitimate children (Cárcano 2011 [1884]). Vicar Jerónimo Clara, in charge of the Córdoba bishopric, wrote a Pastoral Letter criticizing the above thesis and Law 1420.<sup>6</sup> This problem worsened when the papal delegate, Monsignor Luis Matera, visited Córdoba (in September 1884) and publicly supported Clara. The then foreign minister, Eduardo Wilde, broke off all contact with the Holy See, and Matera was exiled (Di Stéfano and Zanatta 2000; Ghío 2007). Julio Roca's presidency established competencies for the lay<sup>7</sup> government that, overriding the Catholic Church's objections during the following century, proved irreversible.

Local liberalism, resolved to create a national government with its own faculties and attributes, wanted to limit religion's role in public affairs. This is why the Catholics followed the strategy of multiplying their public presence. Thus, during the last few years of the nineteenth century, they opened 11 new convents, more than doubling the seven existing ones in Córdoba city (with only 50,000 inhabitants at the time). The new convents were earmarked for education (both formal and informal) and care for the sick and disabled. Just as city space was now dominated by religion, Catholicism also dominated the daily work schedule. In those days, there were 14 religious holidays. If we add the 8 days of Holy Week, the 52 Sundays in a year, the days to commemorate the deceased, and the days of fasting and abstinence, we find that almost a quarter of the year had been taken over by religious activity. Some of these celebrations were popular, but the main point is that these Catholic

---

<sup>5</sup>In the case of Argentina, by liberals we mean an economic elite that fosters free commerce, and a small state, but it's usually conservative when it comes to opening the political space up to popular participation. In order to keep in mind these particular features of Argentinean liberals I refer to them as "local liberals."

<sup>6</sup>With this challenge to local authority by the Catholic hierarchy, another boundary problem arose between a secular state and ecclesiastical organization. Some government officials wanted it approved, since the bishop as a wage-earner was considered to be a disobedient public official (Roitenburd 2000).

<sup>7</sup>Just like the state registry of births, marriages, and deaths, the public education system is free, lay, and obligatory.

practices were an identity marker. Performing the rites and being Catholic was part of being an Argentinean (Ansaldi 1996).

This model of Catholic and Argentine identity was challenged by the arrival of immigrants and the resulting pluralization. The first mass immigration was by Italian political refugees, liberals, masons, and anti-clericals (Monterisi 2002). In Córdoba, these immigrants, together with the local liberals, organized the “September 20th” celebrations, whose main event was a march through city streets celebrating Giuseppe Garibaldi’s victory over the papacy. While this was happening outdoors, inside Córdoba’s Cathedral a mass was celebrated and Catholics prayed for “the prisoner inside the Vatican.” Immigration by European Protestantism “would become the most powerful enemy of Catholicism,” according to the local newspaper *El Eco Católico* (quoted by Roitenburd 2000, 114). However, the tango dance suffers an unexpected further complication when a few years later in 1895, also through the initiative of Italian immigrants, the feast day of the *Virgen del Carmen* (Our Lady of Mt. Carmel) was organized. This procession heralded the appearance of a new dancer on stage: the devout European Catholic immigrant. The presence in the public sphere of Catholic Italian immigrants challenged the model of “lay Italian nationality,” which inspired the Argentine liberals, while the presence of overseas Catholics challenged the local conservative viewpoint that equated Catholicism with all that was Argentine (Monterisi 2002).

The main result of immigration was the tripling of Argentina’s population between 1870 and 1914. This caused a serious housing shortage. The “immigrant issue” began to be seen as a “social issue.” The Catholic initiatives for social housing in Córdoba from the late nineteenth century were brought to fruition through the St. Joseph’s Council for the Protection of Craftsmen. This Catholic initiative had the dual purpose of spiritually and materially “bettering” the workmen through moral instruction, while helping them obtain housing, food, and medication for their families. The religious discourse stressed the improvement of living conditions as a means of solving workers’ health problems. What I wish to stress here is that the Catholic elites, faced with local liberalism, would themselves end up incorporating the positivist view they so much criticized. The Catholics adopted the scientific argument equating overcrowding with lack of hygiene, and both of these with disease. In that sense, they were “modern.” A similar thing happened with another Catholic initiative, the Workmen’s Circles that, based on cooperative philosophy, proposed modern practices of mutual assistance, including medical and pharmaceutical assistance, subsidies for those unable to work, and widows’ pensions (Vidal 2002; Boixadós 2002).

The Argentine political system could no longer cope with the growing social conflict that modernization was bringing in its wake.<sup>8</sup> The new social stakeholders, workers in the new industries, claimed rights that were refused to them by the lay elites. The first general strikes (1909) had unleashed repressive responses. President Roque Sáenz Peña (1910–1914) attempted reforms to include the new stakeholders

---

<sup>8</sup>Modernization is here understood to be a process of rationalization, urbanization, industrialization, etc. (Gorski and Altinordu 2008, 57).

within the political scenario. One of these reforms was a new electoral law that integrated majority groups within society through political parties and made voting obligatory. In 1910, at the start of the discussions on electoral reforms, the Córdoba bishop, Zenón Bustos, issued his “Centenary Pastoral Sermon,” defining the “masses” as “dangerous to law and order” (Roitenburd 2000, 154). In 1912, the Sáenz Peña Law introduced the universal, obligatory, and secret masculine vote. This caused the liberal and Catholic elites, who had gradually moved apart due to their disputes over public affairs, to come together to face these new stakeholders—the immigrants and workmen—who had not learned how to dance to the local tango music.

The sanctioning of the universal suffrage law caused Dr. Arturo M. Bas to found the Patriotic League, a group that interpreted the worker claims not as a “social issue” but instead as an act of ordinary delinquency (Marchak 1999). The newspaper *Los Principios* (hereinafter LP), owned by the Córdoba archbishopric, welcomed the appearance of the League, whose discourse recommended the physical annihilation of adversaries who threatened order as the only way of solving the “social issue.” Meanwhile, the “lay” elite also sought to reverse the social inclusion the worker class had obtained through electoral reform. Argentine liberalism showed its lack of a democratic vocation during the so-called Tragic Week (when anarchists and communists fought with police in the city of Buenos Aires, in January 1919, leaving a death toll of 700), and also during the firing squad executions in Patagonia (when between 1920 and 1922, the Argentine government executed some 1500 rural workmen who were demanding better working conditions). The liberal and Catholic elites, who had been vying for control of public affairs and the government, had closed ranks when new social stakeholders had appeared on the scene.

The Córdoba Catholic elite interpreted these events, as well as the University Reform (in 1918), at the national level as proof of the social disintegration caused by liberal ideas. This Reform, which promoted access to National University cloisters and management for the middle class and new bourgeoisie, was the culminating point in the face-off between anti-liberal Catholicism and positive liberalism. This conflict triggered numerous Catholic responses (Roitenburd 2000). While the archbishopric called the faithful to attend “Catholic Congresses” that mobilized an unexpectedly large number of people, some Catholics began to think about creating Catholic universities. Other groups attempted to create a Catholic Party (Vidal 2002). The idea of a party in their ranks was combated by the Catholic elite. Creating a Catholic Party would sooner or later lead to the democratization of Catholicism’s political representation; this was unthinkable for the elite, who had already attributed that function to themselves. Their relationship with the government was one of their class privileges. What was finally agreed upon was a “Catholic Agenda”: the Catholic elite had to present their viewpoints to all of the political parties.

To this end, in the 1930s Argentine Catholicism went on the offensive. The Catholic leadership attempted to penetrate social affairs from a position of actively militant anti-liberalism: this included anti-modern theology and its plausibility structures (Berger 1990). Catholic anti-liberalism materialized in the Catholic Action Movement, the Catholic Culture Courses, the *El Pueblo* and *Los Principios*

newspapers and the *Criterio*, *Sol y Luna*, and *Ortodoxia* magazines; also through expanding institutional bureaucracy (the 5 dioceses became 11), and office-holding in public administration (Mallimaci 1996). This Catholic alliance came up against obstacles and opposition. In Córdoba, this clash took place with the governments of Amadeo Sabattini (1936–1940) and Santiago del Castillo (1940–1943), which were fostering the creation of the *Escuela Normal Superior* (hereinafter ENS), or the Academy of Teacher Training. This teacher training center was based on non-confessional moral principles, which were put forward as a secular alternative to the value crisis arising in the between-war period in Europe. This pluralization of the moral sphere was an open challenge to the monopoly that Catholicism was seeking to impose on social values. The Argentine Church considered the ENS to be a threat to all things Catholic, and therefore, to the national identity of the country. However, it would be an oversimplification to categorize the opposing groups in this debate as “Catholics” against “secularists.” This is exemplified by the presence of isolated Catholic figures taking the “secular” side, a fact that was necessarily condemned by the bishop of the city of Río Cuarto,<sup>9</sup> Leopoldo Buteler. In his words: “[To say] I am a Catholic and I do not act against my Catholicism by voting for the lay education law [is a] serious mistake. Catholicism is a doctrine whose only judge is the doctrinary church, meaning the pope, who teaches that schooling must be religious in nature” (Roitenburd 2000, 217). Catholicism was becoming pluralized together with the rest of society.

### 4.3.2 *Peronism and the Clash Over What Should Be Considered Holy: 1940–1955*

The presence of Catholicism in the public arena was consolidating. In the 1940s the number of dioceses almost doubled, from 11 to 21. This bureaucratic growth was accompanied by other institutional presences in the public arena. In Córdoba Province, the church owned a newspaper (*Los Principios*), a publishing house, 102 schools, and numerous professional associations. The government following on the 1943 coup awarded subsidies to dioceses, to Catholic Worker Youth and to different Catholic associations, such as those of teachers and nurses. In addition, it placed members of the Catholic elite in different government positions, mainly in the area of education. They were responsible for dismantling the lay school structure by proclaiming the return of a Catholic curriculum in public schools (Roitenburd 2000; Tcach 2006). Colonel Juan Perón, from his position as Labor Secretary, promoted a social policy that was explicitly inspired by Christian ideals.

Peronism’s<sup>10</sup> legacy to society and Argentine politics is both extensive and ambiguous. I would like to stress two points in this analysis. “Peronism” effectively

<sup>9</sup> 150 miles south of the city of Córdoba.

<sup>10</sup>As the political movement founded by Juan Perón is known. The official name is “*Partido Justicialista*,” roughly translated as “Party for Justice.” *Peronismo*, a populist political movement

brought within the political sphere those sectors to which local liberalism had only conceded the formality of voting rights. It recognized the existence of a new stakeholder category (the working class), giving it political rights. And, in contrast with European or North American secularization, it secularized both Catholic ideas and Catholic organizations without secularizing the public sphere (Eastwood and Prevelakis 2010). Perón would take advantage of different opportunities to underline that his policies were meant to put into practice the teachings of the Gospel (Ghío 2007). Perón and Peronism vied with the church for a monopoly on Catholic doctrine and agents. Catholicism was not considered the exclusive dominion of the church hierarchy. Peronism did not privatize what was religious as a typical secular ideology would wish, but instead defied the hierarchy in its attempt to control Catholicism: Perón painted himself as a figure of authority who could truly interpret Christianity (Walter 2002). Peronism and the church had overall views on social organization that overlapped but differed. The points in which they coincided were the protection of ecclesiastical interests, the implementation of the principles of social doctrine, explicit adherence of Peronism to Christian practices and the promotion of spiritual values to build up the “New Argentina.”<sup>11</sup> However, a conflict arose from the option that Peronism offered to working-class sectors of Catholicism that wished to participate in political life and government activity, while imposing Peronist ideology.

Until that time, only a few Catholics had enjoyed the opportunity for political maneuvering. The upper classes had reserved themselves the right to participate in power arenas. There were no political participation spaces for the rest of the Catholics. This is why, for middle- and lower-class Catholics, Peronism became an opportunity to take part in public affairs. They ceased to be spectators of the “milonga” party, taking new courage to join the couples on the dance floor. For Peronism, lacking a managerial structure, the incorporation of experienced social leaders (such as the Catholic leaders) was a basic need (Tcach 2006; Walter 2002).

During the first year after the 1943 coup, many upper-class Catholics occupied high offices in the national government, mainly in the Secretariat for Labor and Social Security led by Perón. From that position of power, they organized denominational trade unions, writing their statutes and negotiating their collective agreements with employers. However, Catholic syndicalism was discouraged and even banned during 1944 and 1945. Perón understood that in order to guarantee the “spiritual unity” of the country, religious matters had to be subordinated to the political project. The *LP* newspaper, published by the Catholic elite, criticized this step; but for the Catholics from working-class sectors, the division between secular and

---

similar to those of Getulio Vargas in Brazil and Lázaro Cárdenas in Mexico, is still one of the main actors in Argentina’s political life. Latin American populism is hard to categorize under the traditional ideas of “conservative” or “progressive,” since usually the different countries merge liberal and conservative policies into their positions.

<sup>11</sup>That was the name given to the administrative reforms emerging from the Peronist government, which shaped the 1950 constitutional reform.



denominational trade unions weakened the workers’ political clout. This is why they continued to support Peronism.

Tension slowly grew between the government and the church, and became more evident when Perón attended the Spiritualism Congress (in October 1950), whose slogan was “Jesus is not God.” Catholics became indignant. To calm them, Perón gave the closing speech of the National Eucharistic Congress being held in Rosario 2 weeks later, during a visit praised by the Catholic hierarchy. There, Perón said the following prayer: “For myself, Lord, all I ask of you is to provide me with the illumination I need to further explore the best pathways for my people, and the strength that I will need to lead them to their illustrious destinies” (CIS Academic Editions 1988). Perón became the self-attributed spiritual leader of the nation, while stating that his inspiration came straight from God, instead of through the mediation of the Catholic hierarchy.

Perón’s project to unify the country around an overall doctrine (“Justicialism”) and its plausibility structures came into conflict with the ideas of Catholicism and other sectors of society. Peronism wished to dance alone, and this created unexpected alliances among the dancers left on the sidelines. In March 1951, the country’s school curricula incorporated Justicialism as part of the subject “Civic-mindedness and Morality”; afterwards in 1952, the government incorporated Eva Perón’s essay, “The Purpose of My Life” as a school text (Tcach 2006). The Peronist leadership was attempting to sacralize or sanctify the movement, by talking about its “holy doctrine” or by comparing Perón with Jesus Christ. To some extent, an Argentine-style “civil religion” was in the making (Bellah 1967; Bosca 1997). In 1953, schoolteachers were required to become members of the Peronist party to hold their job. They were considered to be “apostles” of Justicialism. The official discourse deified Perón’s leadership: he was an emissary of God, sent to lead the country. At the same time, the central government asked the provinces to “keep an eye on” the local churches and inform it of any anticlerical activity taking place. The High School Students’ Union (UES) added further conflict. Perón sustained that this type of central association (openly opposed to the Catholic Action Movement) would tend to strengthen the character of youth through promoting free will, differentiating their viewpoint from that of the traditional church, and weakening Catholicism’s role of moral guidance (Walter 2002).

Its victory in the 1954 parliamentary elections consolidated Peronism as a “civil religion.” To face the challenge, opposition parties and the Catholic Church adopted a Peronist technique: mobilization of the masses. Early in 1954, Córdoba Bishop Fermín Lafitte reorganized the youth pastoral ministry, adding a new juvenile organization, the Catholic Movement for Youth Groups (hereinafter MCJ). The sheer number of young people assembled in the MCJ events during the spring of 1954 overshadowed the celebrations organized by the Peronists. Tension escalated when the bishops and the Papal Nuncio had an argument with Perón at a private meeting on October 22nd. On November 10, 1954, the president publicly criticized the Catholic organizations as well as the bishops and priests. The bishops responded by demanding that all Catholics resign their positions in government. On its side, the government closed down all religious institutions, took priests into custody, named

“spiritual advisors” from the secular Eva Perón Foundation in schools, approved the civil divorce law, cancelled all tax benefits to church organizations, and suspended religious teaching in public schools as well as religious holidays (Tcach 2006; Walter 2002). This accelerated secularization process had never been thought possible in Argentina by either the local liberals or the socialists (two of the main political parties who were advocating the disestablishment of the church). In one year, Perón dismantled the plausibility structures that Catholicism had laboriously reconstructed over the past 30 years. However, the historical proponents of secularization in Argentina did not celebrate: both the liberals and the socialists became allies of the Catholics against the Peronist regime.

In a Pastoral Letter dated March 1955, the Córdoba archbishopric asked Catholics to abstain from voting for parties that either explicitly or implicitly contributed to the separation of church and state. In the *Te Deum* of May 25, 1955, Bishop Ramón Castellano called for civil disobedience. On their side, on June 16, 1955, Peronist militants attacked the headquarters of the *Los Principios* newspaper, the Santo Domingo Church and the opposition parties’ headquarters buildings. The so-called “*Revolución Libertadora*” (Liberating Revolution) against Perón (in September 1955) had popular support and enjoyed the active participation of all of the opposition parties in Córdoba (Tcach 2006).

### 4.3.3 *The Cold War and Catholic Pluralization: 1955–1960s*

The Liberating Revolution, led by General Pedro Aramburu (1955–1957) reopened the spaces that Peronism had closed, among them the university cloisters, an area which, since the 1918 Reform, had been under the control of the socialists and anti-clerical local liberals, until they were ejected by Peronism. When the student bodies joined together in opposition of Peronism, an opportunity arose for Catholics to openly participate in university politics. One such group, emerging in Córdoba, was that of the Integralists. It was founded by Catholic students—inspired by the ideas of Jacques Maritain, Gabriel Marcel, and Teilhard de Chardin—who wanted to work free from interference by the bishops within the university environment. Unhappy with Peronist doctrine, they wanted a university without partisan affiliation and free from interference by bishops: instead of teaching Catholicism, they wanted to improve the academic quality of university learning. They held that the university should have a Christian humanist orientation that promoted the overall education of the students (including the social and spiritual as well as the academic sides of each subject), and they upheld freedom of conscience (Ferrero 2009).

By the end of the 1950s, Catholicism was undergoing rapid expansion. Between 1957 and 1961, 25 new dioceses were created, making a total of 46 (Mallimaci 1993). This was accompanied by a generational renewal. In 1954, bishops over 65 years of age represented 35 % of the episcopal body, and those under 55 were a mere 15 %. In 1961, those over 65 represented 28 %, and those under 55 were 46 % of the episcopate (Di Stéfano and Zanatta 2000; Obregón 2005).

A conflict broke out in August with state and church sectors allying to defend the right of private universities to exist. The reason for it was the rulings of Article 28 of Decree Law 6403/55<sup>12</sup>; this confrontation became known in Argentine history as the “Lay” or “Free Education” issue. Then President Arturo Frondizi, who thought that private universities would respond more rapidly to the demands of the industrialization he was promoting, decided to regulate their operation. Although most students in the country were of the “lay” persuasion (those who opposed the existence of private universities)—represented in Córdoba by Integralism and its allies—those known as the “free-minded” students (and who supported the creation of private universities) represented almost half of the combined university student body. After different marches and protests supporting and opposing it, the law was passed by the National Congress in late 1958. Thus the Catholics were finally able to gain an institutional footing within the Argentine university system.

Some weeks later, on January 25, 1959, Pope John XXIII called together a meeting of the Second Vatican Council, a landmark event within the worldwide Catholic negotiation process between the religious and secular factions (Casanova 1994; Morello 2007; Wilde 2004). The Council (1962–1965) gave its official consecration to the progressive practices and theologies that by the end of the 1950s were widespread in Catholic circles. Many were surprised by this recognition given to the Catholic renewal movement. Among them were the Argentine bishops, who had dismissed the Council as lacking importance: the Episcopate had not mentioned it in its pastoral letters nor in its assembly meetings. The Catholic Press, subservient to hierarchy, similarly showed no interest in what was happening in the Vatican (Mallimaci 1993). The Argentine bishops thought that the Vatican Assembly would limit itself to rejecting any doctrinal or institutional changes.

The Catholics seeking to renew ideas and structures sought alliances with social agents. In the city of Córdoba, for example, they approached the openly anticlerical press. Thus, in April and May 1964, the *Córdoba* newspaper published three interviews with local priests. The interviews were part of a strategy created by Catholic groups to pressure the bishop, Ramón Castellano, into calling meetings that would reflect the events in Rome (Morello 2005). The interviews generated the debate that was sought, as well as having some unexpected results. One of these was Bishop Castellano’s resignation. The other was that the new bishop, Raúl Francisco Primatesta (named in 1965), put the “rebel” group in charge of managing the Christ the Worker Parish. This parish became the venue for young university students who assumed different levels of political commitment. Catholics, inspired by their faith, were finally making contact with other social agents (Morello 2003).

While Catholicism was discussing how to open itself up to the world, the Argentine political system was becoming increasingly isolated. The military ban on Peronism (which began in 1955) made any attempt to allow Peronist candidates to run in local elections end in a military coup against civil government. Finally, on

---

<sup>12</sup>This Decree, signed by President Aramburu, while awarding autonomy and three-party government to state-run universities (changes which had been sought since the 1918 Reform), had opened the door to private universities.

June 28, 1966, the military ceased their “tutelage” of civil governments to take over direct control of the state. From the ban on Peronism, the government went on to ban democracy. The Argentine Revolution, led by General Juan Carlos Onganía, took power, ostensibly driven by worries of the “spiritual breakdown” of the country, which had created suitable conditions for a “subtle and aggressive” Marxist penetration of all of the aspects of national life (Bra 1985, 121). Onganía closed the door to any chance of citizen participation and aborted any future attempt at a democratic solution. He disregarded the results of the elections, which had already been held and continued to proscribe Peronism, intervening in the provinces, the trade unions, and the universities. Catholic environments, such as that of the Christ the Worker Parish, were among the only places open to political discussion in 1960s Argentina. This is why the debates of Christian groups about the Vatican Council’s conclusions would be a decisive factor.

As was customary, the military government included some Catholic dignitaries to glean support from the church. In order to govern the Province of Córdoba, Onganía used an anti-secular grouping of Catholics under the name of “Catholic City.” One of its members, Carlos Caballero, was named governor of Córdoba (September 1966–1969). Catholic City had been founded in France in 1959, inspired by the doctrines of the Cold War against communism. Its creator was the French theologian Jean Ousset,<sup>13</sup> secretary to Charles Maurras and a supporter of Petain’s government. This organization arrived in Argentina in 1960, thanks to the Military Chaplain Georges Grasset (Scirica 2003). The members of Catholic City had set out to create squadrons that would inject universal Catholic values into the ongoing political struggle. Hard-core anti-communists, they opposed cultural secularization and called for an organically structured Catholic society, with integrated functions based on natural hierarchies. They formed a part of the “anti-secular” Catholic groups that considered Córdoba’s Archbishop Raúl Primatesta to be a “crypto-communist,” giving him the insulting nickname *Testarossa* (“redhead” in Italian). Some sectors of the Catholic elite formed alliances with the government to restrict the pluralization of Catholicism, defying the policies of the ecclesiastical hierarchy. Pluralism was invading the religious elites.

A few months after Onganía’s government assumed power, Córdoba’s university Catholic groups, led by the Integralists, launched a hunger strike against the federal government’s intervention in public universities. The venue for the protest was the Christ the Worker Parish. At this time, Catholicism and secularism, the “Lay” and “Free Education” groups, had formed an alliance against the government. Dialogue with the outer world had informed certain Catholic sectors about the political oppression of the masses. Within this dynamic, groups of Argentine Catholics became interested in the revolutionary initiatives emerging in the country. As a result of the new alliances, sectors of Christianity joined Revolutionary Peronism.

---

<sup>13</sup>Ousset’s main treatise, *Marxism-Leninism*, was translated into Spanish in Argentina (by Iction Publishing House in 1963), with a prologue by Cardinal Antonio Caggiano, the archbishop of Buenos Aires.

One of these groupings joined the “Christianity and Revolution” movement, which would go on to found the Montoneros<sup>14</sup> group (Morello 2013).

#### 4.4 The Choreographic Agreements

Both church and state defined and negotiated their areas of competency as a function of concrete circumstances. The boundaries between political and religious matters and the right place for religious predominance had already been drawn through historical events. These circumstances were not always those desired by the actors. More than a strict definition of boundaries, this was a choreographic agreement on dance steps that at one moment would affix the public eye on one of the dancers, who would eventually cede the lead to the other.

The nation state organization implemented by the local liberals had established areas of administrative competency for the government (such as public education and the civil registry), which would be watersheds of secularization with no return. However, this countrywide organizational model politically excluded the popular sectors. Indeed, progress brought with it social crises (immigrants’ and workers’ demands) that were ignored by the liberal state. It also left responsibilities arising from the “social issue” to the religious actors.

Not only ideological issues have caused the church and the state to approach each other or drift apart. There are social classes and power spaces within religious areas. Different Catholic groups negotiate different alliances with similar political referents. Politics, needless to say, is as diverse as Catholicism. As we saw, the Argentine scenario became complicated when the industrial workers—actors who were not part of the political system nor were primarily defined by their religious membership—appeared on the Argentine stage in the first half of the twentieth century.

Juan Perón incorporated workers into political life, partly by using a religious-type discourse. Peronism opened up the political arena of influence, which had been in the hands of the elite, to popular Catholic sectors, and thus pluralized the Argentine religious sphere of influence. It limited the role of the church, not to remove religious ideas from public affairs, but rather to reassign their function to another place: the consolidation of a political project. It did this initially by seeking legitimacy with religious support, then by generating a “civic religion” of its own. The socialists and liberals, who had been historically anticlerical, formed an alliance with the clergy, whom they had fought with for 60 years, in order to oppose a Peronist sacralization of public affairs.

When the political actors who had desired to control the government were left on one side (local liberals and socialists against Peronists, or Peronists against military projects, to mention two of the examples cited above), they sought church support in order to recover their political areas of influence, even though this meant inviting

---

<sup>14</sup>One of the most notorious guerrilla armies in Argentina’s contemporary history.

the Catholics to join them on the political stage. The Catholics, now fully politicized, made alliances with social actors based on their religious preferences, social interests, and political ideas. The Catholic sphere became pluralized, and this plurality was exploited by multiple social agents who found Catholic dance partners.

Catholicism, and religion in general, continued to be a source of social and political legitimacy. This legitimacy was not monolithic (not every Catholic became politically involved), nor did it work in a single direction (there was some support for opposition groups). However, Catholicism continued to play an important role. The authoritarian state, the revolutionary groupings, and the human rights associations sought religious legitimacy not only in the official church, but also in other Catholic sectors and in non-Catholic religious contexts. The social and political actors on the Argentine political stage of the 1970s would continue to invite the church to dance the tango.

## References

- Ansaldi, W. (1996). Las prácticas sociales de la conmemoración en la Córdoba de la modernización, 1880–1914. *Sociedad*, 8, 95–127.
- Bellah, R. N. (1967). Civil religion in America. *Daedalus*, 96, 1–21.
- Berger, P. L. (1990). *The sacred canopy: Elements of a sociological theory of religion*. New York: Anchor Books.
- Berger, P. L. (2014). *The many altars of modernity: Toward a paradigm for religion in a pluralist age*. Boston: De Gruyter.
- Boixadós, C. (2002). Vivienda y moral. La acción de la Comisión Protectora de los Artesanos de San José, 1900–1930. In G. Vidal & P. Vagliente (Eds.), *Por la señal de la cruz. Estudios sobre iglesia católica y sociedad en Córdoba, s. XVII y XX* (pp. 237–263). Córdoba: Ferreyra Editor.
- Bosca, R. (1997). *La iglesia nacional peronista. Factor religioso y poder político*. Buenos Aires: Editorial Sudamericana.
- Bra, G. (1985). *El gobierno de Onganía. Crónica*. Buenos Aires: Centro Editor de América Latina.
- Cárcano, R. J. (2011 [1884]). *De los hijos adulterinos, incestuosos y sacrílegos*. Córdoba: EDUCC–UNC.
- Casanova, J. (1994). *Public religions in the modern world*. Chicago: University of Chicago Press.
- CIS-Academic Editions. (1988). General Perón's prayer [at the closing ceremony of the Fifth National Eucharistic Congress]. In *Perón-era political pamphlets and monographs: Guide to the microfilm collection*. Maryland: CIS-Academic Edition.
- Di Stefano, R., & Zanatta, L. (2000). *Historia de la iglesia Argentina. Desde la conquista hasta fines del siglo XX*. Buenos Aires: Grijalbo – Mondadori.
- Dobbelaere, K. (1999). Towards an integrated perspective of the process related to the descriptive concept of secularization. *Sociology of Religion*, 60(3), 229–247.
- Eastwood, J., & Prevelakis, N. (2010). Nationalism, religion, and secularization: An opportune moment for research. *Review of Religious Research*, 52(1), 90–111.
- Ferrero, R. (2009). *Historia crítica del movimiento estudiantil en Córdoba. Tomo III (1955–1973)*. Córdoba: Alción Editora.
- Ghío, J.-M. (2007). *La iglesia católica en la política Argentina*. Buenos Aires: Prometeo.
- Gill, A. (1998). *Rendering unto Caesar: The Catholic Church and the state in Latin America*. Chicago: University of Chicago Press.
- Gorski, P. S., & Altinordu, A. (2008). After secularization? *Annual Review of Sociology*, 34, 55–85.

- INDEC. (2012, November 8). *República Argentina por provincia. Densidad de población. Año 2010*. INDEC.gov. <http://www.sig.indec.gov.ar/censo2010/>. Accessed 20 Aug 2015.
- Levine, D. H. (2009). Violencia y Religiones en América Latina. *Anuario del IEHS*, 24, 445–463.
- Levine, D. H. (2012). *Politics, religion and society in Latin America*. Boulder: Lynne Rienner Publishers.
- Mallimaci, F. (1993). La continua crítica a la modernidad: análisis de los votos de los obispos argentinos al Concilio Vaticano II. *Sociedad y Religión*, 10(11), 62–83.
- Mallimaci, F. (1996). Catolicismo y militarismo en Argentina (1930–1983). De la Argentina liberal a la Argentina católica. *Revista de Ciencias Sociales*, 4, 181–218.
- Marchak, P. (1999). *God’s assassins: State terrorism in Argentina in the 1970s*. Montreal: McGill-Queen’s University Press.
- Monterisi, M. T. (2002). El asociacionismo católico de los inmigrantes italianos en la ciudad de Córdoba desde fines del siglo XIX hasta 1941. In G. Vidal & P. Vagliente (Eds.), *Por la señal de la cruz. Estudios sobre iglesia católica y sociedad en Córdoba, s. XVII y XX* (pp. 209–235). Córdoba: Ferreyra Editor.
- Morello, G. (2003). *Cristianismo y Revolución. Los orígenes de la guerrilla Argentina*. Córdoba: Editorial de la Universidad Católica de Córdoba.
- Morello, G. (2005). La libertad de opinión en la Iglesia de Córdoba. In C. Schickendantz (Ed.), *A 40 años del Concilio* (pp. 231–298). Córdoba: Editorial de la Universidad Católica de Córdoba.
- Morello, G. (2007, enero-abril). El Concilio Vaticano II y su Impacto en América Latina: a 40 Años de un cambio en los paradigmas en el catolicismo. *Revista Mexicana de Ciencias Políticas y Sociales (México)*, XLIX(199), 81–104.
- Morello, G. (2012). Catholicism(s), state terrorism and secularization in Argentina. *Bulletin of Latin American Research Review*, 31(3), 366–380.
- Morello, G. (2013). Christianity and revolution: Catholicism and guerrilla warfare in Argentina’s seventies. *Journal of Religion and Violence*, 1(1), 41–59.
- Obregón, M. (2005). *Entre la cruz y la espada. La iglesia católica durante los primeros años del “Proceso”*. Buenos Aires: Universidad Nacional de Quilmes Editorial.
- Roitenburd, S. (2000). *Nacionalismo Católico Córdoba (1862–1943). Educación en los dogmas para un proyecto global restrictivo*. Córdoba: Ferreyra Editores.
- Romero, C. (2009). Religion and public spaces: Catholicism and civil society in Peru. In F. Hagopian (Ed.), *Religious pluralism, democracy and the Catholic Church in Latin America* (pp. 365–401). Notre Dame: Notre Dame Press.
- Scirica, E. (2003). Bases de acción para actuar frente a la democracia y sus bases contractualistas. Matriz y despliegue de una propuesta contrarrevolucionaria. In: *IX Jornadas interesuelas/ departamentos de historia*, UNC. [www.corredordelasideas.org/docs/sesiones/comunicaciones2/elena\\_scirica.doc](http://www.corredordelasideas.org/docs/sesiones/comunicaciones2/elena_scirica.doc). Accessed 19 Aug 2015.
- Tcach, C. (2006). Entre la lógica del partisano y el imperio del Golém: dictadores y guerrilleros en Argentina, Brasil, Chile y Uruguay. In H. Quiroga & C. Tcach (Eds.), *Argentina 1976–2006. Entre la sombra de la dictadura y el futuro de la democracia* (pp. 123–166). Rosario: Homo Sapiens.
- Vidal, G. (2002). El Círculo de Obreros de Córdoba (1897–1907). Algunas características del espacio público de una ciudad del interior. In G. Vidal & P. Vagliente (Eds.), *Por la señal de la cruz. Estudios sobre iglesia católica y sociedad en Córdoba, s. XVII y XX* (pp. 165–208). Córdoba: Ferreyra Editor.
- Walter, J. (2002). Catolicismo, cultura y lealtad política: Córdoba, 1943–1955. In G. Vidal & P. Vagliente (Eds.), *Por la señal de la cruz. Estudios sobre iglesia católica y sociedad en Córdoba, s. XVII y XX* (pp. 265–309). Córdoba: Ferreyra Editor.
- Wilde, M. J. (2004). How culture mattered at Vatican II: Collegiality trumps authority in the Council’s social movement organizations. *American Sociological Review*, 69, 576–602.

## Chapter 5

# ***Laicidades in the Andean Sub-region: Laicidad, Sexuality, and Reproduction in Bolivia's and Ecuador's Constituent Assembly Debates***

**Marco Huaco Palomino**

**Abstract** The main purpose of this chapter is to analyze the debates that surrounded the preparation and approval processes of Bolivia and Ecuador's new constitutions on questions about *laicidad*, religion, sexuality, and reproduction. Particularly, the first part of the chapter addresses each country's Constituent Assembly delegates' discursive positioning with respect to the place of religion in the public sphere and to the principle of *laicidad*, whereas the second part analyzes the concrete political practice of debating issues such as sexualities, reproduction, family types, and women's rights.

**Keywords** Constituent processes • Secular state • Secularization • Religious freedom • Sexual and reproductive rights

This chapter<sup>1</sup> analyzes the processes of constitutional and political change in Ecuador (2007–2009) and Bolivia (2006–2009) that took place in each country's Constituent Assembly around issues of *laicidad*, religion, sexuality, and reproduction.<sup>2</sup> To date, no research has been conducted on the relationship between these states' requests for secularism through constitutional change and the church–

---

<sup>1</sup>This chapter is a condensed version of some sections of a recently published book: Marco Huaco Palomino, 2013, *Procesos constituyentes y discursos contra-hegemónicos sobre laicidad, sexualidad y religión: Ecuador, Perú y Bolivia*. Buenos Aires: CLACSO.

<sup>2</sup>Referendums were held in Ecuador and Bolivia asking the populations of both countries whether they were in favor of reforming their constitutions. The results of both approved constitutional reform, authorizing the establishment of “Constituent Assemblies.” National elections were held in each country to select the delegates who would sit in these Constituent Assemblies and be tasked with debating and drafting Ecuador's and Bolivia's new constitutions. In Bolivia, in particular, social citizen organizations and movements had the opportunity to run for positions as delegates, in addition to traditional political groups. After the Constituent Assemblies finished drafting their

M. Huaco Palomino (✉)

National University of San Marcos, Lima, Peru

e-mail: [marcohuaco@gmail.com](mailto:marcohuaco@gmail.com)



state dynamic in each country. The almost simultaneous occurrence of the Bolivian and Ecuadorian constitutional reform that involved issues of *laicidad*, religion, sexuality, and reproduction, and the seemingly identical debates that they faced in relation to those issues, are worthy of an in-depth analysis, which will in turn enrich our understanding of *laicidads* in Latin America more broadly.

The political space and time surrounding Ecuador and Bolivia's constitutional debates consisted of a period of development of strongly anti-hegemonic and self-proclaimed revolutionary projects: the "Citizen's Revolution" led by Rafael Correa in Ecuador and the process of "decolonization" led by Evo Morales's indigenous socialist party in Bolivia.

Although the two countries share common characteristics (a predominantly Catholic population; church hierarchies that are legitimized and that protect public morals; a shared colonial and pre-Hispanic history; an increase in the national policy leadership by evangelical–fundamentalist and confessional parties; similar institutional models of church–state relations; similar demands from women, indigenous people, minority religious groups, and the homosexual community regarding equality, non-discrimination, and dignity; and similar demands for new political constitutions), they differ in their approaches to the constitutional debates and in the intensity of political confrontation even if the debates focus on the same topics (abortion, same-sex marriage, sexual and reproductive rights, relations between church and state, and secular education).

## 5.1 Secularists but Believers: The Competing Sacred Legitimacies

The debate on the pre-political bases of the exercise of power, the values of the new constitutional order, and the religious symbols focusing on these values, was expressed in Ecuador and Bolivia through a new religious pluralism that exceeds the traditional framework of monotheist religions by expanding its respect for native spiritualities and the position taken by the state toward various religious and spiritual expressions in society.

This dispute first played out in the debates on the place of religious symbolism in the constitutional texts and in the political competition for sacredness to maintain a predominant position through the invocation of deities in the constitutional preambles; secondly, in redefining religious freedom to include indigenous spiritual expressions and to exceed Judaeo-Christian-type pluralism; and thirdly, in the declaration of the secular nature of the state and its official position on religious pluralism in society.

---

proposed changes, another set of referendums was held to approve and ratify the new constitutions.

### 5.1.1 *Constitutional Religious Inspirations*

This section considers the discussions about the constitutional preamble and symbols to be included in Bolivia and Ecuador's constitutions.

#### **Bolivia**

##### The Cosmic Indigenous Preamble

The proposal made by the Bolivian Episcopal Conference for the preamble consisted of including an explicit and unquestionable textual recognition of Catholicism.<sup>3</sup> It was a new stance in relation to the Bolivian constitutional tradition since bishops were not attempting to establish an exclusive preference, and when it came to maintaining a leading role as a confession recognized by the state, other religiosities and spiritualities were also recognized. This constitutional tradition went through two distinct stages regarding the inclusion of religious consecrations in the preambles of the constitutions. The first stage consisted of preambles that included popular Christian and sovereigntist invocations, and the second stage consisted of introducing constitutions or implementing constitutional reforms without religious invocation and preambles that were justified exclusively by the secular principle of popular sovereignty.<sup>4</sup>

Bolivia's new constitution, approved in a referendum in 2009, retains the tradition of including preambles that invoke God, but in very innovative and different ideological terms. First and foremost, it includes a fairly long preamble in comparison with those preceding it in the Bolivian constitutional tradition. Second, the preamble incorporates cosmic projections: it includes references to a narrative with symbolic functions similar to Genesis, the first book of the Bible, and proceeds with a historic development of the original narrative and a projection toward a new and founding future that evokes the promise of a "New Earth" and a "New Heaven" in The Apocalypse, the last book of the Bible.

---

<sup>3</sup>"The State recognizes and respects the religious reality of the Bolivian people and their indigenous roots as well as the presence of Christianity in its various acceptances. It also recognizes the contribution by the difference Churches, especially the Catholic Church in the formation of Bolivia's identity and development" (Bolivian Episcopalian Conference).

<sup>4</sup>It can be noted that since the 1938 Constitution that eliminated the exclusion of the public exercise of non-Catholic cults and granted religious freedom, God is no longer invoked in preambles. It would even appear that a constitutional disenchantment occurred through its complete removal.

## The Decolonization of *Laicidad* and Intercultural *Laicidad*

A number of intellectuals opposed the special rights of religious minorities or of certain populations and argued instead for an ideal universal and egalitarian citizenship. In the case of the iconic French *laïcité*, this opposition was often nourished by republican universal ideals that were combined with the premises of *laicidad* through a nationalist and even xenophobic logic, convenient for assimilating religious, racial, and cultural minorities into the *mainstream*. The notion of decolonized *laicidad* helps us to understand the apparent “paradox” between the declaration of citizenship, *laicidad* as a universal principle, and nationalist retaliations that authors like Jean Baubérot and Micheline Milot identified in the French context.<sup>5</sup> We cannot understand such an apparent paradox if we do not consider the phenomenon of *coloniality*: a phenomenon that goes beyond the conception of *laicidad* by claiming its own way of conceiving the universal and the individual, the relations between hegemonic beliefs and those conditional to both the colonial and neocolonial era. This way, it wouldn’t be absolutely paradoxical if a colonialist conception of citizenship—which claims an assimilationist principle on the differences, notably those of the colonized—also upholds a colonialist conception of secularism according to which the “universal” principle is ultimately claimed as a “national exception” intended to oppose other societies, starting with its own (by standardizing the internal differences under the unique concept of the “citizen”). In this sense, we may suggest that such a paradox is in fact an issue generated by the colonialist nature of the French-dominant ideology of *laicidad*, such that the notion of decolonized *laicidad* could enable us to approach the Bolivian process of secularization without ethnocentrism.

In this regard, the decolonization process should therefore equally affirm a decolonization of *laicidad* itself in order to arrive at a model of intercultural *laicidad*, if such an adjective can be used with the term *laicidad*, a concept that includes within it—in principle—respect for differences on the grounds of equality and that challenges the existing hegemony.<sup>6</sup> The resulting concept of intercultural *laicidad*

---

<sup>5</sup>To distinguish between *laïcité* and the French universal republican ideology, Baubérot and Milot (2013, 13) wrote: “It is important to distinguish between what stems from *laïcité* [and] what is based on the specific conception of French citizenship. Admittedly, writes Jean-Claude Milner (1984, 151), ‘the French ideology [...] is this paradox: a characteristic that only supports itself when covered in universal insignia’... or (we would add) with a French conception of the Universal. Such a paradox is the issue of ‘the [dominant] French ideology’ not an issue of *laïcité*. This paradox is rooted in the French republican tradition in the fact that the recognition of others as being equal seems to suggest, as Renault states, to ‘essentially wipe the slate clean when it comes to what distinguishes us from the other [...] from our ways of being that are benchmarks of our existence’ (Renault and Touraine 2005, 15).”

<sup>6</sup>As Baubérot reminds us, this began with the French debate on “*laïcité positive*” that Nicolas Sarkozy tried to establish as a model of *laïcité* that went beyond the French *laïque* tradition that was allegedly “antireligious,” although the author wrote a book in which he analyzed the interesting model of “*laïcité* in Québec” (see Baubérot 2008a, b). Describing the “intercultural *laïcité*” suggested by the Québec Solidaire party and the Mouvement laïque du Québec (MLQ), the author states: “This would be a matter of merging ‘the neutrality of institutions in terms of beliefs (includ-

will not be a European conception of *laicidad*, although it retains the essential features of it, which include the autonomy of religious and political power, or the sovereignty of the people as a source of state authority (Blancarte 2000).

In his book on Québec, Baubérot (2008a, b) defines *laïcité* in Québec as the desirable future for French *laïcité* and refers to it—reiterating the French Canadian groups—as *laïcité interculturelle*. In my view, this model is not completely cultural, since it is exclusively defined on the basis of the individual–state relationship, thereby omitting the people–state and community–state relationships that are important in the decolonization process, like the one in Bolivia on which the indigenous people base their relationships with the state. Baubérot considers that the *laïcité* in Québec constitutes a model that integrates individual diversities through its key approach of “reasonable accommodation,” but it does not take into account that cultural subjects can be shaped by nations, and he forgets that the term “accommodation” invokes assimilation policies by making a distinction between the “accommodators” and the “accommodated” within the context of the dominant *laïcité*. While it is indisputable that the author postulates relationships based on equality and respect for diversity, while positively endorsing the accommodation model in Québec<sup>7</sup> and proposing it as a future French model that suggests a monocultural *laïcité*, it seems that he cannot escape the individualistic hegemonic conception of secularism.

In Bolivia, the reform of Article 3 of the constitution partially introduces the separation of religion and state, deepening the secularization of the Bolivian state within the political discourse on decolonization. But, unlike the Ecuadorian Constitution, the references to both Pachamama and God in the same preamble do not have the same consequences in the rest of the Bolivian constitutional text. As will be discussed, the blatantly revolutionary provisions on the “the rights of nature” that were incorporated into the Ecuadorian case were not considered in the Bolivian case. In this respect, inverse relationships were established and even if few of the Pachamama rights were recognized in the new Bolivian Constitution as they were in the Ecuadorian Constitution, more religious and spiritual rights of the indigenous people were recognized in the former than in the latter.

---

ing skepticism and non-belief’ and ‘the respect for diversity,’ that is, ‘the role of individual freedom in those institutions, to express one’s own convictions in a context favorable to exchange and dialogue.’” He also adds that the principles of intercultural *laïcité* suggested by the MLQ would be “the inclusion of all the individuals established in Québec; the freedom of opinion and belief of all citizens (the right to believe or not to believe); the primacy of right (‘the common laws and regulations arising from a democratic deliberation prevail over religious prescriptions’) and the equality for all before the law” (Baubérot 2008a, b, 200–201).

<sup>7</sup>Jean Baubérot, Chair in History and Sociology at l’École pratique des hautes études de la Sorbonne, was the only member of the Stasi Commission, which analyzed the issue of visible religious symbols for the French state, to vote against the final report that banned the wearing of the Islamic veil. He is the author of a bold piece on the racist establishment and exclusion of French republican universalism, titled *L’intégrisme républicain contre la laïcité* (2006).

## Ecuador

In the constitutional debates in Ecuador, the question of including religious references and religious symbols in the preamble was not limited to Christian images, but was extended to ancestral indigenous religiosities. Ecuador has also kept the differentiation between “religiosities” (referring to the religions that were transplanted through Spanish colonization) and “spiritualities” (referring to the indigenous systems of values), but the real novelty in the Ecuadorian case involved the permanent inclusion of an important image of civil religiosity<sup>8</sup> in the Constituent Assembly’s works, influencing the political legitimacy of the majority and minority discourses: General Eloy Alfaro and his historical legacy of a liberal, secularist, and anticlerical nature.

### Alfarism as an Ecuadorian Civil Religion

Religion in itself was not of high importance or visibility in the Ecuadorian Constituent Assembly’s great ideological discourses and political debates, but it was in connection with chosen polemic questions. However, very specific and negative statements were made against the role the Catholic Church played throughout Ecuador’s history.<sup>9</sup> The references made to General Eloy Alfaro and his secular legacy were very different. Apart from the fact that constituent sessions formally opened on a daily basis with a reminder that the city the sessions took place in was Montecristi, namely Eloy Alfaro’s birth town, and that the administrative complex named *Ciudad Alfaro* (“City of Alfaro” [N.D.T.]) included an enclosure for the National Assembly, a historical museum, and a mausoleum with the ashes of the “Old Combatant,” delegates of the majority (MPAIS) and the left-wing minority (RED) also conducted exercises to revive the historical memory and commemorate the anticlerical fight in favor of the separation of church and state, marked by Alfaro’s historical legacy. In addition to these exercises, several delegates to the Constituent Assembly systematically drew a mystical halo around Alfaro’s image in order to evoke symbolism that gave his character a sense of civil religiosity as a

---

<sup>8</sup>Bellah (1967, 16) stated: “a civil religion is at best a clever apprehension of a universal and transcendent religious reality as it is seen, or as one might say, as it is revealed by the experience of the American people.” For Salvador Giner (1993, 26), “civil religion consists of the sacralization process of certain features of community life through public rituals, civic liturgies or popular piety that confer a power and that strengthen the identity and order in a socially heterogeneous community by making it transcendent through the careful management of its secular and supernatural symbols, and through the epic management of its history.”

<sup>9</sup>On the commemoration of the death of the General Eloy Alfaro, reiterating the clerical conspiracies regarding his assassination and by suggesting in an anticlerical speech that the Catholic state should apologize for the assassination (Ecuadorian Constituent Assembly 2008a, 6, 11), on Women’s Day during which we recall the clerical persecution against pro-independence women (Ecuadorian Constituent Assembly 2008b, 6), and by denouncing the economic interests and trade links of the Episcopalian Conference against the Ecuadorian financial bourgeoisie (Ecuadorian Constituent Assembly 2008e, 34).

liberal and Bolivian hero, strengthened by references to the Ecuadorian people's Christian religiosity.<sup>10</sup>

General Eloy Alfaro's character continuously influenced the Constituent Assembly debates after being a sure point of reference for political legitimacy that was never opposed by the minority. Thus he was a real untouchable secularist saint that no one could oppose. For this reason, there is a civil religion with all the basic elements needed for its establishment: a patron saint at the core of the civic cult whose body was cruelly tortured by its enemies but who managed to attain prosperity; liturgical acts of worship and homage; a sacred place of pilgrimage (the *Ciudad Alfaro*)<sup>11</sup> on a holy mountain (Montecristi); a very sacred place of gathering (the mausoleum with Alfaro's ashes); a canonized doctrine (secularism and liberalism); a book written to give it shape (the new constitution); a clergy (the political elite self-proclaimed as the heirs of the Citizens' Revolution's legacy); a community of believers (the Ecuadorian society); and a powerful enemy (conservatism, Catholic clericalism, and its present reprints). The hegemonic actors certainly would not have an easy fight to prevent the approval of the revolutionary Charter of Montecristi.

#### The Name of God and the Pachamama in the Preamble

A discussion was also held on whether God or Pachamama would be mentioned in the preamble. The Ecuadorian constitutional tradition showed that only seven of the nineteen constitutions did not include invocations of the Judeo-Christian God, and that it was an intermittent practice. One can appreciate that after 1906, the year the Alfarist constitution was promulgated, three out of the seven constitutions did not mention God in their preambles, and that since the 1945 constitution, the practice

---

<sup>10</sup>This was the case for parliamentarian Rafael Esteves (PSP) when he mentioned, on more than one occasion, the sacred nature of the constituent work headquarters, the city of Montecristi, while discussing the article on the state's duty of recovering, promoting and protecting sacred indigenous places and sites, when he suggested that "Montecristi, the birthplace of Alfaro where his ashes lie" should be described as a sacred place (Ecuadorian Constituent Assembly 2008d, 87), or when he identified a factual coincidence that suggested the achievement of a chronological design around July 24: the date of birth of the liberator, Simón Bolívar; the day of the vote on the complete text of the new Constitution; and the day when justice was brought to indigenous people by recognizing Quechua as Ecuador's second official language, correcting a serious mistake, and applying the old liberator's saying: "the art of winning, is learned in defeat" (Ecuadorian Constituent Assembly 2008g, 19). Similarly, Esteves drew the attention to the fact that the Constituent Assembly could sit in Montecristi ("Mountain of the Christ"), a site that in the past collapsed 25 meters, and that this symbol of Ecuadorian liberalism and *laïcisme* is linked to Simón Bolívar and the Christ through its vocation, ideals and beliefs, suggesting a revolutionary Trinity with Alfaro, Bolívar, and Jesus Christ and the feeling of living "a magical and historical moment, a moment marked by the beginning of a new step in Ecuadorian history."

<sup>11</sup>"Fellow parliamentarians: indigenous Montecristi was autonomous. Colonial Montecristi was emancipatory. The republican Montecristi was monterien and the contemporary Montecristi is constituent" (Comment by Parliamentarian Ricardo Zambrano [MPAIS], Ecuadorian Constituent Assembly 2008g, 116).

was reinstated. It was therefore impossible to identify a tradition regarding the inclusion or non-inclusion of God's name in the Montecristi constitution.

But, of course, it wasn't the underlying ideological and religious reasons that were behind the vote for or against this symbolic inclusion, it was political. For example, evangelical parliamentarians belonging to opposition political parties like Estacio Balero (MPAIS) and Gissel Rosado (PSC), used the same religious basis to vote in diametrically opposed ways. Thus, Balero prematurely stated that "the Christian Church exclusively supported the Revolution" and that this constitution should be consistent with the Christian beliefs held by the majority of the population (for example, a coherent religious stance with debates on same-sex unions and the right to life) (see Ecuadorian Constituent Assembly 2007, 124). Rosado argued that the new constitution's "pro-abortion" and "in favor of homosexuality" provisions were inconsistent with the laws of the God invoked in the preamble (Ecuadorian Constituent Assembly 2008g, 8). For this reason, once the first text was read, the Assembly called on all Ecuadorian evangelical churches to mobilize in order to go against the approbation of a constitution that ignored God and his moral principles, and that used his name in vain (Ecuadorian Constituent Assembly 2008g, 9–10).

After proposing and approving the insertion of a tribute to Bishop Leonidas Proaño, a famous Catholic bishop working on issues related to theology and a social advocate for the cause of indigenous people, the final preamble text was approved. Its reference to Pachamama, the principles of a good life, *Sumak Kawsay*, and the rights of nature, challenged the Judaeo-Christian symbolism and discourses in areas of hegemonic discourse that are not completely secularized. This marked the beginning of the decolonization process of the *laicidad* of the state (based on a liberal and informed *laicidad*) and the creation of *post-colonial laicidad* that resulted from going beyond the state's ideological model based on the monistic discourse of "one nation, one language, one religion, one Church" and that, in the best case scenario, was also compatible with liberal policies on cultural diversity based on a limited interculturalism.

### 5.1.2 *The State's Self-Declaration of Laicidad*

Constituent Assembly debates about the explicit declaration of the state's secular nature varied in detail. It is surprising that such a declaration was only briefly discussed in Ecuador, given the national Alfarist tradition. In Bolivia, this issue was raised by several civil organizations.

#### **Bolivia**

With the announcement of the creation of a Constituent Assembly that was subsequently criticized as "decolonizing" and even anti-Catholic, the Bolivian Episcopal Conference announced to the general public that it would not defend Article 3 of the

1967 constitution that refers to the “support” of the state and Catholic Church (*El Diario* 2006; *La Prensa* 2007). Therefore, in the drafting of the 2009 constitution, the Bolivian Episcopalian Conference’s position with regard to its institutional relations with the state consisted of (a) not defending the statement that “the State recognizes the support from the Catholic, Apostolic and Roman Church”; (b) requesting to eliminate the provisions pertaining to the constitutional patronage that were not removed from the 1967 constitution; and (c) supporting the inclusion of an explicit honorary recognition of how they contributed in the shaping of the Bolivian national identity.

The Episcopalian expectations were formulated as a response that offered two choices to the constituent delegates:

A. – The Ecuadorian State recognizes that the Catholic Church is a legal body governed by public law. It can establish a relationship with the Holy See through arrangements, treaties and conventions.

B. – The Catholic Church in Bolivia, as a legal body governed by public law, can conclude an agreement with the government concerning the social welfare and development, as well as with other religious denominations in accordance with the law. (Episcopalian Conference 2007)

As we can essentially see, this type of multid denominational relationship is similar to the one envisioned in Peru a few years earlier (2002) in Article 71 of their constitutional project: a special legal recognition for the Catholic Church, retention of “agreement” relations and a “neo-concordatary” extension for the non-Catholic confessions through cooperation agreements (without being totally equal). The final result of the Bolivian scenario was reflected in the new constitutional text on the relations between the church and state—a text that went far beyond the separation of the state and the Catholic Church: “Article 4. The State respects and guarantees the freedom of religion and spiritual beliefs in accordance with its value systems. The State is independent from religion.”

The state’s independence from religion constitutes a strong principle that sums up, to a large extent, the concept of the secular state, a term that was actually debated in the public arena and that motivated the church to oppose the use of term “healthy *laicidad*.” In the end, the terms *laicidad* and “healthy *laicidad*” were not introduced in the constitution, but the state’s independence from not only the churches but from religion itself was.

## Ecuador

In the Ecuadorian Constituent Assembly debates, explicitly stating that the state is secular was not discussed, because the terms *laicidad* and *laico* were already widely legitimized in this country’s history and political culture, as explained in the above discussion of the Alfarist civil religion.

This supportive environment for *laicidad* played a positive role in inciting future constitutions to include, for the first time in Ecuador’s history, an explicit constitu-



tional declaration with regard to the secular nature of the state. María Paula Romo (MPAIS), one of the constituent delegates who demanded a conceptual definition of the principle of *laicidad*, suggested that it define the secular state as a state that does not profess any religions and that recognizes the freedom of religion. She defended her proposal by emphasizing that only a state that does not profess any religions can truly guarantee religious freedom, that democracy's deliberative political logic is not necessarily compatible with the absolute truths of religions, and that the legitimacy of religious truth was based on God, unlike the state's, which was based on its citizens. She finally stated that Eloy Alfaro's secular legacy was never finished, since the separation of the state and the church was never complete and that for this reason it was necessary to define *laicidad* as a minimal ethic, a human rights ethic, and a secular ethic.

In one of her interventions, constituent delegate Tania Hermida (MPAIS) pointed out that the actual debate was one of the most important in the history of the Montecristi Assembly since it recognized the plurinational nature of the state and it defined the state as being secular. At the beginning of her intervention, Hermida symbolically put a veil on her head and then removed it to celebrate the facts that a "Constitution was being written for free citizens" and that she had the choice to wear the veil, "for whom being a woman does not require choosing between Mary or Mary of Magdalene." She also welcomed the creation of a "re-constituent" space where the "limits of the alleged cultural unity, language unity and religion unity" could be surpassed to open up to a future in which "the unity is guaranteed since it guarantees the right to be different." Referencing the expression used by María Paula Romo, Hermida concluded by stressing that the state's ethic is a secular ethic based on human dignity and human rights.

The wording used to express the suggestions related to the constitutional definition of the principle of secularity consisted of a simple, but crucial, sentence that was almost unnoticed by the Assembly's opposing minority: "[It is the duty of the state] to guarantee a secular ethic as a basis for public activity and legal order."

The constituent debates in Ecuador did not address any constitutional declarations on institutional relations between the state and the church, probably since Ecuador was already a secular state due to its Alfalist political tradition, and because of the ignorance of the existing concordat relations between the Catholic Church and the state. Several evangelical members of the Assembly did not show any interest in engaging in a political fight for religious equality between Catholics and non-Catholics, but created an alliance with the conservative Catholics to establish a common moralistic agenda. Without this objective, it wasn't necessary to deepen the knowledge of the *modus vivendi* between the Holy See and Ecuador or between the status of the legislation in effect with regard to non-Catholic religious confessions. The fundamentalist evangelical constituents found themselves in a serious confrontation between the conservative Catholic discourse and the civil society's progressive discourse, a position in which they decided to support the hegemonic player. This moment in history gave way to their first political action.

## 5.2 Secular, But Not So Much: *Laicidad*, Sex, and Religion in the Crossfire

The discussion in the first part of this chapter reflected on controversies about the relations between the state, religion, and public values, and between the sacred and profane sources of political legitimacy linked to the state's *formal laicidad*, following the distinction, suggested by Amadeo de Fuenmayor, between the state's formal confessionality and substantial confessionality.<sup>12</sup> I will now turn to the political controversies that are more closely linked to *substantial laicidad*, those who ultimately appear as indicators of the state's *laicidad* when deciding upon core issues related to sexuality, reproduction, family bonds, and public education, beyond the fact that a preamble proclaims a belief in a specific God, in Pachamama, or in another legitimized metapolitical source.

### 5.2.1 *Abortion: Pro-life or Dignified Pro-life?*

In the two countries studied, the abortion issue was presented as a subject that is divided between the constitutional field and the discourses that rely on an abstract "right to life" reduced to its biological aspect. In these debates, it was argued that the right to life should be established from conception (fertilization) up to its natural completion, without any type of human intervention. Since life is a gift from God, it can only be given or withdrawn by Him.

### **Bolivia**

Even if the political decolonization project of the indigenous social movements played a central role in the Constituent Assembly's work that went beyond the discourses, neither the MAS nor its allies actually assumed that this decolonization would suggest the disappearance of patriarchy and the abolition of machismo and homophobia. Based on the critical statement that was made by the anarchist feminist group "Mujeres Creando" in an effective and shocking manner on the radio in

---

<sup>12</sup>To understand the new scenario resulting from the Vatican Council II concerning the relations between the Catholic Church and the state, the famous Spanish canonist established that several states declared themselves denominationally Catholic, but whose politics on marriage and moral progressively diverged from the Church's teachings. These states were *formally* confessional yet *substantially* non-confessional and rebellious, which was an unfortunate inconsistency and an example of state phariseism, according to Fuenmayor (1974). This knowledgeable expert in canon law of the Opus Dei proposed logically that the states were completely Catholic and that they did not limit themselves to invoking God in their constitutions' preambles or to declaring that Catholicism was their official religion, but demonstrated it in the legal order. Based on Fuenmayor's criteria, we are talking about formal and substantial *laicidad*.

2010, and through flashy protests (“we cannot decolonize without depatriarchalization”), the democratic and liberal women’s movement already knew, in 2007, that the indigenous parliamentarians were resisting the human rights discourse by defining it as occidental and foreign to the indigenous concept of complementarity between men and women.<sup>13</sup>

This cultural argument was also made against the constitutionalization of same-sex unions, suggesting that it was contradictory to the ancestral heterosexual traditions of the Andean world by arguing that, according to indigenous beliefs, homosexual relationships were unnatural.<sup>14</sup> The highly patriarchal dimension of indigenous culture in the political discourse—linked to the indisputable leftist machismo and leaders of the MAS—was one of the opposing factors that objectively joined the conservative Catholic discourse and the fundamentalist evangelical discourse in the opposition before this type of speech was introduced in the new constitution. Furthermore, from an ideological indigenous point of view, it was noted that the overcoming of patriarchy was an expression inferior to the decolonization process that could only be undertaken from positions inspired by the Pachamama<sup>15</sup> and the *chacha-warmi* (a complementary relationship between men and women), which, in reality, ignored the idea that the patriarchy was not an expression derived from Iberian colonialism but that it existed beforehand and that indigenous women lived relationships of subordination to men on a daily basis.

As to the right to life and abortion, the positions were publically well established. The Episcopalian arguments supported religious, legal, ecclesiastic, and social reasons. Building on the claim that “life” constitutes a sacred and natural value, they developed the idea that life was legally guaranteed from conception based on the American Human Rights Convention and on Bolivia’s Children and Teenager’s Code, Civil Code, and Penal Code (by condemning abortions, but by forgetting that abortion in the case of rape, incest, or danger of death for women had been legalized). They continued with the cultural agreement that suggested that neither the Bolivian population nor the indigenous cultures were in favor of abortion since they respected moral and responsible sexual practices. Their final argument was ecclesiastic and recalled the teachings in John Paul II’s famous pro-life encyclical *Evangelium Vitae*.

---

<sup>13</sup>In the subsequent systematization of the Constituent Assembly’s process, the indigenous intellectual and an employee of the Evo Morales government, Idón Chivi, stated that “This way, we should assume that the decolonization is the *ajayu* (spirit) of the process and the depatriarchalization is the *q’amasa* (energy) of the process” and that “the concept of ‘depatriarchalization’ is not the decolonizing feminism nor the decolonization of feminism, it is pure and simple depatriarchalization” (Chivi 2011, 19).

<sup>14</sup>The author noted the argument during the presentation of the former Minister of Education of the Félix Patzi at a forum organized in La Paz during which sexual rights in the new Constitution were debated.

<sup>15</sup>Chivi stated that “the decolonization, as well as depatriarchalization, did not constitute a romantic return in a *tawntinsuyen* past. On the contrary, it was the State’s rebel praxis that eradicated racism and machismo, not out of the blue, but from the indigenous identity and the vital core of indigenous identity: Pachamama...” (Chivi 2011, 19).

For its part, the women's movement also defended these positions. First, it started with the need for the Bolivian state to declare itself as "secular," in addition to being multicultural and multiethnic in order to recognize the rights of men and women. Thus, the women's movement insisted on a substantive differentiation between *sexual rights* and *reproduction rights* every time they were mentioned, without giving any importance to the reiteration or redundancy of the term "right," and by prioritizing the political urgency of recognizing these rights as autonomous and independent and not as a unique category of rights. This way, it involved building a gap with the conservative discourse that did not conceive sexuality without reproduction and that diminished the legal basis of sexual rights to questions of reproduction or, worse still, to the logic of simple sexual and reproductive health.

Therefore, since the proposals made by the Catholic hierarchy in Sucre, the headquarters of the Constituent Assembly deliberations, had been announced, the president of the Commission of Social Integral Development stated that the debates had been radicalized and that the positions were polarized, which prevented them from reaching a consensus (*La Razón* 2007a). The following week, on May 24, 2007, the Commission of Duties, Rights and Guarantees, also presided over by a parliamentarian from Podemos, approved a text as a "first agreement" in which it was stated that the "the right to life from conception" had been approved by the majority (six members) and opposed by three other members. People joined a women's march wearing condoms as well as women's and children's underwear to get the public's attention (*Los Tiempos* 2007a). Constituent delegate Loyola Guzmán also protested against the formulation of the right to life from conception by arguing that human rights are undivided, universal, and interdependent, and that these rights could infringe some of the women's essential rights (*La Razón* 2007d; *Los Tiempos* 2007c).

The protests from the women's movement had only just begun. Women's rights activists suggested that:

With this decision, [we had] violated the spirit of the territorial meetings and that [we] had deprived the delegation [of] its meaning and [of] the basic principles of democracy since, out of the 283 proposals received and known by the Commission, 29 mentioned the right to life, 25 suggested a right without any limitation, and only four of them suggested a right to life from conception, clarifying that three of these proposals were made by religious organizations and one citizen without an institutional filiation. (*La Razón* 2007b)

The Commission's president responded that the right to life from conception was a concept that was already integrated in the Bolivian legal order under law 1430, which recognized the Pact of San Jose, Costa Rica (*Los Tiempos* 2007b).

The Women's Organization for Equity and Equality vigorously reminded us that this reform was claimed to have deprived women of the constitutional basis for abortion in cases of rape, incest, or danger to the life of the mother, legalized by Article 266 of the Bolivian Penal Code (*La Razón* 2007c). Several organizations of indigenous and rural women also spoke up by submitting proposals to the Constituent Assembly in which they confirmed their support for "the right to life" (without any specification), sexual and reproductive rights, a secular state, the right to decide

when to have children and how many, and non-sexism in constitutional language (*La Razón* 2007e).

This Commission recently put this question to a vote and—in front of fundamentalist and conservative Catholic demonstrators holding rosaries, bibles, candles and other religious objects—adopted a new text recognizing the simple “right to life” without further details. In response, fundamentalist evangelical churches and the Catholic Church organized marches against abortion, demanding freedom of religion and a total ban on abortion.

The constitution was finally approved in December 2007. Almost 30 articles were dedicated to different aspects of women’s rights, and used non-sexist language throughout the new constitutional text.<sup>16</sup> Some of the articles were amended a year later by the National Congress and the articles related to the right to life and to sexual and reproductive rights were finally written as follows:

Article 15.

- I. Every person has the right to life and to physical, psychological and sexual integrity. No one shall be tortured or suffer cruel, inhuman, degrading or humiliating treatment. There will be no death penalty.
- II. All individuals, specifically women, have the right to be free from physical, sexual and psychological violence, within their family and in society.
- III. The State will adopt the necessary measures to prevent, eradicate and punish gender and generational violence, as well as any action or omission intending to degrade the human condition, cause death, pain or physical, sexual, or psychological suffering, both in a public and in a private context.

Article 66. Women and men are guaranteed the exercise of sexual rights and their reproductive rights.

An observation that cannot be ignored is that Article 66, guaranteeing sexual and reproductive rights, was placed in the section titled “Rights of Families.” The Bolivian Constituent Assembly delegates possibly considered that such rights were families’ rights instead of rights of men and women as individuals (an issue that still needs to be resolved, but that will remain unresolved for now until the debate transcripts can be studied).

Just as in Ecuador, the approval by referendum of the new Bolivian Constitution encouraged opponents to join a public campaign against abortion and sexual perversion, which was supposed to be initiated and promoted by the new constitutional charter. This raised a challenging issue that brought forward religious arguments and conservative tendencies, thus creating significant controversy in the media.

---

<sup>16</sup>The main themes were gender equality as a state value (Article 8) and as the principle behind the equal representation of the government (Article 11); the non-discrimination and sanction of any form of discrimination as a fundamental principle of the state (Article 14) and the women’s right to live a life free of violence (Article 15); the principle of equal pay and equal work by applying the principle of non-discrimination (Article 48); the presumption of parentage mainly in favor of women whose partners deny the paternity of their children (Article 65); the recognition of work in the home as a source of wealth for the state (Article 338); the right of women to own land (Article 395); and the state’s duty to implement policies intended to eliminate all forms of discrimination against women and their access to land (Article 102).

## Ecuador

Due to the state's plurinational nature, the Ecuadorian debates on abortion and on the right to life were the two main topics that polarized public discussion about the nature of the post-Constituent Assembly debate regarding the new constitutional text being approved by referendum.

The strategy adopted was conditional on the electoral agreement between the *Alianza País* (the majoritarian bloc) and President Correa, who expressed his intention to maintain the recognition of the right to life in the same terms as the 1998 constitution, which in the second chapter dedicated to "civil rights" stated: "Article 23. Without prejudice based on the rights established by this Constitution and existing international instruments, the State shall recognize and guarantee individuals: 1. Sanctity of human life. There is no death penalty."

As we can see, the acknowledgment did not address the beginning and the end of human life, an issue that was actually raised by Article 49 of the constitution, which recognized the state's duty to ensure and guarantee the right to life from conception to children and teenagers. By suggesting the retention of the said articles, the *Alianza País* agreement clearly aimed to overcome political and religious resistances. The majoritarian political bloc's position consisted of keeping the text on the right to life from the 1998 constitution, but implementing constitutional reforms that would give rise to future developments on the issue in the legal order. On the other hand, the opposition's strategy was to amend the existing constitutional framework on the right to life and to restrict future development of the constitutional text.

The great debates on abortion started after the reading of the reports by the majority and the minority<sup>17</sup> of the constituent roundtable no. 1 on the fundamental rights and constitutional guarantees. The majority's report started by mentioning the main strategic approach: the chapter on civil rights showed minor changes and additions and prioritized the protection of the text of the 1998 constitution. Among these were the gender-centric approach to aspects such as a "cross-cutting" understandings of rights, the proposal for anti-discriminatory measures, the rupture of the "feminine sexuality paradigm linked to maternity, separating sexual and reproduction rights," the bioethical limits of scientific research, the elimination of illegitimate restrictions on the right of free development of personality, conscientious objections, and the environmental rights of individuals.

The opposition (the minority bloc) suggested an alternative text on the beginning and end of human life: "human life is without exception inviolable from conception to natural death," and argued that it disagreed with reproductive rights if they affected third-party rights (without implicitly referring to the conceived individual). For its part, the majority Member of Parliament María Paula Romo suggested that we should draw a distinction between the debate on the right to life and the debate on abortion since the latter is derived not from the constitution but from the penal code, through which the criminal conviction for or the legitimization of the voluntary

---

<sup>17</sup>The minority bloc was formed by a coalition between the Partido Sociedad Patriótica, the Partido Renovador Institucional Acción Nacional, and the Partido Social Cristiano.

termination of a pregnancy could be discussed. These were debates that in the end would not resolve problems linked to sexual violence, family planning, and rights to live with dignity.

The confrontations gave way to the use of Manichean ideological terms that resulted in the polarization of the debates into two irreconcilable camps. In this sense, constituent Beatriz Tola (MPAIS) protested against the creation of a synonymy between the debate on the right to life and the debate on abortion, and against polarizing terms used by the minority between the “supporters of abortion” and “pro-life,” and between “moral” and “immoral,” by pointing out that they all supported life and that the state could not allow the death of any woman.

On the other hand, other constituents wanted to move away from the terms of the debate by suggesting that they defended not only the mere concept of life, but a “life with dignity” that conflicted with the “death policies” supported by those claiming to be “pro-life.” Norman Wray (MPAIS) stressed the ideological basis of a “dignified life” by adding that there was an existing link between the right to life and enjoying the economic, social, and cultural rights that exceed the unidimensional concept of “life.” Therefore, in the new Ecuadorian constitutionalism, the right to life would be violated every time one of these rights was breached or whenever the state would not adopt positive measures to prevent its violation.

Consequently, the “pro-life” discourse *in abstracto* was put up against the “pro-life” discourse of women; the discourse on the biological life from conception was put up against a discourse on the “dignified life”; and the discourse on the right to life as an exclusive civil right of the conceived child was put up against the discourse on the right to life achieved through economic, social, and cultural rights.

Considering that the polarization of the debate was incited by several religious actors (mostly Catholic and evangelical) outside the Constituent Assembly, it was inevitable that religious and naturalistic arguments would be used to establish political legitimacy. Constituent delegate Cristina Reyes (PSC) therefore claimed that the constituent powers were not divine, that they could not be exerted against the natural order, and that life should be guaranteed from conception to its natural end. Constituent delegate Gissel Rosado (PRIAN) stated that 99% of Ecuador consisted of “believers,” and that consequently, this religiosity should be reflected in the constitution. Mario Játiva and Estacio Balero, two constituents and members of the MPAIS and the evangelical community, opposed their own political bloc and used religious arguments. The first claimed that abortion fostered sexual libertinism, the destruction of the family, and harm to minors. He explained that given his geographical situation, up to four generations of Ecuadorians could face the wrath of God through natural disasters and even disappear like Babylon and Sodom, considering the moral degradation supported by the constitution.

Constituent delegate Beatriz Tola responded to this use of religious values by criticizing the traditional Roman Catholic idea that sexuality is not legitimate unless it is for reproductive purposes, and by referring to a national survey showing that 78% of the population of Ecuador (the majority of which is Catholic) do not follow these guidelines in their daily life. Constituent delegate Norman Wray drew attention to the need for Ecuador to be a secular state, precisely because of the use of

religious arguments in public debates such as the one on the morning-after pill that was declared unconstitutional by the Constitutional Tribunal due to pressure from Ecuador's Episcopal Conference. Similarly, in referring to constituent Maruri and his pro-life argument of conscience, a left-wing minority constituent, Martha Roldós Bucaram (RED), denounced the distortion in the Constituent Assembly's debate as intentionally carried out by "groups with conflicts of conscience" and that since it consisted of a matter of conscience, the final decision of abortions carrying risk to pregnant women's health should not be imposed by the state, but should rather be a matter of choice for women themselves.

In the end, the text approved by the new Montecristi constitution reflects the idea that a human being must be considered a "child" in accordance with the constitutional order previously in effect. For that reason, there is continuity and a sign of the prevalence of President Correa's party on opinions shared by *Alianza País* suggesting elimination of the term "inviolability of life" and incorporation of exception clauses to the right to life in the text.<sup>18</sup>

Far from being a "constitution in favor of abortion," or, more precisely, a partisan constitution for the right to abortion with no restrictions, the Montecristi constitution partly reflected the Catholic position that a conceived child is a human being and only introduced new provisions that explicitly recognized sexual and reproductive rights,<sup>19</sup> which were condemned by the opposition and Ecuadorian bishops.

### 5.2.2 *Same-Sex Marriage: Family of Families?*

The issue of same-sex marriage is up for debate and is subject to polarized positions in contemporary societies. In Ecuador and Bolivia, it was resolved along similar lines: by constitutionally recognizing common law unions for same-sex couples, but not marriage with the right to adopt.

#### **Bolivia**

Just as claims by the women's movement often collided with indigenous parliamentarians' misunderstandings before being integrated into the constitution's text, claims from Bolivian sexual diversity advocates who regrouped in LGBT collectives suffered the same fate.

---

<sup>18</sup>Compare, for example, the interventions of certain members of the majority bloc (Ecuadorian Constituent Assembly 2008c, 109, 155–156). The idea of establishing exceptions to the right to life was already considered in a project by the National Council of Higher education (CONESUP) (see Ecuadorian Constituent Assembly 2008c, 175).

<sup>19</sup>Rosana Alvarado, first vice-president of the National Assembly, eventually recognized that "We cannot go further for the time being, but it does not necessarily mean that therapeutic and eugenic abortions are fully valid" (Ecuadorian Constituent Assembly 2008f, 86).



In 2002, as a result of a long historical maturation process,<sup>20</sup> the sexual diversity movement regrouped in Bolivia's national LGBT network and suggested a series of constitutional reforms relating to citizenship and the family, marriage, and common law unions between same-sex partners. They called for the recognition of rights of personality and legal capacity, and non-discrimination on the grounds of "sexual and gender identity" in Article 6 of the constitution. The LGBT groups did not feel represented by the constitutional declarations that refer to the multicultural nature of the country, due to a lack of recognition of the population's sexual diversity, and because they believed the term "gender" was not adequate and suggested the existence of second-class citizenship. More specifically, with regard to the issue of citizenship, they argued that Article 141 on Bolivian citizenship introduced sexual identity and gender as part of the definition of citizenship without discrimination.

After being introduced at three different public hearings, the proposal was accepted by Parliament's Committee on the Constitution without difficulty. However, in the new political situation where indigenous and progressive social movements challenged the hegemonic Bolivian order, the result was different, but no less dangerous. On June 30, 2007, a vehicle participating in a festive caravan in La Paz on "Gay Pride Day" was attacked with dynamite, injuring six activists; the perpetrator was not found or arrested. The Constituent Assembly, the mayor of La Paz, and Bolivia's Ombudsman later condemned these actions.

The proposals made by the LGBT community were debated by the Constituent Assembly, and the MAS and MOP (*Movimiento Originario Popular*) voted in favor of including the terms "sexual orientation" and "gender identity" in the "non-discriminatory principle" in the majorities' reports despite opposition from Podemos and Catholic and fundamentalist evangelical churches. Thus, Article 63 of the version of the constitution that was approved in Oruro stated:

- I. Marriage is legally binding and is based on the partners' equality right and duties.
- II. Common law unions that meet the conditions of stability, singularity, and continuity between two individuals without legal impediment will have effects resembling those of a civil marriage, both in the personal and patrimonial relations between partners and with regard to their natural or adopted children.

No reference was made to the necessarily heterosexual nature of marriage or common law unions. This detail was not overlooked and, as Vargas (2008) notes, the "Commission of Consistency and Style" chaired by Silvia Lazarte, president of the Constituent Assembly, surpassed its legal competencies and significantly amended the text in Article 63 by adding the bolded text:

- I. The marriage **between a woman and a man** is legally binding and is based on equality of the partners' rights and duties.
- II. Common law unions that meet the conditions of stability, singularity, and continuity **between a woman and a man** without legal impediment will have effects resembling those of a civil marriage, both in the personal and patrimonial relations between partners and with regard to their natural or adopted children.

---

<sup>20</sup>Criticized in Vargas 2008. Most of the information discussed hereafter stems from this reference.

## Ecuador

The Constituent Assembly debates on the issue of marriage or same-sex unions was, along with the debate on the right to life, another conservative argument used to contest the new Ecuadorian Constitution. For this reason, it is understandable that these topics fueled the most important and passionate debates during the constitutional reform process. The constituents of the minority were opposed to the inclusion of terms such as “sexual orientation” or “gender” in the articles related to the right to equality and non-discrimination, and suggested the use of a term like “sex” (in a dualist sense, like the feminine sex and the masculine sex), which was not incorporated in the final articles that retained references to the right to equality and non-discrimination in terms of gender and sexual orientation.

In that respect, *Alianza País*’s report supported its choice to maintain the “1998 Constitution standards”<sup>21</sup> while adding “major advances requested by citizens relating to respect for diversity and freedom of choice in the exercise of sexuality,” and by recognizing common law unions between same-sex partners without the right to adopt. The minority bloc’s report was not based on religious arguments, but showed attempts to give their objection to homosexual unions a legal basis. Secondly, it did not question the notion of a union between same-sex couples, but rather the scope of its rights. Thirdly, the position adopted in the report by constituent delegate Maria Kronfle<sup>22</sup> broadly coincided with the position that was surprisingly defended by the Ecuadorian Episcopalian Conference: to reserve marriage for heterosexual couples; to allow common law unions between heterosexual and homosexual couples; to not recognize a homosexual union as a “family”; and to refer the question of all common law union rights to subsequent laws, specifying that this law could not recognize the possibility of adoption by same-sex couples.<sup>23</sup>

Once the debate started, religious arguments took precedence once again. Evangelist Balerio Estacio (MPAIS) welcomed the abolition of the term “families” (without reconsidering the sentence “types of families”), and criticized the fact that the “progress” shown in the 1998 constitution was abandoned, since the unions had been reserved for different-sex couples. By suggesting this, he tastelessly referred to other countries in which animals and humans can get married, thus comparing homosexual unions to bestiality and zoophilia. Congress member Mario Játiva (MPAIS) raised the issue of including the sentence “types of families” since only one type of family existed—heterosexual (whether nuclear or extended)—and

---

<sup>21</sup> The 1998 Constitution only recognized heterosexual marriage as legitimate.

<sup>22</sup> See Maria Kronfle, 2008, “Derechos familia primer debate informe minoria,” [http://constituyente.asambleanacional.gob.ec/documentos/derechos\\_familia\\_primer\\_debate\\_informe\\_minoria.pdf](http://constituyente.asambleanacional.gob.ec/documentos/derechos_familia_primer_debate_informe_minoria.pdf)

<sup>23</sup> This Episcopalian position did not fail to surprise. The international political stance of the Catholic Church was always against the legal existence of common law unions and any type of recognition of same-sex unions, leaving the option to tolerate the legalization of the latter and to recognize their economic and successorial rights as the last negotiable recourse that would always leave the sacrosanct institution of marriage untouched, non-negotiable, and reserved to heterosexual couples. It seems that the Ecuadorian bishopric had planned a negotiation margin for the last steps of the political process of approbation of the new Constitution.

suggested it be specified that a common law union was only recognized between a man and a woman and that the homosexual “family” consequently “in the historic doctrinal concept, evolving from humanity, does not constitute a family.” He openly acknowledged the patriarchal nature of marriage by stating that “the societies based on family power were and are marriage and patriarchy, that is, the father and the mother are the leaders of the family.” He also cautioned against the legalization of same-sex unions as they constitute an affront to “ethical and moral principles,” even though homosexuals represent only a minority of the Ecuadorian population. Fellow believer Guido Rivas (MPAIS) used the Bible to defend the idea that the new constitution did not recognize homosexual unions and quoted the commandment “go forth and multiply,” and evangelist Gissel Rosado (PRIAN) stated that the Ecuadorian population was primarily religious and therefore could not support this new constitutional text. Taking a biological approach, Fernando Alarcón, a member of the PSP, suggested that the constitutional text facilitated “unnatural facts” since “a union is between a male and a female, a *quechua* between a *huarmi* and a *cari*.”

Constituent delegate Rosanna Queirolo stated that marriage is an institution created by God, that has historically been formed by a man and a woman, “with the main objective of reproduction to strengthen society,” and that “it is not a family if the objective is not to procreate” (“it’s something else”). She criticized as being an example of “clear legal negligence” the fact that the provision on common law unions did not specify that they were designed only for heterosexual couples, stating that homosexuals’ rights in these unions do not need a special law since they could already be regulated as a “*de facto* partnership” (a private societal modality of commercial law). The provision that prevents adoption by same-sex couples was also not favorably welcomed. Queirolo declared that nothing would prevent a homosexual individual from requesting an adoption and then entering into a union, or a divorced individual who has parental authority entering into a union with a same-sex partner, since the constitution recognizes homosexual common law unions.

Delegate Marisol Peñafiel responded to Queirolo by asking her how she would classify her family, formed for almost 30 years by her, her mother, and her two nieces, and with her yet to procreate. She explained that marriage is an institution that the nineteenth century relegated to the private sphere, and is of discriminatory and oppressing nature for women. This is why fundamentalist circles spoke of a “crisis” every time this traditionally discriminatory paradigm was challenged by the new conditions of social life instead of recognizing that the concept of family holds historical leanings and is consequently not static. For these reasons she argued that the existence of various types of “families” should be constitutionally recognized since these different types also have “principles,” “moralities,” and an “ethic” like millions of Ecuadorian families that break the traditional mold. The other minority bloc actors took this opportunity to highlight the plurality of families and the complex issues raised by the phenomenon of migration and its impact on the social image of Ecuadorian families.

It is in this context that during the final session of the Constituent Assembly, a last minute change occurred that was substantially and particularly important for the legal regime of marriage. The following text was read:

The various types of families are recognized. The State will protect the family as a fundamental core of society and will ensure conditions that will foster the achievement of its purposes. They are linked legally or by common law and are based on equality of rights and opportunities of their members. Marriage is a union between a man and a woman. It will be based on free consent between the contracting parties and on the equality of rights, obligations and on the legal capacity of the partners.

In the presence of 93 constituent delegates, the text was adopted with 86 votes in favor and with seven abstentions.

### 5.3 Final Comments

Based on the Constituent Assembly and accompanying constitutional debates in both countries, it appears that we can clearly infer the existence of an integral political program in the Catholic Church's hierarchy that not only resisted the progress of secularization and laicization, but also tried to regain a more prominent position in the state that consisted of restoring their historical hegemony. This is an integral Catholicism that, on a global scale and settled in an organized center in Rome, tries to direct the political orientation of strictly ecclesiastical, educational, supportive, sanitary, employer, political, and intellectual organizations, and that is seeking to reclaim wider power in society and in the state to restore religious dogmas in the public sphere. This was exemplified in Ecuador and Bolivia, countries in which the Catholic clergy and fundamentalist evangelical organizations did not develop simple strategies to defend against important anti-hegemonic social movements that materialized with different intensities in their respective Constituent Assemblies. They instead proposed to their allies and social bases an attempt to roll back the few existing victories for women's rights in the existing constitutions that were under revision.

This integral Catholic program—stated in the agreements of the Second Vatican Council and reinterpreted in an increasingly Tridentine way during Jean Paul II's and Benedict XVI's pontificates—certainly does not entail a return to theocratic regimes but instead a re-establishment of confessional states (and not simply of historical-sociological justification) in which the Catholic Church and the state are separated—that is to say, maintenance of its own bureaucratic autonomy and difference in resources—but united by the same purposes, principles, and moral values. In these states, the church would occupy a privileged place over other faiths that would be accepted in the context of religious freedom, and especially if it facilitates a conservative political alliance to impose its ideological projects in the state. This is the case of a doctrine of healthy *laicidad*. For this reason, in Ecuador and Bolivia, the question of whether the recognition of religious pluralism may involve “collaborative agreements” between religions and the state is not a state issue; on the contrary, it is because they will never hold the same rights or privileges as those arranged by agreements with the Holy See.

However, the political project of integral Catholicism can no longer be solely enforced by the Catholic hierarchy or secular organizations as it was in the

nineteenth and early twentieth centuries. With the emergence of evangelical actors into national politics (both countries have evangelists from different political parties) arises the need to share a common strategy and discourse to present a united front against the “secularist” forces organized by women’s rights movements and the LGBT community. A “pro-life” and “pro-family” agenda was developed to cope with demands that, in my opinion, do not entail a complete ideological program (except for the Bolivian case in which, as a matter of fact, they were aiming for a utopic indigenous vision), but, with regard to *laicidad*, an extension of liberal democratic conquests like the legalization of abortion, the expansion of human rights through sexual and reproductive rights, the consideration of other value systems and other cultural and spiritual (indigenous) values as part of the public *ethos*, and the recognition of sexual citizenship. This implies—beyond the rarely clearly defined “twentieth century socialist” discourses, and beyond the broad political, economic, and cultural response to the hegemonic order made by social movements that occupied their constitutive space—we knew what had to be surpassed but not necessarily what had to be built or conquered.

The post-neoliberal nature of the Bolivian and Ecuadorian experiences were not able to oppose an integral ideological and political project; they could only negate the neoliberal one in order to disarm it and, in this way, build the bases of a new, though uncertain, project.

Due to the entry of religious actors contesting their social space, the Catholic Church can no longer aim to return to monoconfessional states typical of the nineteenth and twentieth centuries. The ideology of national Catholicism remains and will continue to validate the Catholic Church as the “natural” leader of the recolonization project of the state and society, but will not allow for the exclusion of other religious groups from public spaces. On the contrary, it will aim to improve the state’s confessionality by broadening its foundation, beginning with the development of the state’s pluriconfessionality. For example, theistic invocations in parliamentary debates are now said to refer not only to the Roman Catholic God, but generally to the Judeo-Christian God. Thus, pluralism is engaged and the contested confessional hegemonic discourse is strengthened.

Ecuador and Bolivia—due to the great confrontation between the Citizens’ Revolution, the MAS’s reformist projects, and the established interests of their oligarchies and allies—could not strive to preserve the nationalist Catholic recognitions in their constitutions. Due to the multitude of social actors that fought for the establishment of the Constituent Assemblies, it became necessary to make room for other recognitions, goals, value systems, and discourses. The Catholic-evangelical alliance in Bolivia and Ecuador will not be able to prevent the new constitutions from declaring the state as “secular” or “independent from religion,” nor stop the glorification of secular and anticlerical icons like Eloy Alfaro in Ecuador. The states will not be able to call into question the monoconfessional and colonial agreements between the Holy See and its states, a touchstone of their institutional confessionality. This strategy of sharing symbolic hegemony is destabilized by spiritualities foreign to Judeo-Christianity, such as the indigenous spiritualities that were long considered to be idolatrous. This leads to competition between faiths that are seeking a metapolitical foundation, as in the Bolivian and Ecuadorian constituent

debates, expressed through references to religious and ecclesiastical doctrines, and to sacred images and popular beliefs as support for political proposals and normative constitutional reforms. This is how important references to the Pachamama, the rights of nature, indigenous ethical values, plurinationality, and the decolonization projects were introduced in the Bolivian case.

However, the responses to the Bolivian and Ecuadorian neoliberal order that strived to surpass the model imposed by the Washington Consensus were well articulated along with the ongoing secularization and laicization processes. In the present study, we did not examine the whole constituent challenge associated with this political, economic, and ideological model, which is expressed in the recovery of an energetic national sovereignty, in the dismantling of neoliberal economical dogmas, and in the democratization of citizenship participation in the state apparatus. Such major challenges did, however, strengthen the cultural and symbolic objections to the order, which supported this neoliberal model in these public spaces that were not as fully secularized as the economic doctrine, sexual morality, the family, the role of women in public and private spheres, sexual and reproductive self-determination, moral and civic public education, and formal sources of the legitimacy of the exercise of power.

Discussions on dualism and anthropocentrism leading to the exploitation of nature during the debates on the use and exploitation of natural resources were opposed by an anti-hegemonic imagination, the rejection of a primary and extractive model based on exportation, and the recognition of indigenous rights. For this reason, it was not just a matter of new constitutional choices in which we could deepen the demo-liberal ideology of human rights in an intercultural logic, nor was it the establishment of a nationalist or socialist economic policy on natural resources, both inspired by secularism, but one fundamental step forward in the direction of the decolonization of power, economy, or culture by going beyond Western paradigms that consider the “human” (an abstract concept that corresponds concretely to the bourgeois man who is an owner and a Christian) as a dominant agent of nature and the center of creation, and not as a being that is an integral part of nature to which he had to adapt and with which he had to learn to coexist harmoniously.

Contrary to what happened with the decolonization process in Bolivia, in Ecuador (despite the powerful Ecuadorian indigenous movement, which struggled to register its project in the Citizens’ Revolution program), the debates on the relations between the state and the Catholic Church, on the public regulation of sexuality and reproduction, and, consequently, on the use of sexual and reproductive rights, were carried out from the standpoint of the states’ citizen democratization process and liberal development of individual rights.

Notably in Bolivia, the goal was to decolonize the spirit of laicization by refusing the secular or liberal nineteenth century models of absolute separation between the state and religiosities and spiritualities. This was done by taking an intercultural approach to separation, which would see the religious and the spiritual world not in conflict with the secular state that was trying to be realized, but in which a system of original values was recognized and promoted by the state. This has created problems particularly when traditional indigenous value systems that reinterpreted the *laicidad* of the state as a way of recovering the spaces won through the

Judeo-Christian value system were considered obstacles to the elimination of the objection to democratic and liberal demands made by the women's movement and the LGBT community. Indigenous, leftist, and feminist actors, as well as advocates for sexual diversity, finally reached an agreement in order for their demands to be included in the new constitution, but this was not achieved with ease. In the case of the LGBT community, unlike what had happened with the women's movement, the room for flexibility to reach collaboration was limited in both constitutional reform processes, and it was not possible to question marriage and the patriarchal and heterosexual family with reproductive purposes; they were only able to gain protections on the grounds of non-discrimination by reason of their gender identity (only in Bolivia) and sexual orientation (in both Bolivia and Ecuador).

In Ecuador, the fight was brought against Catholic and evangelical clerics as opponents of progressive, liberal reforms and they once were considered to be allies of the oligarchy and right-wing economic and political forces, but it was not only the Citizens' Revolution that felt the need to question their domination over society. In fact, President Rafael Correa, a left-wing Catholic, always sought to avoid confrontation with the Roman Catholic Church and felt betrayed by it throughout the entire constitutional reform processes and even more so during the referendum that ratified the new constitution. However, in Bolivia, this same confrontation was seen as a component in the fight for the decolonization of the state and society.

This chapter's comparative analysis allows us to confirm that there was a deepening of the *laicidad* of the state in the studied countries. The politico-religious dimension of the hegemonic orders of each country was highly disputed and, in several respects, surpassed in both Bolivia and Ecuador. Nevertheless, other areas successfully resisted secularist attempts from anti-hegemonic movements. For example, women's sexual and reproductive rights made significant progress, but the LGBT community's rights remained without change. The cultural rights of indigenous people and the symbols of their spirituality found a place in the constitutional iconography; however, this was alongside the preservation of traditional monotheist religiosity in the preamble. The state was declared secular and independent from religion, but a privileged position in the states' political structure was kept for a hegemonic church. New religiosities were recognized by the state, but only as part of collaborative agreements that have benefited Christian denominations. The concept of the right to life was extended to include a "dignified life" to assert its economic and social dimension and to surpass the biological conceptions, but the Judeo-Christian notion of early personality was strengthened to constrain opportunities for abortion.

The struggles of fundamentalist political actors to occupy public spaces, and the attempts by the fundamentalist circles of nationalist Catholicism to reclaim lost spaces, mean that in Bolivia (but not in Ecuador) the gate was opened to a regime of "recognized religions" by the state,<sup>24</sup> for which the point of contact with the state's multiconfessional nature is found in the establishment of the religious

---

<sup>24</sup>This is understood as a regime that does not promote the equality of rights for non-believers and other religious denominations and a specific juridical-political regime for certain evangelical churches based on complete equality with the Catholic Church. It is not a secular state.

confessions' patrimonial collaboration agreements (allowed on the basis of the recognized religions regime), and in the creation of formal or informal political spaces of religious representation within the state. In summary, what French sociologist Jean-Pierre Bastian (2010, 179) presents as a model of "corporate *laicidad*" involves "the state's recognition of religious actors' public law status, thus becoming a great arbitrator. For the state, it is a way of weakening the Catholic Church which is seen as being in competition with minority religions [...]. The confessionalization of politics leads new members to use Clientelistic power relations to receive certain public privileges from the state that are identical to those of the Catholic Church."

However, I do not share this author's opinion, and believe that, in the Ecuadorian and Bolivian cases, the broad and diverse challenges of the Catholic hegemony on numerous fronts did not contribute to the state's position as an "arbitrator" of religious pluralism since it was the states' secular political parties that sought to strengthen their legitimacy by appealing to the religious groups. In Bolivia, for example, decolonization did not involve the expulsion of religious hegemonic elements, but entailed the introduction of indigenous spirituality through constitutional recognition and ritualistic state practices (like "ancestral marriage" or taking possession of political power before the Apus).

Thus, the religious pluralism acknowledged by the new constitutions does not necessarily grant more autonomy to the state, to the extent that it became a competition and negotiation scenario for their adoption: according to the context of each society, it can move toward a secular state model that is consistent with an increasingly more robust secularization, or alternatively, it can move toward a multiconfessional state in which the Catholic Church shares a portion of the public authority with the new evangelical churches. This brought us closer to the "collaborative *laïcité*" model, presented by Canadian sociologist Micheline Milot, which was defined as "a strong desire from the state to maintain, if not establish an 'institutional regime' (and not merely habits) of collaboration with religion or philosophical families" (Baubérot and Milot 2011, 114).

The ideal types of *laicidad* suggested by Milot are theoretically linked to the "thresholds of *laicization*" proposed by Baubérot, since both are based on the understanding of *laicidad* as a historical process in motion and not as a static paradigm. In this regard, Bastian criticized the idea that "thresholds of *laicization*" could be applicable to Latin American countries since these secularization processes are not linear, even if they acknowledge that our region could be located in the first threshold suggested. I believe, like Bastian (2001), that the evolution toward the state's multid denominationalism, promoted by the evangelical policies, is not necessarily irreversible, but that they suggest changes, setbacks, progress, convergences, and divergences also noted by Baubérot (although in its successive historical pattern of *laicization* thresholds). However, it is also obvious that the developments in church-state relations went through clearly defined stages from a monoconfessional Catholic state toward a multid denominational state.

There are still some outstanding issues that deserve further consideration. For example, the insertion of the "intercultural *laicidad*" model into the context of the decolonization of *laicidad*, as suggested in the first part of this chapter, could allow us to better address the relation between the processes of neoliberal hegemony,



decolonization, and secularization in Ecuador and Bolivia. This intercultural *laicidad*, constructed within the context of decolonization, would better reflect the model of *laicidad* attempted in Bolivia—with greater force than in Ecuador—by defining the relations between the state and religion as encompassing peoples and indigenous communities and not only individual or collective differences that, even if dissident, are part of the Judeo-Christian hegemonic culture.

Furthermore, in regard to the discursive strategies, a “pro-life” discourse in favor of the conceived child was developed against a “pro-life” discourse in favor of women; a biologist discourse on life was created against a wider discourse on the “dignified life”; a right to life understood as a conceived child’s civil right was developed against the expansion of the notion of life that includes economic, social, and cultural rights; and the patriarchal conception of the “family” was developed against the plural conception of the “family.” In the end, there was controversy over the legitimacy of the definition of these concepts: religious legitimacy compared with the one arising from the autonomy of the individual will of women and/or the moral autonomy of the secular state. It was also used to redefine “freedom of conscience” to transform it into a tool of resistance against the secularization of the state with regard to sexual and reproductive rights of women and family rights of sexually diverse groups.

The Constituent Assembly and surrounding constitutional debates on unions between same-sex individuals were largely an expression of resistance to the secularization of marriage and the progressive desacralization of the family. Marriage is secularized when it is no longer conceived as a Christian institution and, thus, heterosexual, and co-regulated by the state and the church. When its institutional regulation gradually eludes canon law and is no longer a legal and religious rite that conforms not only to the union between contracting parties but also essentially to the one between the church and the state, it becomes a legal rite of the secular state that is called civil marriage (often coexisting with the religious marriage). The family is secularized or desacralized when its origins, its legitimacy, and its organization are based not on divine will but on the autonomy of human will and on the plurality of intimate, affective, and social relations that elude the heterosexual and patriarchal model, and end up being recognized as families without abandoning the idea that a family remains the nucleus of society.

Another strategy adopted in both countries to strengthen sexual and reproductive rights consisted of linking them to the reinforcement of human rights in the constitution. Not only was the discourse on the *laicidad* of the state used as a legal concept central to feminist proposals regarding sexual and reproductive rights, but also used was the concept of progressive human rights and their interdependence.

The following table allows us to better visualize, through a comparative approach, the differences and the similarities between the main points and the final results of the Constituent Assembly debates in Ecuador and Bolivia.

That is the overview of the Constituent Assembly debates and constitutional reform period in the countries studies. As stated by Emir Sader (2008), the post-neoliberal constitutions that resulted from the Bolivian and Ecuadorian experiences were constructed around a guarantee of rights and the public sphere, not around the liberal ideal of a formal and abstract equality of rights, and were both a result and a

starting point. There were setbacks, doubts, and contradictions in the project to rebuild the state to move it beyond the exclusive, racist, neocolonial, and hegemonic model of neoliberalism as shown in the “post-Constituent Assembly epilogues” mentioned in Table 4.1.

**Table 4.1** Overview and comparative table: Constituent Assembly discourses compared

Subject	Ecuador (2008)	Bolivia (2007)
Religious/spiritual inspiration in the preamble	Mentions of God and the Pachamama, holism, society and nature, indigenous ethical values	Mentions of God and the Pachamama, holism, society and nature, indigenous ethical values
Religious freedom and equality	Religious discrimination of non-Catholics not debated	Religious discrimination of non-Catholics not debated
	Spiritual rights of indigenous people (anti-military inspiration)	More spiritual rights for indigenous people Religious decolonization
Declaration of the state's <i>laicidad</i>	The state is secular	Independence of the state with respect to religion
	It is based on a secular ethic	
Debates on arrangements or agreements with the Holy See	Not debated	Not debated
Right to life from the moment of conception	Right to life	Right to life
	Attention and protection of life from the moment of conception	Concept of a dignified life
	Concept of a dignified life	
Total ban on abortion	Protection of abortion as a qualified offense and decriminalization of therapeutic abortions	Not specified
Sexual and reproductive rights	Explicitly and individually named and defined	Explicitly and individually named and defined
Union between same-sex individuals	Explicitly forbidden	Explicitly forbidden
Family pluralism	“Families”	“Families”
Secular education	No debate	Very broad debate
	Secular education	Education while respecting religious freedom
	Freedom of religious teachings in public schools	Freedom of religious education in public schools
	Mixed church–state schools	Mixed church–state schools
Themes discussed	Abortion	Abortion
	Sexual and reproductive rights	Sexual and reproductive rights
	Family pluralism	Religious Education, Pachamama
	Invocation of God	
Post-Constituent Assembly epilogues	Agreement to update the <i>Modus Vivendi</i> with the Holy See	Arrangement with the Episcopal Conference on religious education
	Parliament rejected the new law on cults	

## References

- Bastian, J.-P. (2010). Acteurs religieux en concurrence et définition de la laïcité en Amérique latine. In J. Lagrée & P. Portier (Eds.), *La modernité contre la religion* (pp. 165–179). Rennes: Presses Universitaires de Rennes.
- Bastian, J.-P. (2001). Apprendre à décentrer le regard sur la modernité religieuse. In J.-P. Bastian (Ed.), *La modernité religieuse en perspective comparée: Europe latine – Amérique latine* (pp. 5–14). Paris: Karthala.
- Baubérot, J. (2008a). *Une laïcité interculturelle. Le Québec, Avenir de la France?* Paris: Éditions de L'Aube.
- Baubérot, J. (2008b). *La laïcité expliquée à M. Sarkozy... et à ceux qui écrivent ses discours*. Paris: Albin Michel.
- Baubérot, J., & Milot, M. (2013). *Laïcités sans frontières*. Paris: Le Seuil.
- Bellah, R. N. (1967). Religion in America. *Daedalus, Journal of the American Academy of Arts and Sciences*, 96(1), 1–21.
- Blancarte, R. (Ed.). (2000). *Laicidad y valores en un Estado democrático*. Mexico D.F.: Secretaría de Gobernación/El Colegio de México.
- Chivi, I. (2011). *Descolonización y despatriarcalización en Bolivia. Entre testimonio y acción de Estado*. Cochabamba: PNUD Bolivia.
- de Fuenmayor, A. (1974). *La libertad religiosa*. Pamplona: Ediciones Universidad de Navarra.
- Ecuadorian Constituent Assembly. (2007). Minutes: Acta No. 001, November 29.
- Ecuadorian Constituent Assembly. (2008a). Minutes: Acta No. 018, January 28.
- Ecuadorian Constituent Assembly. (2008b). Minutes: Acta No. 025, March 7.
- Ecuadorian Constituent Assembly. (2008c). Minutes: Acta No. 050, May 15.
- Ecuadorian Constituent Assembly. (2008d). Minutes: Acta No. 077, July 5.
- Ecuadorian Constituent Assembly. (2008e). Minutes: Acta No. 080, July 9.
- Ecuadorian Constituent Assembly. (2008f). Minutes: Acta No. 086, July 15.
- Ecuadorian Constituent Assembly. (2008g). Minutes: Acta No. 095, July 24.
- El Diario*. (2006). Iglesia Católica no quiere que esta religión sea la oficial del Estado. July 3.
- Giner, S. (1993). "Religión civil". En *Revista Española de Investigación Sociológica*, 61/93. Madrid: Centro de Investigaciones Sociológicas.
- Huaco Palomino, M. (2013). *Procesos constituyentes y discursos contra-hegemónicos sobre laicidad, sexualidad y religión: Ecuador, Perú y Bolivia*. Buenos Aires: CLACSO.
- La Prensa*. (2007). La Iglesia acepta cambio del artículo 3, May 4.
- La Razón*. (2007a). La Iglesia demanda que la eutanasia y el aborto se penalicen, May 10.
- La Razón*. (2007b). De la esperanza al atropello, June 1.
- La Razón*. (2007c). Derechos de las mujeres en riesgo, June 1.
- La Razón*. (2007d). Acusan injerencia religiosa sobre el derecho a la vida desde la concepción, June 2.
- La Razón*. (2007e). Consensos de las mujeres del país hacia la Asamblea Constituyente, June 3.
- Los Tiempos*. (2007a). Mujeres defienden el derecho al aborto, May 29.
- Los Tiempos*. (2007b). Grupo de mujeres pide su reconsideración: Comisión ratifica su rechazo al aborto, June 1.
- Los Tiempos*. (2007c). Exigen revisar artículo para considerar tema del aborto, June 2.
- Sader, E. (2008). *Posneoliberalismo en América Latina*. Buenos Aires: CLACSO/CTA.
- Vargas, P. (2008). *Derechos humanos de lesbianas, gays, bisexuales y trans (LGBT) en Bolivia: Diagnóstico y antecedentes*. Santa Cruz: Fundación Igualdad LGBT.

# Chapter 6

## Religious Actors and Discourses in the Public Sphere: Controversies Around Sexual Education in Argentina

Juan Cruz Esquivel

**Abstract** This chapter proposes an in-depth analysis of the complex connections between religion and politics in democratic Argentina by focusing on the actions of political and religious leaders with respect to the approval of legislation on sexual education in 2006. Based on a reconstruction of the parliamentary defeat and the tedious path towards the effective implementation of sexual education in the education system, I examine the active negotiation between politics and religion in the public sphere, as well as the intervention strategies and discursive foundations of the religious institutions—principally the Catholic Church—that frequently influence legislation and governmental policies. I analyze the interaction between political culture, ecclesiastical power, and citizens' rights in order to rethink national public administration and the possible conditions for guaranteeing an inclusive democracy.

**Keywords** Sexual education • Politics • Religion • Argentina

### 6.1 Introduction

An analysis of the processes that led to the approval of the legislative mechanisms used in the formulation and implementation of Argentinian education and family planning policies allows for an understanding of the constitutional features deeply rooted in the country's religio-political culture. In particular, the multiple instances of overlap of political and religious affairs comprise a fabric that connects the state, political leadership, and religious institutions. As a result, it is necessary to

---

J.C. Esquivel (✉)  
Labor Research Center (CEIL-CONICET), Buenos Aires, Argentina  
University of Buenos Aires, Buenos Aires, Argentina  
e-mail: [jesquivel@ceil-conicet.gov.ar](mailto:jesquivel@ceil-conicet.gov.ar)

understand the meanings established by the tensions, conflicts, and negotiations of political and religious agents on the public stage.

This is demonstrated through an analysis of sexual education, in addition to the free distribution of contraceptives and the “morning after” pill, same-sex marriage, assisted fertility, self-determination of one’s sexual identity, euthanasia, and the decriminalization of abortion. Moreover, the claims made by social and political actors in terms of broadening citizens’ rights have displaced these issues from the private sphere and onto the public agenda, thus prompting parliamentary intervention with the goal of modifying the status quo. It is here that occasionally tense negotiations have occurred between the state and religious hierarchies in the race to shape legislation and public policy from two dissimilar axiological frameworks. In addition, although each of these issues contains its own characteristics—the varying political and social representations drawn from these topics translate into differentiated conflicts and agreements—multiple actors (ministers, representatives, senators, bishops, priests, civil society organizations, education professionals, etc.) have participated in the dispute, not only in order to leave their mark on the development of the resulting normative frameworks and public policies, but also to claim hegemony over the construction of a socially legitimized discourse.

This chapter proposes an in-depth analysis of the complex connections between religion and politics in democratic Argentina by focusing on the actions of political and religious leaders with respect to the approval of legislation on sexual education in 2006. On the basis of the reconstruction of the parliamentary defeat and the tedious path toward the effective establishment of sexual education in the educational system, I examine active negotiations between politics and religion in the public sphere, as well as the interventionist strategies and the discursive foundations of the religious institutions—principally the Catholic Church—that frequently influence legislation and governmental policies. In particular, I address—through a dual perspective—the relationship between political power and religious power, untangling the mechanisms that appear in the creation of a law and the public policy that follows it, and observing the strategies involved used by religious institutions to influence their design and implementation, as well as public decision makers’ levels of receptivity to religious demands.

## **6.2 Sexual Education in Argentina: A Winding Path from Past to Present**

It is impossible to address Argentina’s historical sexual education policies by simply retracing the sequence of events that made them a visible public issue on political and media agendas without also addressing the profound changes that occurred in the daily lives of private individuals.

Since the last two decades of the twentieth century, the dominant model of the traditional family has undergone significant change, prompted by shifts in the real

living situations of people, including an increase in single parents, blended families, and same-sex couples. In addition, increasing participation in the labor force has forced parents to recognize the difficulty of assuming the “primary function” of educating their children about issues of sexuality. As a result, the home lost its centrality as a reference point for sex education. For example, while 64% of adolescents discussed sex with their parents in 1991, by 2005 the figure had dropped to 43% (De Ezcurra 2007). This growing silence in the heart of the family, and the delay in responding to this issue within the education system, has prevented adolescents from critical processing of the information received in other areas of socialization (TV, chat, virtual networks, etc.), which—despite functioning as sources of information and exchange—lack pedagogical planning.

Transformations in the family structure have occurred concomitantly with the resignification of gender roles, and the growing recognition and acceptance of a wider variety of sexual identities. These processes are framed in a context of individualization and de-institutionalization in which normative prescriptions have lost efficacy in regulating social behavior. The dominant Catholic directives regarding sexual morals—centered on indissoluble marriage, virginity, and chastity—have seen reduced levels of societal acceptance. Instead, other voices, which incorporate the dimensions of freedom, pleasure, and individual rights (Wainerman et al. 2008), have offered an alternative to the discourse maintained by the Catholic Church, which confines sexuality to procreation.

However, these changes also coincided with the emergence of a significant number of problems that—far from being situated exclusively in the intimacy of the private world—occupy an important place in the public space, such as the appearance of HIV-AIDS and the propagation of other sexually transmitted diseases; earlier sexual initiation in adolescents, and the resulting increase in unwanted pregnancy and school dropouts; maternal mortality; and sexual violence and abuse. This situation has compelled the state to act with appropriate programs and normative regulations.

In this sense, the transformation of the family structure—and thus people’s intimate and everyday habits—as well as the emergence of new requirements concerning issues of sexual and reproductive health, such as HIV-AIDS, transformed the public discussion on sexual education into one centered on sexual morals in general.

It is significant to note that throughout the twentieth century, though health specialists were aware of the existence of venereal diseases, they did not systematically address sexual education. In fact, information about sexual practices was not associated with citizens’ rights, but rather focused on alleviating any emerging public health calamity. It was not until the 1970s that the first educational experiences began to appear in a social climate that was challenging the structures of domination and the foundations of sexual morals maintained by the Catholic religion, which showed signs of cracking. It is with the greater visibility of youth and feminist groups that other discourses—free love, gender equality, couples outside of matrimony—emerged that challenged the all-encompassing pretenses of the Catholic Church in establishing the guidelines and meanings regulating society’s

understanding of sexual life and family planning. The deconstruction of these once predominantly religiously regulated norms surrounding the dissociation between sexuality and reproduction—in force in Argentina practically since its foundation—was verbalized for the first time, particularly in light of declining birth rates, which altered notions of family planning away from the canons established by religious ethics. As a result, the 1970s saw the translation of everyday reproductive practices and strategies into a format for making demands.

Outside the state sphere and in the framework of the “School for Parents” project, psychoanalyst Eva Giberti created material on sexual education for newspapers, TV, and radio that was aimed at parents. In 1962 she published *School for Parents*, and 3 years later *Adolescence and Sexual Education* (Giberti 1962, 1965). In the mid-1960s, she organized classes for parents, teachers, and pediatricians with the endorsement of the University of Buenos Aires School of Medicine. After extending the proposal to various provinces, the project began to unravel around 1973 due to lack of interest in the issue and the raid on the “School for Parents” headquarters in the Children’s Hospital that declared the end of the program (Felitti 2009). Despite the project’s dismantling, Giberti’s texts had a profound impact: while the idea of a “subject of rights” had still not been conceptualized, she reframed the essentialist perspective of sexual identities—natural determinism of the male and female beings—as social constructions. Without a doubt, this implied a paradigmatic break from dominant representations.

While it was not a generalized phenomenon at that time, it was still possible to find high schools with institutional projects that included sexual education. In particular, these isolated cases were due more to the particular initiatives of principals and teachers than to official programs from the Ministry of Education. For example, in the city of Rosario, Santa Fe, students were registered for sexual education classes that were generally taught by biology and natural sciences teachers. In addition, in the city of Buenos Aires, teams of psychologists organized workshops on sexuality with groups of students. Despite these efforts, in all of these circumstances, these projects were of limited duration, experienced little territorial extension, and were not systematic.

The return of democracy in the 1980s created the framework for taboo or intimate issues traditionally limited to the private sphere to be politicized and obtain greater visibility. During this process, multiple networks and institutions struggled to transmit their moral corpus to people’s consciousness and habits, which was concomitant with the notion that the anchor in public space necessarily implies the regulatory aspect of state intervention. The establishment of state regulation appeared as the inevitable corollary of the interaction between collective subjects with discordant logics and axiological principles.

This sociopolitical climate fostered changes in legislation, which show an awakening of sexual and reproductive rights, with Santa Fe being the first province to approve a sexual education law in 1992.<sup>1</sup> The legislation instigated the formation of

---

<sup>1</sup> However, it was only in the 2007 academic year that sexual education was made an obligatory topic in educational establishments. As we have also observed, the passing of a law does not *per se*

an interdisciplinary space that would accompany the inclusion of a sexual education curriculum in the areas of biology and the social sciences. While the city of Buenos Aires had had a similar ordinance since 1984, its legal status was not comparable. Furthermore, a Responsible Procreation Program—aimed at providing information about contraception—had operated in the same jurisdiction since 1988.

Another example of the limitations of legislation on sexual education was the Federal Education Law in 1993, which contemplated sexuality as curricular content. However, because its inclusion was proposed in a complicated way, it was too vague to be effectively implemented. In fact, only a few jurisdictions designed policies for training teachers, such as in the city of Buenos Aires where teacher-training workshops were organized with a notable biomedical approach. Here, the topics focused on the prevention of sexually transmitted diseases and on the functions of body parts and reproduction.

In 1997, Mendoza was the second province to sanction a sexual education law, though, in reality, it made reference to “Education in Values in Sexuality,” which was terminology commonly used in Catholic spaces. However, with respect to sexual health and responsible procreation, progress continued to be made, with the provinces of La Pampa in 1991; Chaco, Corrientes, and Mendoza in 1996; and Neuquén in 1997 passing laws that regulated the state policy on sexual education and contemplated its implementation in schools. In the province of Entre Ríos, the legislature addressed both issues in 2003 when it passed the Law of Sexual and Reproductive Health and Sexual Education, which established the compulsory teaching of sexual education in public and private schools. Here, the curriculum’s content was designed by the Ministry of Education and an advising committee made up of religious representatives, among others.

The analysis of the inclusion of sexual education as a social issue in the political agenda cannot be separated from concerns about sexual and reproductive health. The issue gained momentum with the approval of the Law of Reproductive Health and Responsible Procreation by the legislature of the city of Buenos Aires in 2000. The law contemplated the promotion of information about the use of contraceptives and the prevention of sexually transmitted diseases. This contrasted with the frameworks of reference based on family planning that were created in the provinces of Santa Fe and Mendoza, where sexual and reproductive rights permeated curriculum guidelines (Wainerman et al. 2008). At that time, though it was neither systematic nor consistent, sexual education was included in health education and civics classes.

The approval of the National Reproductive Health and Responsible Procreation Law in 2002 should be interpreted as a meaningful reference point for the later initiatives that propelled a specific sexual education law. In fact, the law’s subsequent program created in 2003—the National Reproductive Health and Responsible Procreation Program—specified the state’s responsibility in guaranteeing access to information and sexual education.

---

guarantee its implementation in all of Argentina’s territory. In fact, multiple interests operate that delay or block its execution.



Despite the political decision of the then Minister of Health of Argentina, Ginés González García, the implementation of the reproductive health law ran into countless obstacles. In various provinces, Catholic movements like Family and Life (*Familia y Vida*) presented judicial motions to block its application. On the other hand, in some jurisdictions, the religious convictions of the people at the head of the Ministry of Health turned out to be responsible for preventing the distribution of supplies provided by the Federal Government, including birth control and emergency contraception. An assessment carried out in 2008, 6 years after the law was approved, reflected the low degree of its execution. Of the 4,600,000 women between 15 and 49 years of age who did not have health insurance, 74% did not receive free professional consultations to advise them on the available methods of contraception or on their individual choice in deciding how many children to have and when. Instead, the Sexual Health and Responsible Procreation Program was only able to reach 26% of the target population (Clarín 2008).

It is interesting to highlight the arguments that came into play around the parliamentary approval, and thus enactment of the legislation, because they actually retrace the path taken by the sexual education law. Héctor Aguer, archbishop of La Plata (the capital of the Province of Buenos Aires), became the ecclesiastical representative with the voice of authority during the debates. After the approval of the National Sexual Health and Responsible Procreation Law, and in the discussion on implementing a similar law in the provincial legislature in 2003, Aguer decried the “fornicating culture that is...tyrannically imposed” (Clarín 2003a). For the prelate, the sexual education proposed by the government was synonymous with state support of lust and promiscuity. He condemned the distribution of condoms under the belief that they encouraged premature sexual practices and in no way avoided the contraction of sexually transmitted diseases. Instead, he attributed their use to a narrow medical perspective that negates the integrity of the human being. Additionally, he claimed that marriage was the exclusive realm for sexual activity.

These assertions were mirrored in the declarations of the Argentine Episcopal Conference in November 2003 in which the bishops questioned, “the unacceptable and sometimes totalitarian laws that tend to impose sexual education plans in schools without taking into account the primary and natural right of parents in the education of their children, and without reference to moral and religious values” (Clarín 2003b). Here, such an affirmation is analytically dense from multiple perspectives. First, the identification of the law as totalitarian is related not to the procedure for parliamentary approval or the degree of social consensus, but rather to how closely the law corresponds with the principles of Catholic morality. Second, it demands respect for certain rights—characterized as “natural”—which must preexist in the state and society. Finally, the legislation is rejected because it is considered to lack religious, and thus moral, values.

As we will see later, the ecclesiastical hierarchy and certain Catholic civil associations would devise an action strategy to block not only legislative approval of sexual education, but also its later implementation. It is important to note that it is not sex education itself that is condemned—in fact, the Catholic publishing industry demonstrates the centrality of the issue in formative spaces of the confessional

entity—but rather the axiological framework propelling it, which is foreign to the dictates of Catholic doctrine.

### 6.3 The National Integral Sexual Education Law

The development of sexual education on the Argentine National Congress's legislative agenda traveled a long winding path. While the 2002 sexual and reproductive health law incorporated sexual education in schools, the lack of implementation gave different sectors with an agenda on sexual rights the opportunity to propose a specific law on sexual education. As a result, despite the drafts and bills that had circulated earlier, the issue was not definitively installed in parliamentary debates until 2005.

After its conception, the law's trajectory through the commissions of the House of Representatives was anything but a mere formality. The initial bill presented by Socialist Representative María Elena Barbagelata envisioned the teaching of obligatory integral sexual education in public and private educational establishments, starting in primary school. This was united with three other similar initiatives outlined by Representatives Juliana Marino, Marta Maffei, and María del Carmen Rico, and was initially supported by the Education Commission. However, once these proposals reached the Commission on Family, Childhood, and Adolescence, the discussions became more difficult. Here, both religious activists and lay activists with direct links to confessional organizations approached the Commission. On November 8, 2005, these activists broke into the meeting in order to block a favorable decision. The semantic virulence of the pamphlets they distributed reflected the obstinacy of their positions, as exemplified by two of the slogans promoted by these activists: "We do not want homosexuality promoted to our children" and "Our children are ours and not the state's."

As a result, several difficulties emerged throughout both the parliamentary projects and the conflicts among the members of civil society actively involved in the public debates. These included the authority of the state, parents, and religious institutions with educational responsibilities as legitimate authorities for imparting sexual education; the guidelines structuring the curriculum, such as information on contraceptive methods, and the appropriate age to receive sexual education in school; and a perspective on gender<sup>2</sup> and the plurality of sexual identities. However,

---

<sup>2</sup> A perspective on gender implies a critical view of the roles and stereotypes historically assigned to men and women. According to this perspective, the anatomical and physiological differences between the sexes are resignified according to the ruling sociocultural standards in each society. From this follows the category of gender as a social construction—in contrast to the natural biological interpretation maintained by Christian anthropology—which proposes that values, representations, and symbols outline the meanings that are attributed to each sex in any given socio-historical moment. In a historical-cultural analysis of the social roles assigned to men and women, their unequal character stands out in their differing access to material and symbolic goods, and resources.

the situation's lack of even the minimum level of agreement was discouraging as the debates continued to focus on *who* should determine the content, *which* philosophical principles would serve as conceptual references, and at *what* age the educational process would begin.

The most explicit confrontations occurred between those who visualized sexual education as a right that should be guaranteed by the state, and those who defended the primacy of the family and its religious beliefs when instructing their children about an issue steeped in values-based content. In particular, the heart of these discordant arguments can be found in the notion of sexuality as a cultural and historical construction with derivations in the development of the population's public health, or a tribute to a natural order where ethical and religious norms predate the state. However, as in every ideological continuum, positions equidistant from both poles present themselves. In this case, they limited the domain of sexual education to the field of preventative health care.

A condemnatory declaration by the leadership of the Catholic Church was to be expected in response to a project that the church considered a violation of the family, parental authority, and freedom of education. In addition, though it was not presented during the 90th Plenary Assembly of the Episcopate's agenda, the bishops drafted a letter in which they urged legislators to consult with parents and educational institutions before voting on the sexual education law in order to ensure "an authentic democratic spirit" (Argentine Episcopal Conference 2005b). Congress received the declaration of the Episcopal Conference along with hundreds of emails directed to members of the House of Representatives' Commission on the Family, which were signed by Catholic organizations and demanded a public audience to state their objections to the project. At the same time, the episcopate's National Secretary for the Family also produced a letter exhorting legislators, who would finish their terms in December 2005, to abstain from approving an initiative that would go against Argentines (Argentine Episcopal Conference 2005a). They aimed to delay the debate until the following legislative period. This *modus operandi*, used on other occasions, was seen as natural within the political society independently of any evaluation of ecclesiastical affirmations and their content.

Opinion polls on sexual education and sexual and reproductive rights reflected consistent support for the inclusion of these topics in schools. In addition, the Center for Studies of the State and Society (CEDES 2003), the National Council on Sexual and Reproductive Rights (CoNDeRS, *Consortio Nacional de Derechos Reproductivos y Sexuales*), and the Latin American Center for Health and Women (CELSAM, *Centro Latinoamericano de Salud y Mujeres*) all share similar research results (see Petracci 2004). The gap between the opinion of the principal conservative religious institutions (particularly the Catholic Church) and the opinion of the majority of citizens is clearly evident in contrasting responses to the common argument wielded by religious leaders, which asserts that greater knowledge would also bring a greater risk of contracting sexual diseases. In a 2005 poll, 74% of the population rejected this conclusion, and more than 60% did not agree that greater information would incite promiscuity in youth, or early sexual initiation. Moreover, 75.9% did not believe that sexual education in high schools would provoke the loss

of traditional values, such as family, marriage, and fidelity. In fact, 97.5% maintained that sexual education was favorable to personal development (Encuesta de Zuleta Puceiro, cited in *Página/12* 2005).

The arguments that the family would be destroyed reflected the rhetoric expressed in the debate on divorce from almost two decades earlier. According to the worldview of the Catholic Church leadership, the family, marriage, the biological division between men and women, and sexuality are topics derived from divine will. As a result, they are inherent to the natural order—predating the state and the republic—and thus are not susceptible to state regulation. This notion raises questions regarding the efficacy of ecclesiastical pressure on citizens' representatives, especially with respect to the issue of sexual education, which created broad social consensus. Bishops interpreted it as commonplace to preach to legislators and reinforce their refusal to support or even discuss the sexual education project. The state concessions obtained through other opportunities<sup>3</sup> reflects the political class's ability to adapt to Catholic demands. However, religion's influence over political culture is neither immanent nor omnipresent; in certain circumstances it is curtailed if the collective mood goes strongly against the normative precepts of the Catholic Church.

The tensions manifest in the dynamic of the negotiations and the prevailing social climate tip the balance toward a resolution that is contrary to the ecclesiastical leadership's expectations. The political leadership can legitimize its practices by following the political system's rules—invoking popular sovereignty and parliamentary consensus, and channeling the demands of civil society organizations—and/or by literally translating the demands of certain factors of power into public policies. In Argentina, while historical processes have oscillated between both variants, the ecclesiastical elite's strategy of proposing its body of norms as a guiding principle for society's organization has always been present. When Catholicism was a hegemonic influence on identity, equating national culture with Catholic culture was done with relative success. But in the context of growing diversity, discrepancies between the universalist pretensions of the Catholic institution and the assertion of new rights—particularly concerning issues of gender, sexuality, and even religion—become recurrent.

After heated discussions within the Commission on the Family—including the day when members of the group “Argentine Families” broke in and injured legislators—members of the governing party Victory Front (FPV, *Frente Para la Victoria*), the party Argentines for a Republic of Equals (ARI, *Argentinos para una República*

---

<sup>3</sup>One of the most evident examples of ecclesiastical efficacy in governmental decisions was recorded during the government of Carlos Menem (1989–1999), when specialists convened by the Ministry of Education designed the Minimum Common Content related to the Federal Education Law in 1995. In response, episcopal authorities deemed it relativist in its conception of man and reductionist in its presentation of the family and the Church as cultural products. In addition, episcopal authorities spoke with the then Minister of Education, Jorge Rodríguez, to ‘suggest’ modifying this basic content and including references to the existence of God in personal and social life. The Ministry of Education's acquiescence to the Catholic leadership's demands caused the resignation of the specialists who had proposed the Minimum Common Content and considered the 63 modifications that were finally introduced to be unacceptable.

*de Iguales*), and the Socialist Party finally signed the bill and approved the legislation. However, reflecting the same continuation of discussions that occurred in the city of Buenos Aires,<sup>4</sup> additional alternative motions were proposed, such as including conscientious objection, and the exercise of parental authority by parents who do not agree with sexual education. However, when the motions were rejected, Nélide Morales, the representative of the Buenos Aires Interblock United Provinces Party, sponsored a minority declaration. In the declaration, not only was the minimum age for receiving sexual education raised to 14 years (the majority proposal included sexual education from the beginning of formal schooling at 6 years of age), but the right of parents to excuse their children and the right of students to excuse themselves from receiving this education as a result of their personal convictions was guaranteed.

This situation was further complicated when projects dealing with the same issue also circulated in the Senate. At this time, Senator Amanda Isidori of the Radical Civic Union (UCR, *Unión Cívica Radical*) from Rio Negro proposed the creation of a Program for Sexual and Health Education, which would be obligatory for students at all levels of education, and coordinated by a multidisciplinary team designated by the Ministry of Education and the Federal Council on Education. In contrast to Barbagelata's project in the House of Representatives, this bill gave greater leadership to the provincial Ministries of Education, which would participate in the selection process of the program's authorities. Senator Liliana Negre de Alonso of the Justicialist Party (PJ, *Partido Justicialista*)—and a member of the Catholic organization Opus Dei—also presented her own project, demanding freedom of conscience for students and a humanistic conceptualization of sexuality, and dictating that sexual education be optional and extracurricular. Her project also argued that it should be obligatory for parents to be informed about the content of the classes.

A failed pilot project established in 2003 in a school in the province of Buenos Aires—which already had a sexual education law that had been implemented as a pilot project for grades 7 and up in 75 schools—clouded the debate even more. In a workshop organized by the Regional Center for Sexual Education at the high school Escuela General Básica (EGB) 40 in La Plata, contraceptives were shown to the students.<sup>5</sup> However, the fact that some students took the condoms home prompted parents to confront school authorities. This event motivated those opposed to sexual education to propagate negative media coverage, which created a tense climate in Congress.

However, ecclesiastical authorities were faced with an inexorable situation: sooner or later the church would have to take a stance on the existence and

---

<sup>4</sup>In the Buenos Aires City Council, various projects dealing with the same issue were also discussed. After several failed proposals, the sexual education law was passed on October 12, 2006.

<sup>5</sup>The activity was carried out in the framework of the provincial Reproductive Health Law (2003), which resulted in the establishment of the "Adolescence and Health" course in this high school. It was implemented after three recorded cases of premature pregnancy at this high school, which drove its principal to create other opportunities for the school's students to receive sexual education.

propagation of sexual education. As a result, ecclesiastical authorities operated under the assumption of the inevitable insertion of sexual education into high schools, and thus shifted their focus to influencing its content. This led to a centering of their efforts on producing material to strengthen their position. For instance, in 2006 the Education Commission of the Argentine Episcopal Conference presented a compendium titled *Sexual Education in School*, which was aimed at parents, administrators, teachers, and politicians (Argentine Episcopal Conference 2006b). Together with the *Declaration of the Episcopate to the Nation of God on Sexual Education in Schools*, it laid out the Catholic Church's anthropological, ethical, and judicial vision (Argentine Episcopal Conference 2006c). In 2006, a publication titled *The Challenge of Educating in Love* unified these and other documents into a corpus outlining the ecclesiastical strategy for communicating its position and providing legislators who identified with the church's ideology with a set of philosophical and theoretical foundations (Argentine Episcopal Conference 2006a).

In particular, these texts summarized the main ecclesiastical precepts: that the legislation should take the religious beliefs of families into consideration and respect the autonomy of high schools in determining their curriculum; that public power cannot occupy a parental role, nor the corresponding role played by schools in the formation and education of children and adolescents; that human sexuality should be based on love from an integral approach, and not reduced to physiology; that chastity and "the natural method" (non-artificial birth control) are the best ways to control birth rates; that sexual life is only valid in the context of marriage; and that the state was promoting ephemeral relations between people (Argentine Episcopal Conference 2006a). The bishops also incorporated a new argument reminiscent of past discourse: that the education of children should not be left to an ideological doctrine foreign to the culture and tradition of the Argentine people, who are of Catholic and Hispanic origin. Here they retrace a thread of collective memory that situates Catholic values in the foundation of the nation, a common strategy employed by the Catholic Church when faced with conflicts that threaten to compromise its institutional capital. For example, in the discussion on the law of divorce, the conflict was not between those for and against divorce, but rather between foreign and national values. As a result, the focus on culture and tradition is used to reaffirm the crusade against foreign ideological forces that, from this point of view, are attacking the nation's Catholic roots.

Here it is important to reiterate that this involved an issue that Catholic authorities considered to be within their field of influence, and thus naturally subject to their authority. This is the reason why they demanded that the regulation accommodate their doctrinal principles. For example, Bishop Guillermo Garlatti, president of the Episcopate's Catholic Education Commission, was in charge of requesting that the church's value-based guidelines expressed in the aforementioned texts be reflected in the sexual education law.<sup>6</sup> However, the Catholic Church's

---

<sup>6</sup>The Argentine Episcopal Conference has 20 Episcopal Commissions, with the goal of addressing the multiple dimensions of social life. As a result, the Catholic Church deploys its actions in the areas of culture, communications, penitentiaries, universities, family, and education. Each com-

resistance was not always as effective, and after several delays, demonstrations, and counter-demonstrations, 168 legislators—including many who had initially voiced their objections—voted in favor of the law. Consequently, on August 16, 2006, the House of Representatives approved the Integral Sexual Education Law with the support of the FPV, ARI, UCR, the Socialist Party, and other parties with less parliamentary representation.

In general, the proposal sent to the Senate aimed to promote responsible attitudes, prevent diseases, and guarantee equality for men and women. It accounted for the biological, psychological, social, emotional, and ethical aspects of sexual education. In addition, it proposed the gradual and progressive application of the sexual education curriculum over a maximum period of 4 years and contemplated establishing educational spaces for parents and teachers. However, it did not specify the teaching modality, and thus it allowed each institution to decide whether to organize the sexual education curriculum as a specific course or teach its content in a cross-cutting manner across various courses.

Article 1 of the project on Integral Sexual Education approved by the House of Representatives incorporated an element that had previously been ignored in the legislative debates and in the statements made in the media. In general, the principal reason for incorporating sexual education into the school curriculum was linked to public health, such as concerns over the increase in unwanted pregnancies, the growing rate of sexually transmitted diseases, and the forceful appearance of AIDS. However, this article added an additional, and yet unexplored, element by stating that “All students have a right to receive integral sexual education.” Independent of the contextual factors of health, this recognition of children, adolescents, and youth as independent bearers of rights was a paradigmatic break with the vertical model of parental authority. Even though this recognition was not under discussion, empowering students and giving them rights implied a symbolic rupture with the traditional mode of structuring and thinking about society. If a child, an adolescent, or a young person was an independent bearer of their own rights, then no other subject could have the power to interfere or impose. In this manner, the law was in accordance with the spirit of the Convention on the Rights of Children, which had constitutional hierarchy in Argentina since the last reform in 1994, and specifically recognized children and adolescents as full rights-bearing subjects. In addition, it conceptualized the school as a place not just for acquiring knowledge, but also for building citizenship.

It is worth specifying that the proposal presented to the Senate also included some demands from those who had originally opposed the initiative. They included that each educational community should have the freedom to modify the content of the sexual education curriculum according to its particular sociocultural reality and institutional culture (Article 5 in the Integral Law on Sexual Education proposal).

---

mission has a president who is responsible for broadcasting the axiological standards and program directives to the larger society. In the context of the discussion of the Law on Sexual Education, Garlatti's presence became important because of the role he played at the forefront of the Episcopal Commission on Catholic Education.

Despite the fact that this stipulation regarding the mechanisms for monitoring this “adaptation” was vague, it created a gray area in which schools under the ministry of the church would have the authority to define the curricular guidelines regarding sexual education. In other words, a situation arose in which the state would have to create didactic material to be offered by education establishments, but in the case of religious schools, their authorities would not encounter impediments when creating their own content in accordance with their values. Rather, the inevitable difficulty was an educational one that resided in the differential access to scientific information on sexual education available to the students attending different types of schools. The need to obtain a “realistic” law (instead of the ideal one) was behind the incorporation of this petition as well as the exclusion of other conflictive topics (for example, the valuation of sexual diversity).

The broad backing that the project received in the House of Representatives was similar to that in the Senate. The bill was put to a vote on October 4, 2006, and passed by an overwhelming majority, and sexual education became law (Law 25.150 on Integral Sexual Education). Under the authority of the Ministry of Education, the National Integral Sexual Education Program would be responsible for introducing the topic from grade school up to the highest level of teacher training and non-university technical education. As a result, all schools in Argentina, whether public or private, lay or religious, would be obligated to implement an integral sexual education course in their curriculum within a maximum 4-year period.

The Senate did not modify the text approved by the House of Representatives, because the agreements that had been reached were sufficient for the senators to cast their vote. The only dissidence came from Liliana Negre de Alonso, a legislator from Opus Dei, who objected on the basis that her motion to explicitly include families as those responsible for defining the curricular content had been rejected. “It is not enough to mention the educational community. We cannot treat parents, teachers, ex-students, NGOs, administrators as equals. The project marginalizes the family, to which it relegates a secondary role” (Negre de Alonso 2006). In addition, members of the Episcopal Conference repudiated the approval of the project because it “violates natural law” and “endangers parents’ rights.” Bishops Baldomero Martini, Jorge Lona, and Rinaldo Bredice argued that the law was unconstitutional because it authorized a “totalitarian imposition of the state” (Página/12 2006). According to Bredice, far from contributing to the reduction of adolescent pregnancies, the legislation would lead to the opposite.<sup>7</sup>

Underlying the prelate’s critical interventions is a cliché appeal to the Catholic social principle of subsidiarity. From this point of view, all state prerogatives in the passing of legislation or in the designing of public policies fundamentally related to education, family planning, and sexual morals are to be rejected. More specifically,

---

<sup>7</sup>However, the prelate’s conjectures did not coincide with similar experiences in other countries. For example, in Holland, sexual education forms part of school curricula from the earliest levels of education, and the rate of adolescent pregnancies is less than 1 %. Here, easy access to information appears to facilitate a later initiation of sexual relations.



according to the Argentine Episcopal Conference's definition: "what a man, a group, or an inferior organization can do correctly should not be usurped by a superior organism" (Educación y Proyecto de Vida 1985, 131). In this conceptual framework, the state is disqualified from setting the curricular guidelines on sexual education. If it were to do so, it would be replacing the primary function of parents in raising their children. However, civil power has been compelled to respect the autonomous initiatives of individuals and smaller intranational communities, and its ability to intervene has been limited to situations where educational needs are unmet. As a result, its mission only functions as a peripheral educational support to complement families' work in raising their children.

The Catholic Church is among these intranational organizations whose long history as a primary educational source in relation to its work in facilitating humanity's salvation gives it greater legitimacy than the state with regard to orienting educational content. In addition to individual interventions, the Episcopate as a collective body released the declaration *Faced with the New National Education Law* when the law was passed (Argentine Episcopal Conference 2006d). It outlined their demands, which included the inclusion of spiritual and religious dimensions in school curriculums, the continuation of state subsidies for religious high schools, and the recognition of parents' right to choose their children's education based on their convictions.

Despite the fact that the voices raised from within Catholicism—at least those that were received and reproduced by communications media—were coordinated and unvaried, it is important to avoid reductionism by inaccurately concluding that the extensive Catholic field can be represented by its leadership's invariant position. Instead, we should consider the multiple actors and modalities of action present, which require a holistically analytic view in order to reach a more comprehensive understanding of the complexities surrounding Catholicism.

The approval of the sexual education bill taught some lessons in understanding Argentinean political culture. For many years, the initiative was lost at sea in parliamentary commissions, and while there was dialogue with the representatives of the Catholic Church, there were no negotiations. The legislators who shared the church's ideology or identified with its doctrine created a zero-sum scenario in Congress. It was not until 2006 that the political strategy changed to incorporate some of these legislators' demands (as previously mentioned), which revealed the ecclesiastical institution's continued political relevance in the minds of the representatives and senators. This subsequently facilitated a climate in which the autonomy of personal, spiritual, and religious belief was given an amount of precedence over general state curricula. In particular, accepting that while each school processed the state-defined educational curriculum, the existence and implementation of workshops specifically designed to reflect the individual parental convictions within each educational community implied a relative cutback of the state's ability to define educational content. Moreover, this environment also provided juridical refuge for Catholic high schools that wished to maintain their own axiological principles.

In light of these circumstances, the perception of legislators and communications media is of particular interest. For instance, the representation of religious voices—

which project the impression of an overwhelming amount of dissension toward the implementation of sexual education by the state—was disproportionate in comparison with the results of numerous public opinion surveys reporting that the majority of citizens declare themselves in favor of sexual education and the dissemination of information about the use of contraceptives and sexually transmitted diseases.<sup>8</sup> The presence of the dissident voice from the Catholic Church marginalized the high consensus that sexual education had amongst the population.

The negotiations with the Catholic Church did not alter the final outcome of the political debate: the possibility of teaching sexual education in schools. This result reveals two significant aspects of the negotiations: first, in political terms, its design was successful because it allowed the approval of a national law on sexual education; but, second, in sociological terms, it reinforced the dominant matrix in Argentina, in which religion and politics are interlinked. While political action renders any doubt of the existence of links between political and religious actors redundant, it also creates a space of inquiry that exceeds the limits of this chapter.<sup>9</sup>

Definitively, the law's text (re)affirmed the Ministry of Education's authoritative role to apply its stipulations, and placed the Ministry in charge of detailing the minimum obligatory content for all educational institutions. For example, it established a teaching method aimed at implementing the sexual education curriculum across the board in various classes, which also contemplated the distinct stages of student development. Moreover, it dismantled the organization of workshops designed for teaching parents and teachers. The Integral Sexual Education Law provided a juridical framework for supporting the unsystematic development of teacher experiences through professional training and expert-developed didactic material. This moment signified the turning of a page in history with the inauguration of a new process of implementing legislation, which was a procedure that was just as complex as the law's approval.

#### 6.4 Epilogue: Sexual Education as a State Policy?

Once the sexual education law was passed, the then Minister of Education, Daniel Filmus, ordered the Federal Education Council—comprising those in charge of education in the provinces—to define the basic curricular guidelines that would serve as conceptual support for including sexual education in the general curriculum. In addition, an interdisciplinary commission of specialists would be in charge

---

<sup>8</sup>The results of diverse public opinion polls from the consultancy Analogías, the National University Tres de Febrero, the Center for Studies of State and Society (CEDES, *Centro de Estudios de Estado y Sociedad*), and the Latin American Center Health and Women (CELSAM, *Centro Latinoamericano Salud y Mujer*), among others, correspond with one another in signaling the support of Argentine society for public policies on these subjects.

<sup>9</sup>In particular, inquiry into the forms and content of these links, and their continuities and ruptures with those established by political and religious leaders from the time of Christopher Columbus to the present.

of devising the program's first official documents and sending them to this council for consideration. When detailing the criteria for selecting the commission members, the tension between the influential areas of the state and religious institutions was once again manifest. As a result, different conceptualizations of the state and democracy were employed to support each actor, their interpretations designed to reflect their respective positions in relation to the commission.

The inclusion of representatives of each creed—Catholics, Evangelists, and Jews—in the composition of the team that would outline the Ministry of Education's content on sexual education is, on the one hand, an indication of a political vision that naturalizes the inclusion of religious actors in the definition of a public policy. On the other hand, it also reveals the use of dualistic action—principally by the Catholic Church, but increasingly by other religious organizations (evangelicals, for example) as well—that partitions its social presence into a civil actor and a political actor, each demanding their respective rights on both fronts.

As aforementioned, the final approved legislation gave authorization to each educational community to adapt the state guidelines to its institutional ideology. Because of this, religious entities enjoyed a certain amount of autonomy in terms of teaching sexual education in their schools, based on their axiological principles. However, the commission facilitated a specific arena for the discussion on the information that would be circulated in state schools. These processes reflect and recreate the discussion over the legitimate limits of religious institutions' authority to actively participate in and influence public policy. While this participation of religious institutions is validated by some as a partial expression of civil society in a democratic context (Casanova 1994, 1999), it is questionable for others due to its prevalence in the formation of juridical norms (Habermas 2006). However, what is certain is that the continued existence of politically influential religious actors—the undeniable protagonists on the public stage—refreshes this debate in social theory.

The pitfalls of the legislation's application in the provinces where a sexual education law had already been passed foreshadowed a path fraught with strong resistance to the implementation of the law.<sup>10</sup> It was in May 2008, almost 2 years after the law's approval, that the Federal Education Council finally ratified the curricular guidelines that had been drafted by the Ministry of Education's technical personnel after the expert commission failed to reach consensus. However, agreement was not easily reached here either. The objections of certain provincial educational authorities—from San Juan, San Luis, and La Rioja, for example—reflected those of the Catholic Church. Their representatives questioned the inclusion of a gendered perspective and the supposed state supremacy in defining the content of sexual education, which would denaturalize the role of parents. As a result, the final definition of

---

<sup>10</sup>Other recent precedents also shed light on a series of difficulties in the implementation of approved laws that were resisted by “intense minorities”—that is, groups of integral activists who have networks at the intersection of public power and communications media. In 2008, 5 years after the creation of the Sexual Health and Responsible Procreation Program, 3,400,000 low-income women were without any free professional guidance to make decisions about issues linked to family planning (Clarín 2008).

the bare minimum required content for each jurisdiction's curriculum was more detailed in order to reach consensus.

It is significant to note that in the developmental narrative of the state document on curricular guidelines (*Lineamientos Curriculares*), an appeal was made to address sexual education from an integral perspective—the *same* position upheld in religious spaces—by considering the biological, psychological, social, emotional, ethical, and spiritual aspects as inherent and complementary parts of human identity. However, this semantic coincidence should be understood as the foundation of a dispute over the appropriation of the term “integral.” According to Christian anthropology, the state's discourse includes a reductionist vision of human sexuality. By decentering it from marriage and conceiving diverse uses for it through the acceptance of desire and pleasure, it places more emphasis on the physical aspects of sexuality rather than on the emotions associated with it. In doing so, the prevalent sociocultural view of the gendered perspective would blur the religious dimension of human beings by focusing on their biological nature. On the other hand, those who refuted the theological arguments questioned the primacy given to spirituality, the strong focus on biology, and the negation of conflicting historical and social understandings of the hegemonic patterns that structure family models and sexual identities to mold gender stereotypes.

In dissimilar epistemological substrates—one based on the scientific paradigm, the other on the religious—we encounter the points of discord between the state's conceptual framework and the Catholic discourse. In the curricular guidelines elaborated by the Ministry of Education, a visible sociological authorship permeates the central themes presented for consideration. The invocation of the socio-historical dimension—and, as such, of contingency—in the interpretation of the hegemonic family structure, the assignation of different roles to men and women, and the components of a determined sexual morality converge into a denaturalizing approach to the sexual order.

The prevalence of such diverse paradigms acts as a contentious variable when evaluating the degree of inclusion of sexual education in the various provincial jurisdictions' school systems, particularly in a country that is home to a significant number of confessional educational institutions. As a result, sexual education has been a stage for controversies rooted in the dispute over establishing the organizational parameters of contemporary culture. These controversies have become part of the public space while also extending to other projects that regulate life, sexuality, and reproduction.

The stark contrast between the approval of the Sexual Health and Responsible Procreation Law and the Integral Sexual Education Law, and their application—under the authority of the provincial Ministries of Health and Education—alerts us to the greater effectiveness of Catholic influence on provincial and municipal executive powers when compared with the federal parliamentary sphere. Everyday connections with government agents—for instance, in many cases the designation of heads of the Ministries of Health and Education has required an ecclesiastical blessing—contrast with parliamentary logic, which is more sensitive to the agendas of active civil society organizations. This disjointed relationship between applicable

laws and their delayed implementation opens new lines of research on the dominant culture in public administration, the dissimilar efficacy of religious powers in their capacity to influence parliamentary and executive arenas, and the limits of state secularization (Baubérot 2005).

In December 2008, the Integral Sexual Education Program (PESI, *Programa de Educación Sexual Integral*) was created under the authority of the National Ministry of Education according to the legislation's stipulations. Since the creation of this institutional space, actions for fulfilling the responsibilities surrounding issues of sexual education have become more dynamic. This is evidenced by some of the constituent goals concerning the incorporation of the Integral Sexual Education Curriculum Guidelines in the curriculum design of primary and secondary education: the presentation of the program in the provinces; the creation of spaces for exchange among, and strengthening of, provincial representatives; the creation of intersectoral health and education teams; the creation of pedagogic and sensibilization materials; teacher training; and coordination with technical teams from the provincial Ministries of Education.

In this respect, diverse modes of action were designed for the PESI. For example, in mid-2009, three-month virtual training workshops for teacher training institutes were organized throughout the country to enable each school to designate three teachers—one of them a member of the school administration—as participants in the training process. The course dealt with issues regarding sexuality, infancy, adolescence, rights, health, and prevention, and provided methodological tools for teaching conceptual content to students of different ages. At the same time, the Federal Integral Sexual Education Meeting that was held in May 2010 served as a platform for the presentation of the curriculum materials and the exchange of experiences that would aid its implementation. The call for participation was directed toward the respective representatives of sexual education and jurisdictional education, as well as those in charge of programs of the Ministries of Health, Education, and Justice.

The mass production and distribution of the materials was a strategy defined by the program authorities to strengthen their position and establish the subject more generally in the provincial education agendas and in society, because while the Integral Sexual Education Law was 4 years old, its existence was not known throughout all of the country. The curricular guidelines, the series of workbooks, and the presentation slides for each level of teaching reached a large portion of the schools in the country, with the goal of circulating throughout the educational community as a whole, and training teachers in sexual education (a new topic in the curriculum design). Simultaneously, Canal Encuentro (national public television) incorporated televised shorts about sexual education, which focused on preventing adolescent pregnancy and on sexual and reproductive rights. If the events of 2009 implied the preparation and fine-tuning of the educational materials, the year 2010 intensified the coordination work between the National Ministry of Education and its provincial counterparts and educational establishments.

Beyond PESI's work of sensitization and training, the fulfillment of the Integral Sexual Education Law was still limited a decade after it had been passed. Several

factors allow us to explain the disparity in the incorporation of sexual education into schools at all levels throughout the country. First, due to the significant number of religious schools—the majority of which are Catholic—found throughout the country, the episcopate’s public position had not gone unnoticed. However, this should not be interpreted linearly. In fact, the de-institutionalization processes, in terms of a loss of efficacy to influence institutional regulation and the crystallization of points of flexible autonomy for administrators of religious high schools with respect to the prescriptions established by ecclesiastical authorities, also permeate the Catholic structure. As such, there are religious educational institutions that have partially incorporated the Ministry of Education’s curricular guidelines. However, we cannot ignore the fact that the official voice of the Catholic Church has undeniably influenced many of the authorities of religious high schools, and, in the same way, those in charge of defining education policies in provincial jurisdictions.

A second element is the lack of political will of some provincial authorities in advancing and fulfilling the federal law. Whether it is because of their religious convictions, the centrality given to the opinion of a local bishop, or a combination of both of these components, it is undeniable that the law’s implementation suffered delays because of the inaction of local public power. The absence of an allocated budget and public servants designated specifically for the administration of the law in some jurisdictions demonstrates the low level of compliance with the federal legislation.

A third factor revolves around the culture of teachers and how well they are informed of public policies that affect education. Generally, they are not aware that a sexual education law was approved, nor are they aware of the curricular guidelines. In fact, even those who have access to this information have a limited level of training to address the issue. Moreover, adapting their prior experiences and knowledge—without denaturalizing their own subjective perception—makes it difficult to create formative attitudes. The greater use of textbooks instead of the official documents indicates how, in many cases, the design of curricular content by publishing companies does not comply with PESI’s established guidelines.

There are even diverse methods used in the districts where the implementation has already begun. However, a cross-cutting manner suggested for the law’s implementation facilitated a wider range of curriculum interpretation, which affected the adopted pedagogic variants by weakening their efficacy. In particular, there are schools that establish sexual education as an extra-curricular activity; those that include it in natural sciences classes because they limit its teachings on resolving problems of sexual abuse, adolescent pregnancy, and sexually transmitted infections; and others that have elaborated specific modules for more than one class.

A fourth component is the existence of ambiguous and disparate legal aspects. For example, on the one hand, the National Integral Sexual Education Law prescribes the definition of the curricular guidelines by the state’s education agency for all levels and modalities of the school system. But on the other hand, it also allows the educational institutions to structure their own implementation of sexual education without specifying the connections between both levels into one pedagogic design. This fundamentally occurs in situations where the institutional pedagogic

project differs from—or is explicitly incompatible with—the conceptual framework supported by the curricular guidelines and the law.

The combination of a religiously imbued political culture possessing jurisdictional autonomy but lacking a budget and designated public employees, a teaching culture unreceptive to innovations, divergent regulations, and resistance from religious powers has created a scenario in which the effective insertion of sexual education into the Argentine education system is severely limited. As a result, while the conflict within the superstructure responds to disparate worldviews, other components in the real world are added—political culture, teachers' idiosyncrasies, institutional maladjustment—that act as a barrier preventing the presence of sexual education in the school context.

The complex processes of the legislation's approval and implementation have condensed the tensions between the greater demand for—and visibility of—the broadening of citizens' rights, the ecclesiastical pretension of universalizing its religious morality, and the preservation of the dominant political culture into a repertoire of religiously imbued practices. Moreover, an uncritical receptivity to ecclesiastical demands by an important segment of the political leadership reveals the extent of integration between politics and religion.

In other words, the democratic imperative of organizing social harmony in the framework of growing plurality involves a broadening and diversification of citizens' rights. These processes coexist with the permanent worldview in which political culture places the Catholic Church as one of its governing pillars. The continuity of this collective understanding has allowed for the historic influence of the ecclesiastical elite in, for example, the definition of policies on issues of sexual and reproductive health, or in the drafting of education laws. Disputes over the relationship between these two major social actors correspond to the degree that the practice of political power is influenced by the recognition of citizens' rights, and how ecclesiastical power does not relinquish its efforts to universalize a uniform standard of public morals with a repertoire of values reflecting its religious doctrine.

It is undeniable that the sexual education law serves as an impetus for the conflicts and negotiations that occur in the public sphere among political, social, and religious actors. The duality that characterizes the bond between political and religious powers is manifest, and is marked by a pendulum that swings between autonomy and complementarity. In particular, this pendulum has fluctuated most frequently in the process of debating and implementing the law, because of its broad consideration of the various actors within political society—civil servants, legislators, party leaders—and the religious sphere—bishops, priests, pastors, rabbis, lay people. Despite the analytic differentiation between the political society and the religious sphere, there is still continuous movement in both directions.

It also reflects the renewal of Catholicism's historical presence in Argentina, which is marked by a constant hope of reinserting itself into the public sphere as a protagonist. The diverse modalities implemented—incursion into politics, mediation of social conflicts, defense of traditional norms and values—are in line with the desire to conserve its institutional power and symbolic regulation over social life.

This reproduction of a religio-political field—with an integrated framework, the overlap of specific functions and areas of responsibility, and reciprocal legitimizations—has now crystallized into a society marked by volatile belonging, institutional detachment, and distancing from traditional frames of reference (Bauman 2003). As a result, the universal principles and absolute rules that once structured the behavior of the political, religious, familial, and sexual spheres have been eliminated. These processes now present themselves concomitantly through the actions of religious institutions that are fighting to apply their ethical normativity to the universes of meaning that are being constructed in both the public and private spaces.

However, the multiple actors that mold a contemporary and democratic society reveal the continued and active significance of the underlying historical power relationship between the state and hegemonic religious institutions. Because of this, the development of sexual education and its effective implementation throughout all levels and methods of teaching directly depend on a multitude of intertwined factors—for example, the levels of autonomy and political will, the presence of the state, the initiative of administrators and teachers, and judicial standardization. As a result, the establishment of sexual education as public policy and as a bearer of rights relies on the performance of these political and educational actors, and the well-oiled coordination of the institutional framework.

## References

- Baubérot, J. (2005). *Historia de la laicidad francesa*. Mexico City: El Colegio Mexiquense.
- Bauman, Z. (2003). *Modernidad líquida*. Mexico City: Fondo de Cultura Económica.
- Casanova, J. (1994). *Public religions in the modern world*. Chicago: University of Chicago Press.
- Casanova, J. (1999). Religiones públicas y privadas. In J. Auyero (Ed.), *Caja de Herramientas. El lugar de la cultura en la sociología norteamericana* (pp. 115–162). Bernal: University of Quilmes Press.
- CEDES. (2003). *Salud y derechos sexuales y reproductivos en la Argentina: salud pública y derechos humanos* (Nuevos Documentos CEDES 15). Buenos Aires: CEDES.
- De Ezcurra, P. (2007). *Los debates sobre educación sexual en la ciudad de Buenos Aires a través de la prensa (2004–2006)*. Undergraduate thesis in Education Science, University of San Andres.
- Felitti, K. (2009). *La educación sexual en la agenda católica: debates, contenidos y experiencias en la historia argentina reciente*. Keynote address presented at I Jornadas de Religión y Sociedad en la Argentina contemporánea y países del Cono Sur, Religar, Buenos Aires.
- Giberti, E. (1962). *Escuela para padres*. Buenos Aires: Eseece Editora.
- Giberti, E. (1965). *Adolescencia y educación sexual*. Buenos Aires: Roberto O. Antonio.
- Habermas, J. (2006). *Entre naturalismo y religión*. Barcelona: Paidós.
- Negre de Alonso, L. (2006). *Dictamen en minoría de comisión sobre mensaje y proyecto de Ley de Educación Nacional*. Honorable cámara de Senadores, diario de sesiones, anexo al orden del día N° 1335.
- Petracci, M. (2004). *Salud, derecho y opinión pública*. Buenos Aires: Editorial Norma.
- Wainerman, C., Di Virgilio, M., & Chami, N. (2008). *La escuela y la educación sexual*. Buenos Aires: Ediciones Manantial.



## *Episcopal Documents*

- Argentine Episcopal Conference. (2005a). *No legislarás cuando de sexo se trate*. Declaración de la Conferencia Episcopal Argentina, November 2.
- Argentine Episcopal Conference. (2005b). *Declaración de la Asamblea de la Conferencia Episcopal Argentina*. November 9.
- Argentine Episcopal Conference. (2006a). *El desafío de educar en el amor*.
- Argentine Episcopal Conference. (2006b). *Comisión de Educación Católica: La educación de la sexualidad en las escuelas*.
- Argentine Episcopal Conference. (2006c). *Declaración del Episcopado Argentino al Pueblo de Dios sobre la educación sexual en las escuelas*.
- Argentine Episcopal Conference. (2006d). *Ante la nueva Ley de Educación Nacional*. November 10.
- Educación y Proyecto de Vida. (1985). Documento del Equipo Episcopal de Educación Católica, Documentos del Episcopado Argentino, Tomo XIII.

## *Newspaper Sources*

- Clarín. (2003a). Crítica a la educación sexual en las escuelas. *Clarín*, May 17. <http://edant.clarin.com/diario/2003/05/17/s-04402.htm>. Accessed 20 May 2003.
- Clarín. (2003b). Los obispos, contra la educación sexual sin permiso de los padres. *Clarín*, November 16. <http://edant.clarin.com/diario/2003/11/16/s-04201.htm>. Accessed 21 Nov 2003.
- Clarín. (2008). El Programa de Salud Sexual llega todavía a pocas mujeres. *Clarín*, July 11. <http://edant.clarin.com/diario/2008/07/11/sociedad/s-01712660.htm>. Accessed 16 July 2008.
- Página/12. (2005). De eso sí se habla. *Página/12*, November 13. <http://www.pagina12.com.ar/diario/sociedad/3-59163-2005-11-13.html>. Accessed 18 Nov 2005.
- Página/12. (2006). El pecado de enseñar. *Página/12*, October 6. <http://www.pagina12.com.ar/diario/sociedad/3-74063-2006-10-06.html>. Accessed 15 Oct 2006.

# Chapter 7

## Poverty, Sexuality, and Human Rights: Pluralism or Hegemony? Discourse of the Peruvian Catholic Church on LGBT Human Rights Within the City of Lima

Martín Jaime

**Abstract** This chapter analyzes the establishment of a conservative pastoral discourse within the Peruvian Catholic Church during the 1990s to the present in relation to LGBT people. This is the result of the articulation of two projects in dispute within the ecclesiastical institution: a fundamentalist Catholic project and another inspired by the work of liberation theology. To this end, an analysis from some psychoanalytic categories such as libidinal economy is proposed considering how ecclesiastical institutions since the 1960s have mobilized two pastoral discourses: the first on social issues and the second on nature-based interpretations about poverty and sexuality. Both discourses established a design of life that excludes LGBT people as actors of liberation. To analyze the pastoral discourses on the LGBT issue, two important events within the field of human rights in Peru are examined: (1) the publishing of the Commission of Truth and Reconciliation Final Report (2003); and (2) the process of enacting the National Plan on Human Rights (2005). These events reveal the contours of pastoral discourse on nature.

**Keywords** LGBTI • Human rights • Catholic Church • Peru • Poverty • Integrist/fundamentalism • Liberation theology

### 7.1 Introduction

Over the last decades, the Peruvian Catholic Church has been involved in the development of a conservative discourse on human rights, which has emerged in the context of a tension between two projects within the institution: a fundamentalist

---

M. Jaime (✉)  
Pontifical Catholic University of Peru, Lima, Peru  
e-mail: [mjaimeb@pucp.pe](mailto:mjaimeb@pucp.pe)

project and one inspired by liberation theology. In the 1990s, within the context of the implementation of neoliberal policies and the consequences of internal violence, the church drew on liberation theology and its advocacy of the emancipation of the poor, as well as from conservative discourses on sexuality to create a particular model of proper sexuality.

The formation of this conservative discourse particularly affects the group of people who are excluded by it, thus contributing to their discrimination within Peruvian society. This chapter focuses on LGBT people (lesbians, gays, bisexuals, and trans<sup>1</sup>) from the city of Lima, and seeks to analyze the interrelated dynamics between the Catholic pastoral discourse and the demands of LGBT people within the contexts of exclusion, discrimination, and poverty through the study of some religious practices. The articulation between the social discourse and the discourse of nature, from the perspective of poverty and sexuality, limits the ability of LGBT people to successfully demand rights, since their divergence from heteronormativity excludes them from being considered “God’s poor.”

To understand this process, this chapter proposes a genealogy<sup>2</sup> (Foucault 2010) comparing the discourse on poverty to that of sexuality, analyzing them as mechanisms that construct a design of life. In so doing, the developments of the Peruvian Catholic Church’s instrumental and restrictive discourses on human rights, drawing on these pastoral discourses, highlight and lead to a variety of limitations based on a transcendental model. This chapter additionally argues that this restrictive logic seeks to permeate the implementation of a discourse referring to the poor people as creatures of God who are part of a divine plan. This model of the poor individual—as the driving force of liberation—does not address the demands of sexual diversity, thus reinforcing the creation of invisibility by the state and multiple institutions regarding issues of exclusion, poverty, and sexual diversity.

## 7.2 Pastoral Discourse on Poverty and Sexuality: Defining the Field of Human Rights

A fundamental step in the creation of a pastoral discourse on human rights was the development of certain social commitments by both priests and bishops.<sup>3</sup> Thus, between 1959 and 1962, the Peruvian Church showed increased interest in under-

---

<sup>1</sup> The term *trans* refers to transvestites, transgender, and transsexuals.

<sup>2</sup> We consider genealogy, based on Foucault, an analysis of power, deduced from (or integrated to) an archeology of knowledge.

<sup>3</sup> An important fact from that time was the first General Conference of Latin American Episcopacy (CELAM by its Spanish acronym) in 1955 in Rio de Janeiro, Brazil. Though the topic on human rights was not discussed, the document shows concern “towards Latin America’s social problems and the still current distressing situation—despite the amount of goods the Providence has dispensed [in] the continent—faced by not a small part of their inhabitants and especially by some groups of field and city workers, including the so called middle class with low salaries and job demands” (Doig 1991, 274).

standing social problems by carrying out the *Primera Semana Social* (First Social Week), a meeting where for the first time clergy and lay people came together to discuss topics such as social classes, notions on community, cultural promotion and the common good. The *Segunda Semana Social* (Second Social Week) was carried out in 1960 and focused particularly on landholding in Peru. In the following years, some bishops implemented lines of action based on the outcomes of these two social weeks, especially with regard to land reform.<sup>4</sup>

By 1962, the Second Vatican Council (1962–1965), undoubtedly one of the most important events in the history of the twentieth century Catholic Church, took place. The inclusion of the Latin American Church within new Council projects can only be understood by clarifying that this church did not experience problems concerning modernity, secularism, liberalism, or materialism to the same degree as Europe did. Since these trends did not leave a mark on the Latin American collective imagination, they thus did not represent a significant change within the status quo of state–church relations. The Latin American bishops later pointed out that the fundamental problem was the outreach to the poor.

Within this context, in 1967 the archbishopric created the *Misión Conciliar de Lima* (Conciliation Ministry of Lima), a significant development in new pastoral methods. Church members were gradually placed in strategic locations, solidifying the role of the church as a major actor in the formation of a Peruvian field of human rights.

Moreover, the Latin American clergy made its own interpretation of the Vatican Council II's invitation to consider human rights as the fulfillment of the Gospel, formalizing its stance of "openness towards the poor" developed in the 1968 Episcopal Assembly of Medellín, Colombia. In this meeting, the Latin American Episcopate pointed out that "The Latin American bishops cannot remain indifferent in the face of the tremendous social injustices existent in Latin America, which keep the majority of our peoples in dismal poverty" (Latin American Bishops 1968a, n. 1). Therefore, the church committed to become "the voice of the voiceless," to "defend the rights of the poor and oppressed according to the Gospel" (Latin American Bishops 1968b, n. 22), and to consider "poverty as a commitment, through which one assumes voluntarily and lovingly the conditions of the needy of this world" (Latin American Bishops 1968a, n. 4c). Practically speaking, this stance allowed some lay people, priests, and bishops to at last deal with social justice issues, though the definition of what constitutes "social justice" would narrow over time.

At a discursive level, this course of official action broadened the mission of the church in relation to the poor, though somewhat ambiguously: it has enabled some sectors to introduce new analysis categories to the ecclesiological practice, which is attempting to reduce the transcendental model. However, the very basis of this evangelical discourse contains a specific form of vitality (*jouissance*) extraction from the

---

<sup>4</sup>According to J. Klaiber, both José Dammert, bishop of Cajamarca, and Carlos María Jurgens, archbishop of Cuzco, had started a "discreet process of alienation and sale of lands of the Church" (Klaiber 1988, 352).

poor, who become the “voiceless,” and introduces the church as “the voice of the voiceless,” a role that is an act of ventriloquism.<sup>5</sup>

Within the Peruvian context, the openness to the poor has had fewer followers within the hierarchy when compared with other countries; however, these few were thoroughly dedicated to their work. Over time, some bishops changed their pastoral strategies and social practices. José Dammert, bishop of Cajamarca, was among the first to foster various development projects, such as credit unions, housing, and clinics. Subsequently, bishops from the Southern Andes followed his example. Before the 1970s, the capacity of the ecclesiastical institution was characterized by three factors: the creation of the Comisión Episcopal de Acción Social (CEAS) (Episcopal Commission on Social Action) in 1965; the creation of the Oficina Nacional de Información Social (ONIS) (National Office of Social Information); and the pastoral and intellectual works of priests such as Gustavo Gutiérrez and Alejandro Cussianovich, who, among others, developed some of the most creative theological readings of this period.

From the end of the 1960s and into the 1970s, these three factors inspired the Peruvian Church to include their most radical statements in their conclusion of the 36th *Asamblea Episcopal Peruana* (Peruvian Episcopal Assembly). They reported on the existence of a “colonial feudalism” and accused the national oligarchy, in collusion with the “international imperialism of money,” of being the main cause of poverty (CELAM 1980). However, this rather unusual attitude within the Peruvian episcopacy would soften with a letter written by the ONIS demanding a reduced role for the Papal Nuncio; the separation of the church and the state; the review of certain religious schools considered elitist; and the reporting of abuse according to individual cases rather than in general terms, as episcopal documents had previously done.

Thus, the significance of the CEAS, ONIS, and intellectual pastoral works within the national imaginary supported the church’s role in the formation of ideal human rights practices in Peru. It was during this period that the church was established as providing the paradigmatic human rights model whose agenda would later be applied by the whole human rights movement, particularly during the armed violence period.<sup>6</sup> Therefore, throughout the seventies, the Peruvian episcopacy

---

<sup>5</sup>This prescribed role within the church discourse stands out in light of Lacan’s reflections on the difference between the *identification of the phallus* and the *revelation of the phallus*. The first refers to the formation of the subject after the phallus decline, without reference to any identity. However, the second is a brand that characterizes the subject as trapped in the other’s desire, trapped in a dream [c.f. Žižek (1994, 159)]. In short, the church discourse on the poor plays the role of the *revealed phallus*. Exchanging the subject’s jouissance for its own, the voice of the poor for its own, prevents the creation of identity in reality.

<sup>6</sup>In Peru, according to the Commission of Truth and Reconciliation, the period of armed violence or internal armed conflict developed between 1980 and 2000. It was a conflict between terrorist groups: the Peruvian Communist Party Shining Path (PCP-SL by its acronym in Spanish), the Tupac Amaru Revolutionary Movement (MRTA by its acronym in Spanish), and the Peruvian state.

constantly participated in the social reform of the military board.<sup>7</sup> According to Cortázar, the Peruvian Church's pronouncements were 11 % in favor of state reforms and 39 % against them (1997, 85). For instance, the church supported the June 1969 land reform law, the law for the creation of an industrial community, and the law concerning socially owned enterprises. Subsequently, the church discourse would take its final shape by aiming to definitively eliminate its previous excesses. In the 1972 publication titled *La Iglesia debe promover la justicia (The Church Should Promote Justice)*, the episcopacy reiterated its criticism of the economic model by discussing dependency theory, land reform, and racial and cultural discrimination in a language based on liberation theology. The church stated that "people should have real and direct participation in revolutionary action against oppressive attitudes and structures, to create a just society for all" (n. 9). The idea that the role of the "church has inevitable political implications" (n. 30) confirms that it "acknowledges effective poverty as identification and protest" (n. 32) within the field of evangelization (CELAM 1980).

The following year, the language of evangelization eventually replaced the previous terminology, resulting in a shift toward the hermeneutics of the discourse. In *Evangelización y Liberación. Algunas líneas pastorales de evangelización* (1973) (Evangelization and Liberation: Some Pastoral Lines on Evangelization), the bishops stated that "by highlighting the liberating aspect of the Church's mission, we affirm that this liberating action does not affect the transcendent sense of its mission" (CELAM 1980, 78), to conclude that "our goal will be a commitment to the real synthesis between the vertical and horizontal, the divine and the human, while still being aware of, and acting accordingly to and within the limits designed by the cross" (CELAM 1980, 78). Within this context, poverty was redefined as a theological calling of openness to others through a voluntarily acceptance of a life of austerity (CELAM 1980, 81). Thus, what was previously fought against was turned into a vocation and a moral requirement. Here, we witness the decisive end of opposition to pastoral discourses on poverty with a return to the idea of the interaction between transcendence and suffering as the solution to the social issue and consequently to human rights.

Within this ecclesiastical interpretation of previous experiences, we can see how the notion of transcendence is recovered from its brief 1968–1973 displacement. The ecclesiastical nature of the social issue, in its first and fundamental approach to the discourse on human rights, did not inquire into the reality of these new actors. Instead, it focused on creating a speculative discourse concerning their claims. To avoid conflict, these claims were sublimated into a social–pastoral language rather than political rhetoric, which transformed it into a hypostasis<sup>8</sup> with a special

---

<sup>7</sup>The military board governed Peru from 1968 to 1979 after a coup d'état by the armed forces. It lasted for two periods: the first (1968–1975) was led by the General Juan Velasco, and the second (1975–1979) by General Francisco Morales-Bermúdez.

<sup>8</sup>I have named this process of avoidance with the theological term "hypostasis" since it commonly refers to the union of human nature with the Divine Word in a single person. This discourse does that by joining the fate of the worker, woman, outcast, and persecuted with the redeeming suffering of Christ. This was definitely the first fundamental strategy of the Church of restricting the liberating sense of human rights.

emphasis on the suffering, poor, and humiliated being. In this interpretation, the church avoided focusing on the context of the inequality and inequity of demands to establish a fetish by building a libidinal economy.

A libidinal economy is the social production of the libido, with its fundamental elements representing the Real, where work<sup>9</sup> performed on *jouissance* is always focused on the Other as an agent<sup>10</sup> due to the particular formation of discourse.<sup>11</sup> Its product is the idea of desire<sup>12</sup>—that is, an object with elements created beyond reality, thereby fetishizing it. As a result, the structure determining poverty was transformed into the figure of the poor, and social inequality into the victim. These are linked to the creation of the *fetish object*, which diverts the libidinal energy into a homogeneous and linear image. That is, the church discourse only understands the reality of the people through a severe transformation of their demands.

The transcendental nature of social discourse that developed in this period, even during its more radical time, cannot be completely understood without considering how the church, including priests within liberation theology, judge the role of sexuality in human actions. During this period, the most controversial issue was the gradual inclusion of sexual and reproductive rights in the agenda of the women's movement in Peru. The Peruvian state had already adopted a pronatalistic stance in the 1960s, which was expressed in the *Lineamientos de Política de Población* (Population Policy Guidelines).<sup>13</sup> This policy was adopted under the influence of the Catholic Church, primarily because of individuals such as Juan Julio Wicht and Enrique Bartra, who were Jesuit priests working as advisors for the Instituto

---

<sup>9</sup>The use of the term “work” comes from my understanding of Hannah Arendt’s thinking. The type of “work” is productive when its results are aimed at building things that can be found in the world—that is, human artifice. “This same stability, durability of the products of work enables objectivity...without a world between men and nature there is eternal movement, but no objectivity” (Arendt 1997, 17). In psychoanalysis this action is reflected in the castration of *jouissance*, which results in the phallus being conceived as the signifier of what is missing, or as sign of desire (Lacan 1983, 800).

<sup>10</sup>In psychoanalysis the Other (always written with capital letters, and the opposite of the *other* (the subject)) establishes a radical otherness that is inserted into language and the law, and therefore belongs to the Symbolic Order. In this sense, the discourse is built by the Other, creating the other (Lacan 1994a, 413–416, 1994b, 513–565). As a result, language is understood as a structure, external to the subject, where the production of the idea that founds reality is performed with a distinctively social nature.

<sup>11</sup>For Lacan, an important aspect of this dynamic is the sense of discourse. After presenting his four discourses—the university, the master, the hysteric, and the analyst—he sees the discourse as a form of intersubjectivity that introduces the signifier (within the Other), the knowledge, the subject (the other), and the surplus *jouissance*. This last category will be further studied.

<sup>12</sup>The desire is the resulting concept of the social production of libido, and it is always absent due to this intervention as a subjectivity signifier. Therefore, it always produces a libidinal economy that is an administration of *jouissance* aimed at including the subject within the discourse, and in the Imaginary through the extraction of surplus *jouissance*. For Lacan, the logic of desire established in the discourse confirms that desiring is not to desire of the other, but the desire the other’s desire. This allows us to understand that in the work of the Other there exists a relationship with *jouissance* that seeks to impose a truth.

<sup>13</sup>Enacted by *Decreto Supremo Number 00625-76-S.A.* and published on September 3, 1976.

Nacional de Planificación (National Planning Institute). These guidelines were based on the 1974 pastoral letter *Familia y Población* (Family and Population), which established principles regarding responsibilities associated with family and parenthood in terms of moral law—that is, according to God’s will. Toward the end of 1975, we experienced what Jeffrey Klaiber termed “the social–pastoral era of Peruvian Church,” where he observes a “subtle change” that was specifically aimed at emphasizing the pastoral mission, which, like God, “has a predilection for the most humble, poor, and oppressed” (CELAM 1980, 92).

The debate over this law involved conservative groups from the Catholic Church and left-wing politics, the state, and the feminist movement. Though the feminist movement was originally created by left-wing members, they gradually distanced themselves due to the lack of recognition concerning women’s rights by left-wing sectors. The feminist movement contributed a wide range of demographic, economic, and democratic arguments to the national debate to support both the use of contraception and the legalization of abortion. However, in 1979, the military government—influenced by clergy members—restricted the already scarce birth control services provided by the state, a measure that the Alliance for the Liberation of Peruvian Women<sup>14</sup> (ALIMUPER) vigorously protested against.

All of these events allowed the fundamental aspects of the ecclesiastical discourse to be narrowed and to focus on *the evangelical sense of poverty*, and *the implementation of the divine plan on society*. Labor and sexuality were linked by the Catholic model, which was to be followed by the poor and by women. Thus, during the 1970s and the beginnings of the 1980s, the future of the Catholic stance on human rights was established through a *social discourse*. In this sense, it is worth recalling the criticisms made by female feminist theologians who pointed out that liberation theology did not include the topic of sexuality or gender within its theological reflection on the poor (Vuola 2000, 201–246; Gebara 2002, 185–220).

This rhetoric aimed to spread the evangelical message through social demands, thus establishing a discursive relationship between transcendental life and the figure of the poor. This created an image in which the poor are seen as being closest to God, and this closeness is the source of all possible claims. This image of the poor used by the ecclesiastical discourse is characterized by silence, submission, and absence. During this time, the figure of the poor in God’s plan became a guideline of social and political history within the Catholic conservative discourse, ensuring welfare but failing to implement effective methods of development—in short: Christian guilt as a social project.

Both social practices and discourse show us how the church creates a direct and intrinsic bond between social demand and poverty, where its enforceability is based on the image of the poor as one of *God’s creatures*. Therefore, it is no coincidence that the second step in the creation of the fetish object was to establish an ideal society, a *Civita Dei*, where people forget their constitutive fragmentation and political capacity. From there, the Peruvian Church constructs a linear model of its libidinal economy between the poor and fate, which will later adopt theomorphic

---

<sup>14</sup>ALIMUPER was a self-defined feminist group created in 1973.



features: the *creature of God* as the foundation of human rights. In this context, they are an empty, alienated creature transferred to the divine kingdom, whose capacity for action in the world was hidden, and later forbidden, thus creating a discourse on human rights based on absence. This is the beginning of the characterization of the *church as open to the poor*, where poverty was the inaugural basis of its social concerns, thus revealing that its *aggiornamento* referred to the link between the ecclesiastical discourse on needs and the inherent suffering of the poor, to God's plan for society. This relationship became a law that alienates and discriminates against the poor, and considers them to be marginalized objects upon which the church imposes its discourse of libidinal economy.

In fact, during this period the Peruvian Church did not accept the reality of the human being living in poverty within its principles of liberty and self-affirmation. Instead, it transformed the condition of poverty through the hypostatization of the image (the signifier) of the poor, transforming the impoverished individual into an instrument to be incorporated into a discursive strategy of its social doctrine.

On the other hand, it is important to point out that this ecclesiastical discourse was introduced and established within Peruvian society as a result of the conflict between the church and the government over the authoritarian behavior of the military board. While the church hierarchy offered moderate support, Catholic intermediary and grassroots organizations criticized governmental repression and supported the labor demands of different sectors. In this sense, we can affirm based on Juan Carlos Cortázar's statement, that "by defending the capacity for autonomous action of popular organizations, the church contributed to strengthening the social significance of popular movements" (1997, 97). Due to the attitude of these organizations, the ecclesiastical discourse gains legitimacy within Peruvian society. Before the end of the decade, this conflict was emphasized through an even greater commitment by the church hierarchy. Since half of the Peruvian episcopacy favored social struggles, the conservative ecclesiastical discourse was strengthened at the expense of old organizations such as ONIS, which ceased its activities in 1979.

Thus, from 1978 to 1980, the so-called social-pastoral period came to an end within the Peruvian Church. The discursive change that began to develop in 1955 positioned the church within an official and conservative discourse generated by two conflicts: one between the church's modernists and fundamentalists fighting to establish the meaning of human rights, and the other between the church and the military government, which established a space for social movements to organize outside of the state's influence.

### **7.3 Building a Way of Life: Pastoral Discourses on Poverty and Sexuality**

Subsequently, the social discourse within the Peruvian Church that had originally articulated the implementation of a moral order regarding production (work) and reproduction (sexuality) resulted in the establishment of a discourse on nature used

to construct a design of life. This new horizon includes two important factors: the first is the election of Karol Wojtyła (Pope John Paul II), and the second is the emergence of armed violence in Peru.

From 1979 to 1984, the new pope defined a theology of the body based on his understanding of human rights (Dupuy 2004; Pontifical Council for Justice and Peace 2005). These ideas aimed to confront different movements that focused on defining the ideals of civil liberty in terms of sexuality. In light of this “pulverization” of the human being, Wojtyła took the position that every body is a sacramental reality—that is, a sign of something that goes beyond itself and establishes a family model. This relationship between the body and family establishes a “transcendental human ecology.” Thus, we see how the production process of libido and register, which was first discussed in the previous social issue, became its primary field: body and sexuality as the foundation of political life. Within this logic framework, the first rights mentioned are concerned with life and religious liberty (Juan Pablo II 1979, n. 17). This model establishes a causal relationship between human dignity and social order through its conceptualization of natural law as moral law.<sup>15</sup>

Conversely, one of the milestones of pastoral work on human rights was the 1984 meeting on *Pastoral de la Dignidad Humana* (Pastoral of Human Dignity), where the issue surrounding defense of life was considered the “backbone” of the ecclesiastical case. During these years of armed violence, this determination was vital to establishing the church’s presence and focus on the victims from the perspective of a theological reflection about the “God of life, who loves every person’s life who wants justice, and questions both the Christian and human conscience” (Gutiérrez 1989). Such ideology would become one of the main sources of human rights action throughout this period and reflect specifically on secular bodies.

To understand the dynamics of the church’s role in the field of human rights, we must consider the different aspects of this relationship. The church’s official discourse was based on concrete experiences of priests, pastoral agents, catechists, and committed lay people from various contexts who were affected by violence, and these experiences were taken into account by the bishops. In addition, we should consider the continuous confrontation between bishops who embraced defense of life as the goal of human rights, and those who did not prioritize this goal as the church’s primary commitment. It was within this conflict that the Peruvian Church developed its discourse on transcendental life as a basis for the defense of human rights. The practice of the defense of life by the church’s grassroots groups was linked to the care and protection of the relatives of arrested and missing individuals, who had been displaced and imprisoned because of violence. In addition, both subversive groups and law enforcement agencies focused on denouncing crimes against human life.

The Southern Andean Church along with some bishops in Lima played a very important role in reporting violence by favoring the establishment of human rights.

---

<sup>15</sup> As stated in the Homily in Castelgandolfo on August 5, 1979: “This moral law within the heart of man is a natural moral regulation further expressed and perfected by the revelation of God. For this reason, such regulation has an objective nature which should be accepted by the conscience of man who claims that his conscience is fair and true” (Lasanta 1995, 31).

Among them we find bishops Luciano Metzinger, Germán Schmitz, and Augusto Beuzeville. In addition, some bishops within the Episcopal Conference, such as Juan Landazuri, José Dammert, Luis Bambarén, Juan Luis Martín, and Miguel Irizar, promoted and exposed the seriousness of violence. They faced the resistance of more conservative bishops who considered violence to be a purely police and military problem.

The discourse of the bishops against violence established the value of life from a biblical and theological perspective, and clearly rejected violence while encouraging education for peace. They denounced both terrorist action and state repression by arguing that “all people were the image of God, especially the poor, secularly ignored, and despised.” During the *Te Deum* mass on July 28, 1988, in Lima, they confirmed: “We repeat this again: life is the most precious gift God has given to man as a proof of His existence, making him in His image. So, let us defend life! Especially the most threatened one” (Comisión de la Verdad 2003a, 412). The bishops established a relationship between the poor, the image of God, divine will, and human rights through shaping a transcendental space within this field.

This discourse was built against the more conservative positions within the church, exemplified in statements by Bishop Juan Luis Cipriani<sup>16</sup> (1991): “As long as we do not clearly confirm that human rights are not untouchable absolute values, but instead remember that they are permanently subject to the limits established by some human duties, it is impossible to effectively face the evil we suffer...let’s put it more concisely: the majority of institutions that are supposedly working for the defense of human rights are fronts for mostly Marxist and Maoist political movements.”

The most intense confrontation between these groups took place between 1992 and 1994, when Bishop Cipriani openly declared himself a supporter of the death penalty, which directly contradicted the stance of the Peruvian episcopacy. Months later, the Episcopal Conference published its message *For a More Just and Fraternal Society*, in which it stated: “We insist on the issues of the defense of life and human rights...any violation of human rights contradicts God’s plan and is a sin.” They also stated that “when the Church proclaims the Gospel as the deep roots of human rights, it does not commit to this task with an unawareness of its mission; on the contrary, it obeys the command of Jesus Christ.” Thus, within the Peruvian Church, the meaning of human rights is formed according to Pope John Paul II’s guidelines by relating them to the fulfillment of the divine plan where life belongs to a transcendent plan modeled on the image of God. By conceptualizing their understanding of the human being as a specular analogy to God, the church demonstrated how its official discourse removed the political nature of human rights claims.

This specular analogy to God comes from a corporal hypostasis—that is, the intimate union between life and spirit as an expression of the formation of a human being. In this conception, within the narrative of political history, the biological is

---

<sup>16</sup>Juan Luis Cipriani Thorne (born 1943) is a Peruvian bishop and Opus Dei member who worked as archbishop of Ayacucho, one of the regions most affected by internal violence. He has been the archbishop of Lima and Primate of Peru since 1999.

connected (as Hannah Arendt would put it) to *zoé*, a specific and immutable space, and separated from the *bios*. This corporal hypostasis ultimately creates a political hypostasis where the political project of society and God's kingdom are joined with foundations present in the first discursive relationship established by the church between the victims and their human rights. Avoiding the freedom of bodies and their desires ensures the implementation of a transcendent society, *in illo tempore*, which accepts human rights as a concept based on moral and divine law. This is an immutable law that no one can confront or change, which undermines both the integrity and the freedom of the political community. In this sense, the same ecclesiastical discourse denies the cultural nature of the body and sexuality, and instead presents it as a closed and immovable unit. It should be pointed out that sexuality, as source of power, is constructed by social mechanisms of control; an analysis of it demonstrates that there is no sufficient connection to definitively determine that gender and/or sexuality is based on biological and physiological criteria (Foucault 2007).

This immutability of the law is exemplified by the fact that between 1985 and 1990, following the government's announcement of the implementation of a population policy, the Episcopal Conference expressed that it could only be carried out as long as "natural methods, not artificial" were used. During these years, the debate also focused on voluntary sterilization and the legalization of abortion. In this regard, it is interesting to note how the bishops all maintained a unified message, even those who often disagreed on other matters. Vargas Alzamora, the secretary general of the Episcopal Conference, stated "this bill is immoral and unacceptable" (in Bonfiglio 1999, 54).

Over the course of the next decade, a progressive change took place under Alberto Fujimori, who—from the very beginning of his administration as president of Peru in 1990—decided to implement a population policy based on the discourse surrounding the rights of poor women's access to contraceptive methods.<sup>17</sup> During the early years, the Peruvian government undertook a reform within the Ministry of Health that allowed for the expansion of services offering contraceptives, and at the same time developed a critical campaign on the church's stance on reproduction.

In response to this process, the Catholic Church articulated a series of statements regarding family, sexuality, and reproduction from both the church hierarchy and politicians committed to conservative Catholicism. Similarly, the Episcopal Conference expressed on many occasions its objection to the legalization of abortion; the use of modern forms of birth control; the delivery of information and con-

---

<sup>17</sup>It should be pointed out that during the end of the 1990s, the forced use of surgical contraception practices by the health sector of the Peruvian government was reported by feminist organizations, the human rights movement, and the Catholic Church. The significance of this convergence cannot be overstated. I believe that the feminist movement rejected it, even with the delays and situations there might have existed, based on an integral discourse on human rights, whereas the Church, despite using the "same terminology," had other goals. In this context, it is important to highlight that though the terminology was the same, the discourses were completely different. This also applies to the Fujimori administration regarding the right of poor women to access birth control methods.

traceptive methods to adolescents; the inclusion of topics such as abortion, pleasure, and sexual orientation in the sexual education curriculum; the relaxation of regulations related to divorce; the recognition of rights for homosexuals; the distribution of barrier methods among the population at risk of contracting HIV/AIDS; and, in general, all those topics asserting the sexual and reproductive rights of people. It also used political pressure to force state authorities to rule out or modify policy proposals that it considered a threat to religious principles and beliefs established by the church (CLADEM 2003, 29).

The church's specular analogy to God in its conception of corporal hypostasis exemplifies the limitations of the church's official discourse on life, and creates a serious distortion of its most liberal understanding. Thus, this interpretation of human rights can be used as a tool to implement multiple restrictions. This "progressive" discourse, legitimized by the Peruvian Church, had been used by its fundamentalist members concerning matters of sexual and reproductive rights and against LGBT people. This is confirmed by Cipriani's statement that "as long as there are abortions and tubal ligations performed by the health sector itself, human rights are being violated" (1998, 14). Therefore, it is not surprising that while the church supports certain issues, its stance on others can also drastically affect the population's living conditions. Its stance on several issues related to sexual and reproductive health are considered a public priority, such as the high rate of maternal mortality, the use of prophylactics to prevent STIs/HIV, and conscientious objection to performing a medical service.

Thus, the following question should be addressed: how is the same justification that is used to support a series of discourses in favor of life and human rights also used to limit others? This is understood by many as part of the complex, contradictory, and ambiguous nature of the discourse itself. However, we consider this dynamic as part of the establishment of a coherent logic aimed at implementing an immaterial realm based on the image of God, whereas the one proposed by the church is a hegemonic and selective model. That is, features such as the specular analogy to God, corporal hypostasis, social analogy, political hypostasis based on the figure of the poor, the victim, and the deprived, are all part of what we call the metaphor of absence. It establishes moral and religious order—in this case, the implementation of a Christian model. All this culminates in the establishment of a religious order within a civil order where moral authority influences the temporary government with the aim of reproducing both its libidinal and political economy within society as a whole. The metaphor of absence is the unifying project that objectifies the human being, alienates the political, and establishes a tyrannical transcendent realm. This project interferes in society through specific strategies aimed at building specific forms of subjectivity. The core of this metaphor of absence is the expropriation of people's demands expressed in spirituality, corporality, and sexuality.

In short, the encounter between social discourse and the discourse on nature established poverty as a vocation, a strictly religious experience of "liberation," based on a model of life created by ecclesiastical legitimization projects concerning the defense of life. As a result, poverty and the production of life itself forms the

discursive framework within which demands related to sexuality are understood. Thus, since the LGBT community did not fit into this design of life, they were not considered to be individuals worthy of liberation.

## 7.4 The LGBT Issue on the Catholic Pastoral Discourse in Peru

The discourse on nature regarding the implementation of a design of life, which supported the development of a discourse on poverty and sexuality, is a significant development for the LGBT community. It should be pointed out that the issue was not systematically addressed by members of the Peruvian Catholic Church (both priests and lay people, either conservative or progressive) until early 2000, when groups within the LGBT movement started to articulate public proposals for the Peruvian government promoting the protection of their human rights. However, we should point out that the Holy See had already prepared a series of documents and letters against the rights of the LGBT community.<sup>18</sup>

The end of domestic violence and the weakening of President Alberto Fujimori's authoritarian regime exposed the transcendental nature of the logic behind the church's understanding of human rights. That is, the nature of the encounter between social discourse and the discourse on nature is both conservative and exclusive. Thus, while the Peruvian Church's statements excluded topics such as political violence, their concern for defining and establishing a comprehensive vision of human rights increased. Although the church was still concerned with the social conditions of the needy, its actions were limited to focusing exclusively on the CEAS and the social pastorals of each episcopacy. Meanwhile, the main concern of church members was the issue of liberty and the continued expansion of the enforcement of human rights. This conservative logic has undoubtedly been expressed in different statements on sexual and reproductive rights both in Peru and worldwide. Between 2000 and 2005, the relationship between the church and human rights was strengthened with the presence of Juan Luis Cipriani as Primate of the Peruvian Church, a position he has held since 1999.

When analyzed, this conservative logic established by Cipriani is expressed in the creation of a connection between two moderately different attitudes within the Peruvian Church toward developments in the field of human rights. The first is the process of the Truth Commission, and the second is the recognition of the rights of

---

<sup>18</sup>Some documents prepared by the Congregation for the Doctrine of Faith on the subject are *Persona Humana—Declaration on Certain Problems of Sexual Ethics*, December 29, 1975; *Letters to Bishops on the Pastoral Care of Homosexual Persons*, October 1, 1986; *Some Considerations Concerning the Response to Legislative Proposals on the Non-discrimination of Homosexual Persons*, July 23, 1992; *Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life*, November 24, 2002; *Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons*, June 3, 2003.

the LGBT community in the National Plan on Human Rights (2005). The Peruvian Church expresses different attitudes regarding these two processes, but the space where the arguments of different ecclesiastical projects (both fundamentalist and progressive) intersect reveals a transcendental logic on life and a metaphor of absence that avoids the political dialectic of human rights.

In August 2003, the political atmosphere in Peru became polarized due to the public's knowledge of the Truth Commission's *Final Report's* future conclusions. In response, the Peruvian episcopacy said: "First of all we invite the whole national community to embrace this report with serenity, peace, and respect," highlighting the importance of the knowledge of the truth as a source of reconciliation. The message furthered the necessity of the process with a commitment to justice and solidarity: "The poor can no longer wait" (Peruvian Episcopal Conference 2003a).

The general conclusions, particularly the criticism against the role of Archbishop Juan Luis Cipriani and other bishops, revealed the opinions of many other church members. During the Peruvian Episcopal Conference in September 2003, Bishop Luis Bambarén,<sup>19</sup> Gustavo Gutiérrez, and the vicariates of solidarity within the prelatures of Ayaviri, Juli, and Sicuani showed their support for the Commission and the implementation of its recommendations. These vicars of solidarity expressed: "We reject all crimes and acts on the violation of human rights between the years 1980 and 2000 as a result of a framework of an 'institutional policy of armed forces' or a 'horror methodology used to seize power' applied by terrorist groups," and demanded to "start the process of prosecuting cases," regardless of whether they had been presented or not in the *Final Report* of the Truth Commission to "punish the guilty, vindicate the innocent, and eradicate impunity in our country."<sup>20</sup>

On the other hand, Ayacucho's diocesan clergy, the former bishop of Ayacucho Juan Luis Cipriani, the bishop of Callao Miguel Irizar, and the archbishop of Arequipa Luis Sánchez rejected criticism of the *Final Report* from some areas of the church, considered them to be ideologically biased, and even proposed the publishing of an erratum. Within this debate, the Peruvian Church's fundamentalist approach clearly lost to the favoring of the defense of life discourse. As a result of this controversy, the Episcopal Conference in December 2003 published the following message on the *Final Report*: "We accept said report with the limitations that it may have because it is a valuable piece of work, and a starting point from which to move forward" (Peruvian Episcopal Conference 2003b, 2), effectively avoiding the critical points, which is common during episcopal conferences. The sustained discourse is defined by a formality that attempts to integrate a series of opinions without committing to any of them. Indeed, within this statement of intentions there is always a clear separation regarding the extreme stances on the discourse of the ignorant, hungry, and suffering man.

---

<sup>19</sup>Luis Bambarén (born 1928) was a Jesuit bishop with an extensive career in social participation within the Peruvian Catholic Church. Within this context, he is considered an opponent to the opinions of Archbishop Cipriani.

<sup>20</sup>Public announcement of the Vicariates from September 18, 2003.

In August 2004, Monsignor Luis Bambarén claimed that the representatives of the Catholic Church in Ayacucho did not react appropriately to the abuses against human rights that occurred during the fight against terrorism: “I think the report is cautious since it establishes that [the church] was not prepared, when it could have said more.” At the same time, he said, referring to Cipriani: “if there has not been (an admission of guilt), I think it would have been useful because we should accept that there may have been circumstances where we were not up to the task” (Bambarén 2004).

In contrast to the favorable attitude of the Episcopal Conference, and in particular of Monsignor Bambarén, toward the defense of life, an intense debate within the field of human rights took place in November 2005. During this time, the preliminary draft of the National Plan on Human Rights was completed. From that moment on, a series of positions were discussed on certain claims outlined in that document, in particular, those related to sexual orientation, which was the prelude to ecclesiastical intervention of the plan. The document was accepted by all of the participants of the consultation process, including the representative of the CEAS, and the body of the Episcopal Conference.

Days later, the representative of the Episcopal Conference was replaced by Carlos Polo, the chair of the *Population Research Institute* (PRI), an international nongovernmental Catholic organization. It is in this context that the Coordinadora Nacional Unidos por la Vida (CONVIDA by its acronym in Spanish) (National Coordinator for Pro-life), under the direction of Sandra Távara, launched a campaign aimed at discrediting the contents of the plan. This nongovernmental organization, which seeks to bring together the efforts of various pro-life groups, argued it was “filled with references and proposals on abortion, gender ideology (the first step towards homosexual marriage, and the adoption of children by homosexuals), and the mistakenly termed concept of sexual and reproductive rights.” The letter also pointed out that “none of these terms and proposals are in our constitution nor any of the international treaties we are subscribed to,” before it proposed that “the National Plan on Human Rights should withdraw the terms and proposals on abortion, sexual and reproductive rights, and sexual orientation since they are not included and do not respect the Constitution of Peru, the National Agreement, and international treaties on human rights that Peru has signed.”<sup>21</sup>

Human rights movements, feminist organizations, and LGBT movements expressed their criticism through public announcements and protests. All of these circumstances triggered the debate on the understanding of human rights and its implementation within the Peruvian government’s policies. Although a consensus was reached within civil movements, the intervention of both the Episcopal Conference and the representatives of the Council for Military Justice reduced the 19 proposed actions favoring the LGBT community to only 4, with the inclusion of two restrictive clauses.

The plan’s published document presents serious distortions and limitations not only in the reduction of the actions, but also in the outline of its arguments. First,

---

<sup>21</sup>Letter addressed to the National Council for Human Rights on November 20, 2005.



there is the elimination of the term “discrimination,” which is replaced by more passive language such as “demeaning or violent treatment,” when referring to offenses carried out against the LGBT community. Another important aspect is the inclusion of the term “sexual nature,” which avoids the use of gender terminology, and its political potential in differentiating the biological from the cultural aspects. As a result, the document only establishes the need to evaluate current normative regulations and issue recommendations to penalize their degrading or violent practices, while ignoring the execution of effective actions against them. In addition, it does not seek to solve the root of the problem; rather it chooses to remain on the surface by supporting measures such as avoiding disparaging messages disseminated through the media, or implementing training programs on human rights for health-care professionals to provide quality care services. Finally, it recommends fostering actions that include the promotion of tolerance, and respect for the rights of people with different sexual orientation or sexual nature (Bracamonte and Álvarez 2006, 124; Jaime 2009a).

The lack of decisiveness contrasts with the two restrictive clauses, especially considering the fact that the National Plan must be an affirmative instrument in the promotion of rights. The first clause points out that the measures taken do not extend to the right to enter into same-sex marriage, the legalization of domestic partnership, and/or the adoption of children. The second states that these proposals do not affect the existing establishment of the Regulations of Military Institutions.

The final version established by these interventions was published on December 10, 2005, by Alejandro Toledo as a result of the demands from various groups who viewed the church’s actions as another violation of their rights. However, at present, the implementation of this part of the plan is nonexistent (Jaime 2009b).

Within this intense debate, Monsignor Bambarén’s opinions were the most relevant and corresponded completely to those expressed by other members of the clergy, such as Juan Luis Cipriani and Adriano Tomassi. Regarding the exclusion, he claimed that in general the Catholic Church does not discriminate against homosexuals, but nevertheless “they are not morally qualified to perform many activities since *they can be morally reproachable*” (Bambarén 2005, emphasis added). He concludes that neither “same sex marriage nor the adoption of children” should be allowed (Bambarén 2005).

Subsequently, the bishop consistently confirmed his position, such as when he stated: “I think it is simplistic to say that we owe much to the gay community, that there are great personalities within this world and for that reason we should allow them to get married so they can be happy. The fact is that they are still unhappy, and the state must provide the necessary guidance to correct their habits” (Boletín Diversidad 2008). Naturally, this discourse has been applied within the Peruvian Church, as can be found in this note: “Last Sunday, on October 5th, during the traditional mass of the ‘Señor de los Milagros’ [the ‘Lord of Miracles’], Adriano Tomasi, Auxiliary bishop of Lima, criticized those who, in the name of rights and liberties, support the enforcement of homosexual unions which he called ‘unnatural proposals’ that threaten the family. Therefore, the auxiliary bishop, following the

steps of the Cardinal of Lima, continued to express hate against the LGBT community within his discourse” (Boletín Diversidad 2008).

Based on a comparative analysis of the various statements outlined above, following the conflict within the Peruvian Church, the discourse strengthens the protection of the transcendent life of God’s creature. Therefore, it is important to mention that the same concepts are used in different documents concerning socio-political and sexual matters to establish a consistent model: God’s plan, human morality, and the transcendent life. This area of intersection is the source of a restrictive practice that limits the liberation process. For example, at present, the old motto “the voice of the voiceless” that once referred to the poor is now used to talk about the “unborn” when addressing demands for the legalization of abortion.

There is a contrast in how the transcendence of life is used to promote the legitimate defense of human rights by a “progressive” sector, which allows the church to simultaneously establish positions that violate those same rights. The misleading nature of this contradictory discourse, as expressed by the actors themselves, allows me to conclude that there is an insurmountable barrier within the Peruvian Church regarding the exercise of freedom as the foundation of civil life. Within this process, it is clear that old controversies among members of the church about the social–pastoral discourse have already disappeared as a result of new social demands. Within this symbolic struggle for the production of meaning, the establishment of a transcendental vision of life presents a metaphor of absence within the political agenda on human rights in Peruvian society.

## References

- Arendt, H. (1997). *¿Qué es la política?* Barcelona: Paidós.
- Bambarén, L. (2004). *El Comercio*, August 30.
- Bambarén, L. (2005). Los Homosexuales pueden unirse en convivencia más no en Matrimonio. *Perú 21*, July 2. <http://peru21.pe/noticia/34253/bambaren-homosexuales-pueden-unirse-convivencia-mas-no-matrimonio>. Accessed 19 Feb 2016.
- Bonfiglio, G. (1999). *25 años de debate sobre temas de población en la prensa peruana 1974–1999*. Lima: UNFPA.
- Bracamonte, J., & Álvarez, R. (Eds.). (2006). *Informe Anual 2005. Situación de los Derechos Humanos de lesbianas, trans, gays y bisexuales en el Perú*. Lima: MHOL.
- CELAM. (1980). *Los derechos humanos hoy en Latinoamérica: de Medellín a Puebla hasta 1980: las declaraciones y documentos de las Iglesias latinoamericanas, de la Iglesia Universal y de las Naciones Unidas*. Medellín: Centro de Proyección Cristiana.
- Cipriani, J. L. (1991). Paz: verdad y libertad. *El Comercio*, March 11
- CLADEM-Perú. (2003). *Diagnóstico sobre la situación de los derechos sexuales y los derechos reproductivos: 1995–2000*. Lima: CLADEM.
- Comisión de la Verdad y Reconciliación. (2003a). *Un pasado de violencia, un futuro de paz. 20 años de violencia, 1980–2000*. Lima: CVR.
- Comisión de la Verdad y Reconciliación. (2003b). *Informe Final. Tomo III*. Lima: CVR.
- Cortázar, J. C. (1997). *Secularización, cambio y continuidad en el catolicismo peruano*. Lima: PUCP Instituto Bartolomé de las Casas.

- Diversidad, B. (2008). *Reporte sobre derechos humanos de personas lesbianas, gays, trans y bisexuales en Perú: 2008*. Lima: Raíz Diversidad.
- Duig, G. (1991). *Derechos humanos y enseñanza social de la Iglesia*. Lima: Vida y Espiritualidad.
- Dupuy, A. (Ed.). (2004). *Juan Pablo II y los desafíos de la diplomacia pontificia. Colección de textos (1978–2003)*. Vatican City: Pontificio Consejo Justicia y Paz.
- Foucault, M. (2010). *Las Palabras y las cosas. una arqueología de las ciencias humanas*. Buenos Aires. siglo XXI.
- Foucault, M. (2007). *Historia de la sexualidad. La voluntad de saber*. Mexico D.F.: Siglo XXI.
- Gebara, I. (2002). *El rostro oculto del mal. Una teología desde la experiencia de las mujeres*. Madrid: Trotta.
- Gutiérrez, G. (1989). *El Dios de la Vida*. Lima: CEP-IBC.
- Jaime, M. (2009a). *Informe Anual sobre derechos humanos de personas Trans, lesbianas, gays y bisexuales en el Perú 2008*. Lima: PROMSEX/Red peruana TLGB.
- Jaime, M. (2009b). *Informe Anual sobre derechos humanos de personas Trans, lesbianas, gays y bisexuales en el Perú 2009*. Lima: PROMSEX/Red peruana TLGB.
- John Paulus II. (1979). Carta Encíclica *Redemptor hominis*.
- Klaiber, J. (1988). *La iglesia en el Perú: su historia social desde la independencia*. Lima: PUCP.
- Lacan, J. (1983). *El Seminario de Jacques Lacan, Vol 2: El yo en la teoría de Freud y en la técnica psicoanalítica*. Buenos Aires: Paidós.
- Lacan, J. (1994a). *Escritos I*. Mexico D.F.: Siglo XXI.
- Lacan, J. (1994b). *Escritos II*. Mexico D.F.: Siglo XXI.
- Lasanta, P. (1995). *Los Derechos Humanos en Juan Pablo II*. Madrid: Ediciones Palabra.
- Latin American Bishops. (1968a). *Poverty of the Church*. September 6, Medellín, Colombia. <http://www.shc.edu/theolibrary/resources/medpov.htm>. Accessed 17 June 2016.
- Latin American Bishops. (1968b). *Peace*. September 6, Medellín, Colombia. <http://www.shc.edu/theolibrary/resources/medpeace.htm>. Accessed 17 June 2016.
- Peruvian Episcopal Conference. (2003a). *La verdad y la reconciliación*. Lima, August 21. [http://www.iglesiaticolica.org.pe/cep\\_documentos/archivo\\_2003/mensaje\\_210803.htm](http://www.iglesiaticolica.org.pe/cep_documentos/archivo_2003/mensaje_210803.htm). Accessed 21 Aug 2015.
- Peruvian Episcopal Conference. (2003b). *Preparamos el camino del Señor*. Lima, December 13. [http://www.iglesiaticolica.org.pe/cep\\_documentos/archivo\\_2003/mensaje\\_131203.htm](http://www.iglesiaticolica.org.pe/cep_documentos/archivo_2003/mensaje_131203.htm). Accessed 21 Aug 2015.
- Pontifical Council for Justice and Peace. (2005). *Compendio de la doctrina social de la Iglesia*. Lima: Paulinas, EPICONSA.
- Vuola, E. (2000). *Teología feminista, teología de la liberación. La praxis como método de la teología Latinoamericana de la Liberación y de la Teología Feminista*. Madrid: IEPALA.
- Zizek, S. (1994). *¡Goza tu síntoma! Jacques Lacan dentro y fuera de Hollywood*. Buenos Aires: Nueva Visión.

# Chapter 8

## Evangelicals Within Contemporary Argentinean Politics: Logics and Political Actors Around Sexual and Reproductive Rights

Daniel Eduardo Jones, Marcos Andrés Carbonelli,  
and Santiago Luján Cunial

**Abstract** The social and political participation of evangelical communities and actors in Argentina has been reflected in their increasing involvement in debates about public policies on sexual and reproductive health. This chapter has two objectives. First, it aims to identify and describe the major evangelical actors who have participated in recent discussions on sexual and reproductive rights in Argentina, as well as their argument strategies. Second, it seeks to explain how these interventions impact on the relations between politics and religion in contemporary Argentina. Our analysis focuses on the debate surrounding the legal recognition of same-sex couples between 2003 and 2010.

---

D.E. Jones (✉)

National Council of Scientific and Technical Research (CONICET), Buenos Aires, Argentina

Gino Germani Research Institute, University of Buenos Aires, Buenos Aires, Argentina

Social Sciences Faculty, University of Buenos Aires, Buenos Aires, Argentina

e-mail: [danielprotestantes@gmail.com](mailto:danielprotestantes@gmail.com)

M.A. Carbonelli

National Council of Scientific and Technical Research (CONICET), Buenos Aires, Argentina

Labor Research Center (CEIL), Buenos Aires, Argentina

National University Arturo Jauretche, Buenos Aires, Argentina

Social Sciences Faculty, University of Buenos Aires, Buenos Aires, Argentina

e-mail: [m\\_a.carbonelli@yahoo.com.ar](mailto:m_a.carbonelli@yahoo.com.ar)

S.L. Cunial

National Council of Scientific and Technical Research (CONICET), Buenos Aires, Argentina

Gino Germani Research Institute, University of Buenos Aires, Buenos Aires, Argentina

Social Sciences Faculty, University of Buenos Aires, Buenos Aires, Argentina

Torcuato Di Tella University, Buenos Aires, Argentina

e-mail: [cunialsantiago@gmail.com](mailto:cunialsantiago@gmail.com)

© Springer International Publishing Switzerland 2017

J.M. Vaggione, J.M. Morán Faúndes (eds.), *Laicidad and Religious Diversity in Latin America*, Boundaries of Religious Freedom: Regulating Religion in Diverse Societies 6, DOI 10.1007/978-3-319-44745-2\_8

**Keywords** Evangelicals • Politics • Argentina • Sexual and reproductive rights

## 8.1 Introduction

Studies on evangelicals and politics in Latin America constitute a tradition in consolidation, which has focused mainly on the public interventions of these religious actors since the 1980s. Most of the literature discusses the specificities of evangelical participation in political parties (Corten 2001; Machado 2003), its ideological affinities (Oro and Semán 2000), its contributions to democratic regimes (Dodson 1997), and its potential for leading social changes (Freston 2001). Other studies have focused on the efforts of evangelicals to expand pluralism in societies dominated by the cultural and political hegemony of Catholicism (Giumbelli 2002; Fediakova 2004; Freston 2012). Finally, some research has analyzed the political impact of evangelicals on other political processes, such as the configuration of identities in late modernity (Segato 2007), the conformation of gender relations (Mariz and Machado 1997; Machado 2006), and public discourses on homosexuality in Brazil (Natividade and Oliveira 2009).

In Argentina, the population growth (in terms of believers and communities) and the public visibility of evangelical actors have been the most remarkable transformations of the religious field since the 1980s.<sup>1</sup> Several studies have described the participation of evangelical leaders in the political and social life of the country, first as a social movement that defends their interests and rights as a religious community (Marostica 1997; Wynarczyk 2009), and secondly in confessional (Wynarczyk 2010) and non-confessional parties (Carbonelli 2013). Since the 2000s, the spreading influence of evangelical leaders and organizations has also been reflected in their involvement in the discussions about sexual and reproductive rights (SSRRRR). The laws that allow civil unions for same-sex couples and regulate sexual education in the schools of the City of Buenos Aires (Jones et al. 2010), the drafts to decriminalize abortion (Jones et al. 2013), and the national law concerning civil marriage for same-sex couples (Morán Faúndes 2012; Jones and Vaggione 2012; Carbonelli et al. 2012) have encouraged evangelicals to mobilize politically between 2003 and 2010 in Argentina. While Catholic participation in these debates has been thoroughly studied (Vaggione 2010; Peñas Defago and Vaggione 2011), evangelical interventions have generated less interest.

---

<sup>1</sup>The absence of census data that report on the number of the faithful in religious groups makes it difficult to establish with certainty evangelical growth rates. The most recent representative study on the percentage of evangelicals in Argentina indicates that they constitute 9% of the population (Mallimaci 2013); another survey indicates that they total 7.3% (Pew Research Centre 2012). The increased visibility of evangelicals in the 1980s and 1990s and their increasing interaction with state agencies based in extensive social work (Carbonelli 2009) leads one to consider evangelical churches as the religious group with the highest growth in recent decades.

This chapter has two objectives. First, we aim to identify and describe the major evangelical actors who have participated in recent discussions on SSRRRR in Argentina, and the argument strategies they have used in their interventions. Second, we seek to explain how these interventions impact on the relations between politics and religion in contemporary Argentina, taking into account debates on sexual issues. In order to do so, we focus our analysis on the debate surrounding the legal recognition of same-sex couples. The period under review begins with the statements of evangelical institutions concerning the enactment of Law No. 1.004 of Domestic Partnership (*Unión Civil* in Spanish) of the City of Buenos Aires (July 2003) and finishes with their pronouncements on the parliamentary bill for extending the legal form of marriage to same-sex couples, adopted in July 2010 as National Law No. 26.618.

We developed a qualitative methodological approach, based on the collection and analysis of secondary sources for this period: official statements and other documents from evangelical institutions, articles from national newspapers (*Clarín*, *La Nación* and *Página 12*), and evangelical periodical publications (*El Estandarte Evangélico*, *El Expositor Bautista*, *El Puente*, *Página Valdense*, *Prensa Ecueménica*, *Pulso Cristiano* and *Revista Parroquial/Vida Abundante*). This technique was complemented with the observation of public events in which evangelicals took part. In Buenos Aires, there were three demonstrations against the sanction of the same-sex marriage law: the first took place after its discussion in the committees of the Chamber of Deputies (April 20, 2010); the second after its enactment in the Chamber of Deputies (May 31, 2010); and the third just before the final session in which it was discussed and approved in the Senate (July 13, 2010).<sup>2</sup>

## 8.2 The Structure of the Evangelical Field

The term “evangelical” embraces churches and believers—inheritors of the Christian tradition established by the sixteenth century Protestant Reformation and its subsequent revivals. “At its core, evangelicalism represents that school of Protestant Christianity which emphasizes personal salvation through Jesus Christ and which regards the Bible to be the final authority concerning all matters of faith and practice” (Quebedeaux 1974, 3). The set of evangelical churches in Argentina has been defined as a “force field” whose elements form a system, but at the same time dispute the predominance within it (Wynarczyk 2009). We can identify two poles within the evangelical field: “historic liberationist” and “biblical conservative” (Wynarczyk 2009).

The historic liberationist pole includes churches that belong to so-called “historical Protestantism,” which were established in Argentina between 1825 and 1850 to

---

<sup>2</sup>There were also demonstrations against same-sex marriage in the Argentinean provinces of Córdoba, Salta, Jujuy, San Luis, San Juan, Mendoza, and Corrientes, which were organized by the Catholic churches of these provinces. However, these events were not considered in this study.

assist European immigrants spiritually (these included Lutheran, Reformed, and Methodist churches, among others). They are associated within the Argentinean Federation of Evangelical Churches (FAIE),<sup>3</sup> which was founded in 1957. They have been characterized by their defense of human rights and their ecumenical commitment. These activities allowed them to establish links with political leaders and granted them social recognition for their political careers.<sup>4</sup>

The biblical conservative pole comprises churches of the second evangelical movement that arrived in Argentina between 1880 and 1925. Many of them came from the USA, and focused on evangelistic and missionary expansion. A Pentecostal subgroup established the Pentecostal Evangelical Federation (FECEP) in 1977, and an evangelical subgroup (mainly Free Brothers and Baptists) joined the Christian Alliance of Evangelical Churches in Argentina (ACIERA) in 1982 (Wynarczyk 2009, 61–63). ACIERA was founded by pastors who left FAIE as a result of the group's alliance with liberation theology.<sup>5</sup> Its inception falls near the end of Argentina's military dictatorship, in the context of the Cold War, as well as in the growth of the new religious right in the USA<sup>6</sup> (Bianchi 2004, 244–5).

During the 1990s the three federations (FAIE, ACIERA, and FECEP) began working together. They set up the Tripartite Commission (1993) and the National Christian Evangelical Council (CNCE) (1996). The demand that the existing law of cults<sup>7</sup> be repealed and replaced with a more egalitarian law created a common agenda for the evangelical spectrum (Wynarczyk 2009).

This political convergence among different evangelical denominations began to deteriorate in 2003 due to their disagreements concerning the Civil Union law and the sexual education projects in Buenos Aires. From this point on until 2010, when

---

<sup>3</sup> Acronyms throughout the chapter correspond to Spanish translations.

<sup>4</sup> Since the 1970s, leaders and institutions related to Historical Protestantism built alliances with figures of other faiths and political and labor actors, with whom they established a movement oriented to protect human rights. Just before the military coup of 1976, leaders of these evangelical churches founded the Permanent Assembly for Human Rights (APDH) (Míguez Bonino 1985) and the Ecumenical Movement for Human Rights (MEDH) (Bianchi 2004). This advocacy was acknowledged once democracy was restored. The former President Raúl Alfonsín designated Emeritus Methodist Bishop Carlos Gattinoni as a member of the National Commission on the Disappearance of Persons (CONADEP) in 1984 (it was the first time that a figure from a non-Catholic church was called to be part of a committee created by the national executive). In 1994 the Methodist pastor José Míguez Bonino was elected, through Frente País Solidario, to be part of the Convention for the Reform of the Constitution.

<sup>5</sup> Liberation theology is a theological stream born inside the Latin-American Catholic Church after the Second Vatican Council (1962–1965) and the Conference of Medellín (1968). Among its tenets, the most important are the preferential treatment of the poor and the fact that Christian salvation cannot exist without economic, political, and ideological liberation, which are visible signs of the dignity of men (Gutiérrez 1971; Dussel 1972).

<sup>6</sup> The religious right is an ultraconservative and fundamentalist movement, which has functioned as a lobby through organizations such as the Moral Majority (Martin 1996).

<sup>7</sup> The National Law No. 21.745 was sanctioned in 1978, during the last military dictatorship. It establishes that all religious institutions in Argentina, with the exception of the Catholic Church, must apply for official recognition and registration as a condition for their cult activities.

the discussion of same-sex marriage took place, SSRRRR-related topics deepened the gap between institutions from the two poles.

## 8.3 Analysis

### 8.3.1 *Opposition to the Legal Recognition of Same-Sex Couples*

The most prominent evangelical actors to oppose same-sex marriage and SSRRRR in general were two national deputies who belonged to non-confessional political parties—Cynthia Hotton and Hugo Acuña<sup>8</sup>—and two evangelical federations: ACIERA and FECEP. They used three different argument strategies: religious, juridical, and political. The religious discourse appeared in August 2008, during the legislative committee’s assemblies in which legislators discussed the extension of social security’s benefits to same-sex couples. During these meetings Hotton and Acuña expressed their complete opposition to the bill, arguing that their intention was to “defend the family order established by God” (*Pulso Cristiano* 2008). In the same vein, conservative evangelical institutions mentioned biblical passages in order to negatively characterize homosexuality and to portray marriage as a strictly heterosexual contract. Biblical quotations were used as a source of authority. With regard to the argument strategies liberationist evangelical churches used, conservative institutions described the “exegesis of the Holy Scripture whose hermeneutic attempts to establish that the Bible does not condemn homosexuality or even approves it in some cases” as “false teachings” (ACIERA 2003).

The juridical discourse was a resource that Hotton used to oppose same-sex marriage and adoption rights. She focused on the value of the family and on the notion of a political community’s duty to defend children’s best interests:

The right claimed by homosexuals to adopt children responds to their desire to be parents and not to the needs of children to have the figures of a mother and a father that help in their psychosexual development [...] The defense of marriage as an institution does not mean that we are discriminating. It must have a different name. They are not comparable and they cannot legally have the same term. Regarding the right of adoption that they claim, it refers to their own interests and not to the interests of children. Congress must always work to protect the best interests of the child. (Cynthia Hotton in *La Nación* 2010a)

---

<sup>8</sup>Cynthia Hotton comes from the tradition of Free Brothers and participates in a Pentecostal church. She was elected deputy for the alliance between the parties Propuesta Republicana (PRO) and Recrear para el Crecimiento (RECREAR) in 2007. In 2009, she founded the political group “Valores para mi País” and after several disputes with the leader of PRO and Governor of the city of Buenos Aires, Mauricio Macri, she created an autonomous space that lasted until December 2011. Hugo Acuña comes from the Baptist tradition and won his seat with Movimiento Popular Neuquino in December 2005, which he held until December 2009.



The best interests of the child, which includes the right to enjoy a family consisting of a male father and a female mother, is opposed to and prioritized against the “excessive” demands of same-sex couples who wish to adopt them.

ACIERA also used legal arguments to defend the idea of a traditional family. By quoting international treaties on human rights embodied in the constitution of 1994,<sup>9</sup> the federation emphasized that they recognize marriage as the union of a man and a woman:

Latin American culture and American laws are based on a clear and strong appreciation of the family. The Declaration of Human Rights, Article 16–3, the Pact on Civil and Political Rights, Article 23 (1 and 2), and the American Convention on Human Rights, Article 17 (1 and 2), recognize the right to marriage as a pact established by a man and a woman, and the subsequent formation of a family. Hence, the family is considered to be the fundamental unit of a society, the stable union between a man and a woman. [...] Thus, to equate homosexual union with marriage would distort and ignore the real meaning that encloses the word. Moreover, such an institution is violated by submitting it to an unfair discrimination, since they are giving the same treatment to what is essentially and naturally different. (ACIERA 2009)

These federations and deputies presented the notion of heterosexual marriage as essential to a stable social order and thereby something that must be protected from changes that arise over the passage of time and legislative actions. This order institutionalizes traditional family roles and diminishes the roles of same-sex couples, by allocating rights to the former and denying rights to the latter. Fundamental to this is Christian morality, which is presented as univocal, eternal, and unalterable, and which is founded upon the inerrancy of a Bible that must be read literally.<sup>10</sup> This moral principle defines the monogamous heterosexual couple, united in marriage with children, as the “original and natural family” (ACIERA 2009). Consequently, legal initiatives that recognize other models of couples and families are rejected.

The call to extend the civil right to marry to gay and lesbian couples was considered an attempt to establish “a new social order separate from foundations of Christianity.” Conservative evangelicals assigned themselves a prophetic mission to “alert over sin” and “take the spiritual power over authorities” (ACIERA 2010). In doing so, these religious institutions aim to ensure that the civil legal system reflects certain Christian values, and that it does not recognize behaviors and individuals who do not ascribe to them.

Both Hotton and ACIERA promoted actions that combined discursive arguments with “demonstrations of force” (Chateauraynaud 2008) in order to lobby legislators. We believe that the organization of public demonstrations, the attempt to become the representatives of the majority of the nation (going beyond their religious com-

---

<sup>9</sup>The appropriation of human rights language in order to defend a “pro-life” and “pro-family” agenda by religious activists and leaders is a global phenomenon that is critically analyzed by Morgan (2014) in Latin America.

<sup>10</sup>The belief in the Bible as a text fully inspired and without error is a common denominator of the biblical conservative pole and a “central difference with the view that historical liberationists apply to the biblical hermeneutics which has been historically placed in parallel to empathy with modernity and illustration” (Wynarczyk 2009, 47).

munity), and the articulation of interreligious alliances against SSRRRR constitute discursive strategies separate from religious and legal ones, as they present evangelical actors as inherently political actors of public debate. Hotton convened a public rally outside the National Congress to protest against the amendment of the civil code. She said “it will be an act in support of the values we defend for our country. We will be thousands and thousands of Argentines who say ‘no’ to homosexual ‘marriage’ with adoption” (*La Nación* 2010a). The event brought together members of evangelical churches, the authorities of ACIERA and FECEP, and evangelicals who participated in political parties and legislators in alliance with the Catholic Church. Hotton was the main speaker and she argued that the advance of same-sex marriage was a major threat to society and that it was articulated with the proposals to legalize abortion. The president of FECEP outlined a course of action and the political leverage that would support them:

We will deliver a letter to each of the deputies. We represent five million evangelicals and we have to make our voice heard. What we ask is to [...] review the various debates with experts and members of the civil society. (Salomone 2010)

This call to publically express disagreement raised a strategy for mobilizing that exceeded the evangelical religious community. In addition to the alleged representation of “five million evangelicals” (a number that exceeds the entire evangelical population in Argentina), the reference to potential support by “organizations and citizens” (*La Nación* 2010a) illustrates an intention of turning these evangelical leaders into the representatives of all those who reject the changes of traditional social and legal institutions, such as marriage and family:

Many deputies do not vote against the proposal because they believe it is not politically correct. There is much pressure from the media but there are also millions of people who are in favor of the family and we have ID, we vote, we want to be represented. I was a citizen, who was on the other side, but I had a strong conviction that I had to defend the values. I am not saying that I represent everyone because each person votes different political parties. And I say that I am proud to express this demand in my political space: marriage is between a man and a woman. (Hotton 2010)

By evoking the “we, the evangelical” (*el nosotros evangélicos*, in Spanish) and the disagreement of “millions of Argentines,” Hotton and the leaders of FECEP and ACIERA *magnify* their figures and seek to become the legitimate representatives of those political subjects (Boltanski 1990).<sup>11</sup> This attempt is based on recognizing the interests of a hypothetical group of citizens who do not support same-sex marriage, but who find their opinions are not echoed by political leaders as a result of media pressure and the need to abide by “political correctness” (which in this case suggests that speaking against the extension of marriage rights would be discriminatory).

Opposition to this bill enabled the collaboration of religious actors who became allied in their support (and perceived “defense”) of heterosexual marriage and the

<sup>11</sup> When Boltanski (1990, 277–278) talks about *maneuvers of magnification* he refers to the discursive resources that people use to appear as speakers for causes and claims that exceed individual interests and would jeopardize the welfare of the whole community.

right of children “to have a mom and dad.” In addition to Senator Liliana Negre de Alonso (from the Catholic organization Opus Dei), leaders of the Department of Catholic Laity of the Episcopal Conference of Argentina, the Catholic Action of Argentina, and Jewish and Muslim organizations formed a united monotheistic front that led the demonstrations (La Nación 2010b). Evangelical Deputy Hotton and Catholic Senator Negre de Alonso coordinated the collection of signatures to submit a petition for the suspension of the legislative debate and a call to carry out a referendum.

Although their proposal did not reach consensus on the political spectrum and the same-sex marriage law was passed in July 2010, these political activities and alliances between religious actors were crystallized in a network for opposing the legalization of abortion (Jones et al. 2013).

### 8.3.2 *Support for the Legal Recognition of Same-Sex Couples*

SSRRRR demands have been supported by some evangelical churches and leaders from the historic liberationist pole.<sup>12</sup> The United Lutheran Evangelical Church (IELU), the Evangelical Church of the River Plate (IERP), and the Argentinean Methodist Evangelical Church (IEMA) spoke in favor of these demands. Additionally, a number of pastors and laical leaders from the Lutheran Danish Church of Buenos Aires, the Mennonite Church of Buenos Aires, the Waldensian Evangelical Church of the River Plate (IERVP), and the Reformed Churches in Argentina (IRA) personally pledged their support<sup>13</sup> (*Pulso Cristiano* 2010; *Prensa Ecu mica* 2010c). IELU and IERP supported the approval of law No. 1.004 of Civil Union of the City of Buenos Aires (IELU 2003; IERP 2003) and the national bill for extending the legal form of marriage to same-sex couples (IERP-IELU 2010). IEMA (2010b) also supported the bill adopted in July 2010 as the National Law No. 26.618.

During the public debates, these liberationist evangelical institutions also appealed to religious, juridical, and political discourses. They criticized the way the Christian organizations (evangelicals and Catholics) used the religious discourses. They denounced their condemnation of homosexuality and their abuse of short passages (IEMA 2010b), and highlighted the anachronism of applying current concepts to biblical context (IERVP 2010). In response to these kinds of arguments, liberationist institutions recovered doctrinal principles of Protestantism or Christianity in general, such as salvation only by grace, only through faith, and Christ alone (IERP-IELU 2010) and the mandate to love one another (IELU 2003; IEMA 2010b). They deduced from these principles that gay and lesbians cannot be excluded from

---

<sup>12</sup>During the analyzed period no political leaders or legislators publicly identified as evangelicals acted in favor of these demands.

<sup>13</sup>For an analysis of the history and current profile of these institutions, see Forni et al. (2003).

Christian communities or the grace of God, and they cannot be discriminated against in the exercise of their rights:

Since we are churches inheritors of the Reform of the sixteenth century, the foundation of our life and testimony is the Gospel, that is, the announcement of the salvation by only grace, only faith and the only Christ (cf. Romans 3, 22ss). [...] Hence, those who make the sexual orientation of a person a criterion that condition their relation with God, for example by excluding homosexual people—just for being so—from the love and the grace of God, are making a terrible mistake. (IERP-IELU 2010)

Although both evangelical poles appealed to religious discourses during the debate, they did so differently. As Paiva (2003, 19) points out about religious actors from the civil rights movement in the USA, not only are the values that guide every vision of the world important, but also the capacity of each group to generate new interpretations of those values and to promote different kinds of participation. The emphasis of conservative evangelicals on a sexual morality based on a legalist view of the Bible made them participate in the public sphere when they felt that “Christian morality” was threatened. On the other hand, the progressive rereading that the liberationist evangelical institutions made of some religious values, such as the principles to love one another and salvation by grace alone, justified their support of laws they considered would “fix injustices”:

We value in a positive way every initiative which aims to fix the injustices and discriminatory situations suffered by minority groups of our society. We believe that the bill concerning the marriage of homosexual couples that is under review in the Argentinean Congress is one of these cases. (IERP-IELU 2010)

In both cases, the religious leadership (conservatives and liberationists) intensified the theological accents “as a strategy of differentiation from the language of the ‘world’ [...] and a way to develop their own leadership” (Algranti 2010, 257). Furthermore, in both cases they pursued political goals (to approve or reject the bill) and not strictly religious objectives (for example the conversion of new believers).

Through the use of juridical discourse, liberationist institutions differentiated between civil marriage and religious marriage (IEMA 2010b). They also mentioned the international treaties on human rights embodied in the National Constitution of 1994 in order to highlight the right to non-discrimination and to support the recognition of same-sex couples. Their use of political discourse was crystallized in the recognition of the autonomy of the state and the commitment to the values of pluralism and equality.

These churches supported the equality of rights and the plurality of values—“the search for the respect of social, cultural, religious and human plurality which needs all of us” (IELU 2003)—in contrast to the discriminatory campaigns and the “absolute” religious positions that tried to prevail over society: “the foundations and the requirements for a religious marriage must be limited to the believers, but it does not correspond to impose them [on] the rest of the society” (IEMA 2010b). In Argentina,

maybe because of their double minority status,<sup>14</sup> the liberationist evangelical churches have historically objected to political initiatives that were justified by a religious or moral majority (which is usually the official position of the Catholic Church). This is due to the fact that these positions aim to “impose their customs and their interpretation of the religion [on] others” (IELU 2003). In this sense, we can observe a political counterpoint within the religious field, since the liberationist evangelical institutions would implicitly criticize the intention of the conservatives and the Catholic hierarchy to look after the state in the formulation of civil legislation. Liberationist churches highlight “the autonomy of the civil society of any particular theology to decide their own forms of organization and consensus that emerge from democratic practice” (IELU 2003) and the necessity of “a democratic and pluralist state that is open to hear the voices of everyone and make free decisions” (IEMA 2010a).

What is the political significance of the interventions of these churches in the debates on SSRRRR? One clue is the request for support made by the main proponent of the new marriage law—the Argentinean Federation of Lesbians, Gays, Bisexuals and Trans (FALGBT)<sup>15</sup>—to religious actors as part of their campaign to achieve sectorial pronouncements (for example, the FALGBT sought the pronouncements of academicians, cultural referents, etc.). The political rationale that prompted their request is that a religious demonstration in favor of the project would break the widespread perception that all religions are opposed to legal recognition of same-sex couples:

It was very significant that in the beginning of the debate, from politics or law, the speech was essentially religious and against equal marriage. [...] Therefore the search for another perspective from faith about the rights of sexual diversity became imperative. [...] Thus the FALGBT decided to hear other voices, not only those coming from Roman Catholicism, or from ultra conservative evangelicals. And we convened a meeting with the historical [Protestant] churches [...] [which] spoke in a favorable way after having an open dialogue with the leadership of the FALGBT. (Roberto González, Secretary of Religious Diversity of the FALGBT, 2011)

In order to make liberationist churches and evangelical leaders speak out in favor of the draft for extending legal marriage to same-sex couples, the FALGBT met with them on May 29, 2010 (*Prensa Ecuémica* 2010a). After the meeting there were a number of actions in support of the bill: a statement of IERP and IELU (2010), an interreligious press conference at a temple of IEMA (*Pulso Cristiano* 2010; *Prensa Ecuémica* 2010b), a TV spot (“Faith says ‘yes’ to equality”)<sup>16</sup> and the attempt of IELU and IEMA leaders to deliver a speech at the Committee on General Legislation of the Senate (*Página 12* 2010).

---

<sup>14</sup>Following numerical criteria (number of believers and temples), liberationist churches are a small group within a minority religious group.

<sup>15</sup>The FALGBT was established in 2006 as a new national space of coordination between different groups of lesbians, gays, bisexuals, and trans (FALGBT’s website, January 24, 2014). It led the demand for equal marriage in Argentina.

<sup>16</sup>The TV spot is available at: <http://www.youtube.com/watch?v=hK2ns7TmImc>

These actions demarcate three strategies developed by these evangelical churches to participate in the debates on SSRRRR. First, they opened a new alliance with the movement for sexual diversity, which challenged the idea that there is a unified and monolithic religious block opposed to the recognition of same-sex couples. The public support by these evangelical churches to equal marriage opened a new field of potential political allies for organizations that promote SSRRRR in Latin America. Along with evangelicals from the liberationist pole, Catholic sectors affiliated with liberation theology and Jewish rabbis also participated in these activities supporting the project.<sup>17</sup> Second, during the debate the link between liberationist evangelical churches and Catholics and Jews who had been historically predisposed to an ecumenical dialogue, and have shared the defense of human rights during the last military dictatorship, was improved.<sup>18</sup> Third, the joint actions among evangelical liberationist churches and Catholic and Jewish sectors constituted an attempt to differentiate themselves from the most visible religious actors during the debates on SSRRRR in Argentina: the Catholic hierarchy and the leadership of ACIERA.

## 8.4 Conclusions and Discussions

On the conservative pole, the federations FECEP and ACIERA and the deputies Acuña and Hotton used religious, legal, and political discourses to oppose same-sex marriage. This discursive diversity allowed them to adapt their public statements to the requirements of a broad and complex political debate and to adjust them to the various actors and scenarios in which it was developed. Their religious discourse was based on a natural order that was given priority over the legal order, and on the refusal to change it by legally accepting conjugal linkages that go beyond heteronormativity (Warner 1991). Legal arguments were based on the idea that the constitution and international treaties recognize marriage as an exclusively male–female union and prioritize the best interests of the child. In regard to political arguments, the ACIERA federation distinguished between majorities and minorities within the gospel field, based on a numerical criterion. The starting point of this strategy was that, although evangelicals are a minority in comparison with Catholics in Argentina, they constitute the fastest growing religious group in the past three decades and they

---

<sup>17</sup>From Catholicism two groups of priests declared themselves in favor of the law: one from the province of Córdoba (Grupo de Sacerdotes Enrique Angelelli 2010) and another that belongs to the Diocese of Quilmes in Buenos Aires (Presbítero Blanco et al. 2010). The laics of the Asociación Civil Nueva Tierra (2010) also supported the law. From Judaism, Rabbi Daniel Goldman supported the project at the Committee on General Legislation of the Senate (La Nación 2010b) and Rabbi Silvina Chemen participated in the spot “Faith says yes to equality.” Both come from the Bet-El community.

<sup>18</sup>In Argentina the dioceses and Catholic bishops affiliated with liberation theology participated in the formation of MEDH with liberationist evangelical churches. Rabbi Marshall Meyer from the Bet-El community, the Catholic Bishop Jaime de Nevares, and the Methodist Bishop Carlos Gattinoni from IEMA were part of the CONADEP.

are now the largest minority (Mallimaci 2013). In view of this scenario, ACIERA positioned itself as the institution that represents the majority of the evangelical field—repeating in its statements the number of institutions and believers it represented. Moreover, ACIERA associated the opposing views with “churches [that] are a minority [...], which do not express the majority view of the evangelicals in Argentina” (Amigos de ACIERA 2004). Furthermore, ACIERA suggested that its position on issues of sexuality would express the feelings of the majority of the Argentinean people. Deputy Hotton also referred to the quantitative criterion and the need for its political expression: “We are millions of people who are in favor of the family” and “we want to be represented” (La Nación 2010a), she said during the demonstration of April 20, 2010.

These conservative institutions’ interventions questioned the representative relationship between citizens and legislators, and specifically the ability of the latter to transfer the demands of “citizens with values” into the political arena. They proposed an alternative civil–political leadership, crystallized in evangelical leaders, who were assumed to be the representatives of the collective disagreement against the bill on equal marriage. In short, to hold the representation of “millions of evangelicals” and “millions of people in favor of the family” meant to accept the democratic dynamic as strictly governed by the game of the majorities.<sup>19</sup> In order to extend this representation to the majority of society, despite being a minority creed in Argentina, conservative evangelicals emphasized the overlap between their positions and the official position of the Catholic Church, the largest and most politically important religious institution in the country. It was a rhetorical operation that was not made explicit in their statements, but it had significant political effects: it allied the hierarchies of these religious sectors around the common goal of rejecting the law on same-sex marriage.

Churches from the liberationist pole questioned the pretense of representing the evangelical voice based on quantitative criteria and legitimized their public interventions by defending central values of evangelical Christianity (such as to love one another and salvation only by grace) and democracy (including equality and pluralism). They also appealed to a combination of religious, juridical, and political discourses but they based these on a commitment to the values mentioned above and the autonomy of the state to legislate. The liberationist evangelical institutions acted as a political counterpoint within the religious field by questioning the intention of the evangelical conservatives and the Catholic hierarchy in order to protect the state in its formulation of legislation. At the same time they established alliances with other religious actors (Catholic sectors affiliated with liberation theology and progressive Jewish rabbis) and the movement for sexual diversity.

---

<sup>19</sup>In the field of modern and contemporary political theory, there is a long tradition that considers the weight and decision of the majority as a priority value of democracy. This tradition has its roots in the social contract of Rousseau ([1762] 1996), and has continued in the development of Schmitt’s (1988) concept of the people as a homogeneous entirety, and in Schumpeter’s (1981) association between electoral and market dynamics.

What is the impact of these interventions at the level of the relationship between politics and religion in contemporary Argentina? To conclude, we want to highlight two ideas about this question, the first being the adaptation of religious actors' strategies to the democratic context. The willingness of conservative religious actors to participate in a public debate concerning the progression of legal claims that contradict their values results in the need to justify their positions through arguments that go beyond divinity or the Bible as a source of authority. Furthermore, the need to adapt their strategies to democratic rules in order to influence the design of public policies brings with it the unintended recognition of new political subjects by conservative religious actors and the consolidation of the democratic system.

The second point we want to stress is the growing importance of "representative bets" within the religious sphere. By representative bets we mean projects that are oriented to produce identification linkages between leaders and civil society in a given social and territorial space, so that these ties are translated into public and/or electoral support (Carbonelli 2013). When ACIERA appealed to this resource to legitimize its position in the public sphere, it resulted in a dispute over the representation of "we the evangelicals": in response to ACIERA's political strategies, the liberal pole questioned their argument of "majorities" that justified their intervention. In this sense, the competing evangelical positions in this debate accentuated the fragmentation and political gap within the evangelical field, and at the same time renewed alliances with other religious groups (namely Catholics and Jews), and marked the advance of social movements that promote SSRRRR.

**Acknowledgments** This chapter was written within the project UBACYT 20020120200132, which is based at the Gino Germani Research Institute (University of Buenos Aires, Argentina).

## References

- Algranti, J. (2010). *Política y religión en los márgenes: nuevas formas de participación social de las mega-iglesias evangélicas en la Argentina*. Buenos Aires: CICCUS.
- Bianchi, S. (2004). *Historia de las religiones en la Argentina: las minorías religiosas*. Buenos Aires: Sudamericana.
- Boltanski, L. (1990). *El amor y la justicia como competencias: tres ensayos de sociología de la acción*. Buenos Aires: Amorrurtu.
- Carbonelli, M. A. (2009). Desde el barrio: perspectivas acerca de la actividad política de pastores evangélicos en el Conurbano Bonaerense. *Ciencias Sociales y Religión*, 11, 107–129.
- Carbonelli, M. A. (2013). *Apuestas representativas y estrategias políticas. Los evangélicos y la esfera partidaria del AMBA. 2001–2011*. PhD thesis, Universidad de Buenos Aires, Buenos Aires.
- Carbonelli, M. A., Mosqueira, M., & Felitti, K. (2012). Religión, sexualidad y política en la Argentina: intervenciones católicas y evangélicas en torno al aborto y el matrimonio igualitario. *Revista del Centro de Investigación*, 9(36), 25–43.
- Chateauraynaud, F. (2008). La coacción argumentativa: las formas de argumentación en los marcos deliberativos y las potencialidades de expresión política. *Praxis*, 14, 53–74.
- Corten, A. (2001). O pentecostalismo transnacionalizado no contexto teológico-político. *Horizontes Antropológicos*, 15, 149–160.



- Dodson, M. (1997). Pentecostals, politics, and public space in Latin America. In E. L. Cleary & H. W. Stewart-Gambino (Eds.), *Power, politics, and Pentecostals in Latin America* (pp. 25–40). Oxford: Westview Press.
- Dussel, E. (1972). *Teología de la Liberación y ética: caminos de liberación latinoamericana, II*. Buenos Aires: Latinoamericana Libros.
- Fediakova, E. (2004). “Somos parte de esta sociedad.” *Evangélicos y política en el Chile post autoritario*. *Política*, 43, 253–284.
- Forni, F. H., Cárdenas, L. A., & Mallimaci, F. (2003). *Guía de la diversidad religiosa de Buenos Aires*. Buenos Aires: Biblos.
- Freston, P. (2001). *Evangelicals, and politics in Asia, Africa and Latin America*. New York: Cambridge University Press.
- Freston, P. (2012). Las dos transiciones futuras: católicos, protestantes y sociedad en América Latina. In C. Parker (Ed.), *Religión, cultura y política en América Latina* (pp. 77–95). Santiago: Nuevas Miradas.
- Giumbelli, E. (2002). *O Fim Da Religiao dilema da liberdade religiosa no Brasil e na Franca*. São Paulo: Attar editorial.
- Gutiérrez, G. (1971). *Teología de la liberación: Perspectivas*. Salamanca: Ediciones Sígueme.
- Jones, D., & Vaggione, J. M. (2012). Los vínculos entre religión y política a la luz del debate sobre matrimonio para parejas del mismo sexo en Argentina. *Civitas*, 12(3), 522–537.
- Jones, D., Azparren, A. L., & Polischuk, L. (2010). Evangélicos, sexualidad y política: las instituciones evangélicas en los debates públicos sobre Unión Civil y Educación Sexual en la Ciudad Autónoma de Buenos Aires (2003–2004). In J. M. Vaggione (Ed.), *El activismo religioso conservador en Latinoamérica* (pp. 193–248). Córdoba: Ferreyra Editor.
- Jones, D., Ana Laura, A., & Santiago, C. (2013). Derechos reproductivos y actores religiosos: los evangélicos frente al debate sobre la despenalización del aborto en la Argentina contemporánea (1994–2011). *Espacio Abierto. Cuaderno Venezolano de Sociología*, 22(1), 110–133.
- Machado, M. d. D. C. (2003). Existe um estilo evangélico de fazer política? In P. Birman (Ed.), *Religião e espaço público* (pp. 283–307). São Pablo: Attar Editorial/CNPQ Pronex.
- Machado, M. d. D. C. (2006). *Política e religião. A participação dos evangélicos nas eleições*. Rio de Janeiro: Editora FVG.
- Mallimaci, F. (Ed.). (2013). *Atlas de las creencias religiosas en Argentina*. Buenos Aires: Biblos.
- Mariz, C. L., & Machado, M. d. D. C. (1997). Pentecostalism and women in Brazil. In E. L. Cleary & H. W. Stewart-Gambino (Eds.), *Power, politics, and Pentecostals in Latin America* (pp. 41–54). Oxford: Westview Press.
- Marostica, M. (1997). *Pentecostals and politics: The creation of the evangelical Christian movement in Argentina, 1983–1993*. PhD thesis, University of California, Berkeley.
- Martin, W. (1996). *With God on our side: The rise of the religious right in America*. New York: Broadway Books.
- Míguez Bonino, J. (1985). Presencia y ausencia protestante en la Argentina del proceso militar 1976–1983. *Cristianismo y Sociedad*, 83, 81–85.
- Morán Faúndes, J. M. (2012). Sexualidad y alteridad: argumentos del conservadurismo religioso cordobés contra el matrimonio igualitario. *Sociedade e Cultura*, 15(2), 347–358.
- Morgan, L. M. (2014). Claiming Rosa Parks: Conservative Catholic bids for “rights” in contemporary Latin America. *Culture, Health & Sexuality: An International Journal for Research, Intervention and Care*, 16(10), 1245–1259.
- Natividade, M., & de Oliveira, L. (2009). Sexualidades Ameaçadoras: religião e homofobia(s) em discursos evangélicos conservadores. *Sexualidad, Salud y Sociedad: Revista Latinoamericana*, 2, 121–161.
- Oro, A. P., & Semán, P. (2000). Pentecostalism in southern cone countries: Overview and perspectives. *International Sociology*, 15(4), 605–627.
- Paiva, A. R. (2003). *Católico, protestante, cidadão: uma comparação entre Brasil e Estados Unidos*. Belo Horizonte: Editora UFMG.
- Peñas Defago, M. A., & Vaggione, J. M. (2011). *Actores y discursos conservadores en los debates sobre sexualidad y reproducción en Argentina*. Córdoba: Ferreyra Editor.

- Pew Research Centre. (2012). *The global religious landscape: A report on the size and distribution of the world's major religious groups as of 2010*. Washington, DC: Pew Research Center's Forum on Religion and Public Life.
- Quebedeaux, R. (1974). *The young Evangelicals*. New York: Harper and Row.
- Rousseau, J.-J. (1996). *Del contrato social*. Madrid: Alianza.
- Schmitt, C. (1988). *The crisis of parliamentary democracy*. Cambridge, MA: Massachusetts Institute of Technology.
- Schumpeter, J. (1981). *Capitalismo, socialismo y democracia*. Mexico D.F.: Fondo de Cultura Económica.
- Segato, R. L. (2007). *La nación y sus otros. Raza, etnicidad y diversidad religiosa en los tiempos de políticas de la identidad*. Buenos Aires: Prometeo.
- Vaggione, J. M. (Ed.). (2010). *El activismo religioso conservador en Latinoamérica*. Córdoba: Ferreyra Editor.
- Warner, M. (1991). Introduction: Fear of a queer planet. *Social Text*, 9(4), 3–17.
- Wynarczyk, H. (2009). *Ciudadanos de dos mundos: el movimiento evangélico en la vida pública Argentina 1980–2001*. Buenos Aires: UNSAM EDITA.
- Wynarczyk, H. (2010). *Sal y luz a las naciones: evangélicos y política en la Argentina (1980–2001)*. Buenos Aires: Instituto Di Tella and Siglo XXI.

## Documents

- Alianza Cristiana De Iglesias Evangélicas De La República Argentina (ACIERA). (2003). *Homosexualidad: reafirmando valores evangélicos*. <http://www.aciera.org/declaraciones.html>. Accessed 2 June 2009.
- Alianza Cristiana De Iglesias Evangélicas De La República Argentina (ACIERA). (2009). *Postura de ACIERA respecto al matrimonio y la homosexualidad*. [http://www.aciera.org/declaracion\\_sobre\\_matrimonio\\_homosexual.pdf](http://www.aciera.org/declaracion_sobre_matrimonio_homosexual.pdf). Accessed 19 Sept 2011.
- Alianza Cristiana De Iglesias Evangélicas De La República Argentina (ACIERA). (2010). *Firmes y adelante*. [http://aciera.org/site\\_news/index.php?option=com\\_content&task=view&id=133&Itemid=3](http://aciera.org/site_news/index.php?option=com_content&task=view&id=133&Itemid=3). Accessed 2 Aug 2010.
- Amigos de ACIERA. (2004). *De Amigos de ACIERA al Pastor Emilio Monti*. [http://www.ecupres.com.ar/noticias.asp?Articulos\\_id=952](http://www.ecupres.com.ar/noticias.asp?Articulos_id=952). Accessed 14 July 2009.
- Asociación Civil Nueva Tierra. (2010). *Dios ama a todos por igual, invita a la justicia y apuesta a la libertad*. <http://www.nuevatierra.org.ar/2010/07/dios-ama-a-todos-por-igual-invita-a-la-justicia-y-apuesta-a-la-libertad/>. Accessed 24 Jan 2014.
- Federación Argentina de Lesbianas, Gays, Bisexuales y Trans (FALGBT). *Objetivos*. <http://www.lgbt.org.ar/02-objetivos.php>. Accessed 24 Jan 2014.
- González, R. (2011, October 14). *Discurso en Seminario Religiones, matrimonio igualitario y aborto: alianzas con y entre actores religiosos por los derechos sexuales y reproductivos*. Buenos Aires, Argentina.
- Grupo Sacerdotal Enrique Angelelli de Córdoba. (2010). Aporte al debate sobre modificaciones a la ley de matrimonio civil. *Centro Cristiano de la Comunidad GLTTB*, May 19. <http://elcentro-glttb.blogspot.com/2010/05/grupo-de-sacerdotes-enrique-angelelli.html>. Accessed 1 Feb 2011.
- Hotton, C. (2010, April 20). *Discurso en 1ª Marcha contra el Matrimonio Igualitario*. Buenos Aires, Argentina.
- Iglesia Evangélica Del Río De La Plata (IERP). (2003). *Por un país donde 'quepan todos y todas.'* A raíz de la promulgación de la Ley de Unión Civil (Ley N° 1.004) por el Gobierno de la CABA. [http://www.iglesiaevangelica.org/men\\_hemosdicho.htm#civil](http://www.iglesiaevangelica.org/men_hemosdicho.htm#civil). Accessed 12 June 2009.

- Iglesia Evangélica Del Río De La Plata (IERP), & Iglesia Evangélica Luterana Unida (IELU). (2010). "Matrimonios del mismo sexo." Declaración de las Iglesias: Evangélica del Río de la Plata (IERP) y Evangélica Luterana Unida (IELU). [http://www.iglesiaevangelica.org/men\\_hemosdicho.htm](http://www.iglesiaevangelica.org/men_hemosdicho.htm). Accessed 31 May 2010.
- Iglesia Evangélica Luterana Unida (IELU). (2003). *Diálogo abierto: Ley N° 1.004 de Unión Civil del Gobierno de la Ciudad de Buenos Aires*. Comunicado de Prensa de IELU. <http://www.ielu.org/>. Accessed 12 June 2009.
- Iglesia Evangélica Metodista Argentina (IEMA). (2010a). *Declaración sobre la Ley de Matrimonio Igualitario*. [http://www.iglesiametodista.org.ar/v2/detalle.php?id\\_nota=28](http://www.iglesiametodista.org.ar/v2/detalle.php?id_nota=28). Accessed 20 Sept 2011.
- Iglesia Evangélica Metodista Argentina (IEMA). (2010b). Respeto y dignidad. Ponencia del Pastor Carlos Valle en representación del IEMA ante el Senado de la Nación con motivo del proyecto de ley de modificaciones al matrimonio (no pudo ser leída por no acceder la presidenta de la Comisión respectiva). <http://www.ecupres.com.ar/>. Accessed 2 July 2010.
- Iglesia Evangélica Valdense Del Río De La Plata (IERVP). (2010). *Acto 15: bendiciones de uniones civiles de parejas con orientaciones sexuales diferentes y bendiciones de parejas de hecho*. <http://www.valdensesdelsur.com/resoluciones-asamblea-sinodal>. Accessed 12 June 2010.
- La Nación. (2010a). El derecho de los niños a tener madre y padre. *La Nación*, April 20. [http://www.lanacion.com.ar/nota.asp?nota\\_id=1256259](http://www.lanacion.com.ar/nota.asp?nota_id=1256259). Accessed 28 Sept 2011.
- La Nación. (2010b). Matrimonio gay: campaña en colegios. *La Nación*, July 1. <http://www.lanacion.com.ar/1280435-matrimonio-gay-campana-en-colegios>. Accessed 28 Sept 2011.
- Ley 1.004/2002, de 12 de Diciembre, de Unión Civil de la Ciudad Autónoma de Buenos Aires (CABA).
- Ley nacional 21.745/1978, de 10 de Febrero, de Culto.
- Ley nacional 26.618/2010, de 15 de Julio, de Matrimonio Igualitario.
- Página 12. (2010). Acto de censura y discriminación. *Página 12*, July 1. <http://www.pagina12.com.ar/diario/sociedad/3-148625-2010-07-01.html>. Accessed 20 Sept 2011.
- Prensa EcuMénica. (2010a). Encuentro de la Federación Argentina LGBT con Líderes Protestantes. *Prensa EcuMénica*, June 4. [http://www.ecupres.com.ar/noticias.asp?Articulos\\_Id=8901](http://www.ecupres.com.ar/noticias.asp?Articulos_Id=8901). Accessed 2 July 2010.
- Prensa EcuMénica. (2010b). La Fe a Favor del Matrimonio de Parejas del Mismo Sexo. *Prensa EcuMénica*, June 21. [http://www.ecupres.com.ar/noticias.asp?Articulos\\_Id=8936](http://www.ecupres.com.ar/noticias.asp?Articulos_Id=8936). Accessed 20 Sept 2011.
- Prensa EcuMénica. (2010c). Respuesta de la Iglesia Reformada a ACIERA. *Prensa EcuMénica*, July 21. [http://www.ecupres.com.ar/noticias.asp?Articulos\\_Id=8983](http://www.ecupres.com.ar/noticias.asp?Articulos_Id=8983). Accessed 2 Aug 2010.
- Presbítero, I. B., Ciaramella, M., & De La Serna, E. (2010). Preguntas que nos surgen en la situación actual. *Página 12*, July 9. [www.pagina12.com.ar/diario/sociedad/3-149180-2010-07-09.html](http://www.pagina12.com.ar/diario/sociedad/3-149180-2010-07-09.html). Accessed 1 Feb 2011.
- Pulso Cristiano. (2008). Dos diputados evangélicos se oponen a beneficios sociales para parejas del mismo sexo. *Pulso Cristiano*, September 4. <http://www.pulsocristiano.com.ar/newss/pulso118.html>. Accessed 13 Apr 2010.
- Pulso Cristiano. (2010). Apoyo de pastores, sacerdotes católicos y rabinos al matrimonio homosexual. *Pulso Cristiano*, June 17. <http://www.pulsocristiano.com.ar/newss/pulso162.html>. Accessed 28 June 2010.
- Salomone, R. (2010, April 20). *Discurso en 1ª Marcha contra el Matrimonio Igualitario*. Buenos Aires.

# Chapter 9

## Radiography of a Confessional State: The Religious Spectrum in Costa Rica

Laura Fuentes Belgrave

**Abstract** This chapter describes the results of research carried out at the Ecumenical School of Sciences of Religion at the National University of Costa Rica. It identifies the main changes in the beliefs and religious practices—linked with education, age, and gender—of the Costa Rican population, while exploring perceptions of sexual and reproductive rights and the emergence of a secular moral standard with regard to the relationship between political society and religious authorities. Through focus group discussions among religious strata and a telephone survey applied to a sample population, this study concludes that the reworking of personal beliefs prevails as a social–religious phenomenon combined with a nominal religious identity enabling social integration. This equation results in consensual dissent, which contributes to the abandonment of religious rituals and leads to a double moral standard that hampers the exercise of sexual and reproductive autonomy. There is a convergence of legal and political secularism with state support for the social projects of churches.

**Keywords** Religion • Pluralism • Secularism • Sexuality • Costa Rica

### 9.1 Introduction

At first glance, Costa Rica does not seem to be an exception to what happened during the centuries of colonial rule in Latin America. With its territory bordering Nicaragua to the north and Panama to the south, the settlement of the Catholic Church ensured the administration of the Spanish Crown, as well as the education of its inhabitants. However, after the independence of the Republic in 1821, Catholicism remained constitutionally the religion of the state, despite a brief period of liberal and anticlerical agitation at the end of the nineteenth century. The church

---

L. Fuentes Belgrave (✉)  
Ecumenical School of Religious Studies, National University of Costa Rica,  
Heredia, Costa Rica  
e-mail: [lfuentesbelgrave@gmail.com](mailto:lfuentesbelgrave@gmail.com)

has adapted to the differentiation of social spheres and the tolerance of other faiths, specifically to Protestants, who consolidated their position at the beginning of the twentieth century with the creation of schools and hospitals of different denominations, including Methodism and the Seventh-Day Adventist Church.

“Elective affinity” between the church hierarchy and political elites has assured the influence of the Catholic Church not only on the national imaginary in the construction of the nation state, but also economically. The church receives an annual economic allocation, a partial subsidy of educational facilities, welfare in hospitals and prisons, and the maintenance of religion classes in public elementary and high schools.

Any analysis of the transformation of the religious beliefs and practices in Costa Rica cannot ignore the colonial legacy that persists in the country’s institutional and cultural memory. This includes both the submission to the mechanisms of domination and the negotiation and resistance against religious indoctrination that are synthesized in the “plural modernity” (Martín-Barbero 1992) particular to the Latin American region.

In Costa Rica, research has focused on relations between the state and the Catholic Church, as found in Rojas Alvarado (1997), Faerron (2002), Quesada Cordero (2012), Maroto Vargas (2012), and Basilio Alfaro (2010), as well as on the political role of this institution, researched by Blanco (1987), Fernández González (1993), and Acuña Lizano (2001), among others. Scholars have also prioritized the study of Catholicism’s mutations, as can be seen in the works of Delgado and Jiménez (1990), Valverde Manzanares and Walker Morera (2005), and Solano Chaves (2012), in addition to the reworking of the link between Catholicism and youth displayed in the studies by Tapia Balladares (2003), Ulloa Brenes (2006), and Quesada Cordero (2008). In the case of Protestantism, the focus has been primarily on Pentecostal churches (see Campos Guadamuz and Rodríguez Calvo 1986; Rojas Rojas 1989; Valverde 1990; and Carrillo García 2004), as well as on the analysis of women’s participation in these groups (see Sánchez Rojas and Ponce Serreno 1989; Chacón and Fernández Velázquez 1997; Amaya Alvarez 2002; and Cordero 2003). Other religious communities have been scarcely studied (Cortés 2001), in the same way as general topics relating to the laity and secularism of Costa Rican society (Fuentes Belgrave 2012). Statistical studies (Poltronieri 2011) reveal declining participation in Catholicism over time; however, it is necessary to study the background and the factors causing this decline to achieve an accurate understanding of the ongoing transformative process of religious phenomena in Costa Rica. This chapter examines some of that process.

The study discussed here<sup>1</sup> sought to identify changes within the religious beliefs of the Costa Rican population, specifically related to religious practices, conversion, abandonment of beliefs or approaches to them, and “spiritual searches.” In addition, the correlation between access to sexual and reproductive rights and the emergence

---

<sup>1</sup> See Fuentes Belgrave 2015.

of a kind of secular moral standard was explored, as well as an attempt to determine the link between education, age, and gender in relation to religious beliefs. The research sought to equally analyze the perceptions of the population on public affinity between political society and religious authorities, and to discuss the findings through a sociological perspective.

The study took an exploratory–explanatory, mixed-methods approach: the qualitative phase was carried out first, from which the second quantitative phase was developed. The population chosen for this study was the general population residing in Costa Rica, which according to the last census carried out by the National Institute of Statistics in 2011 (INEC 2012a) was estimated at 4,301,712 people. In the qualitative phase, a sample not probabilistic of a type/case was defined based on the religion variable in an effort to reflect as thoroughly as possible the plurality of Costa Rican society. Thus, typical examples from five groups were identified: no religion, non-practicing Catholic, regular practicing Catholic, Evangelical Christian,<sup>2</sup> and another religion or other non-Christian faiths. Participants were invited to eight focus groups held from June 1 through July 31, 2013, which involved 47 people who met the criteria of legal age, residency in Costa Rica, gender quotas (49% women and 51% men), and geographic quotas (70% in the Greater Metropolitan Area and 30% in the rest of the country).

For the quantitative phase, the sample was taken from the population with home phones, which according to the last national survey of households in 2012 (INEC 2012b) was estimated at 766,296 people. Based on the results of the focus groups, a series of categories was created to allow the development of items in a survey questionnaire with 17 closed questions, which were applied to a stochastic sample of simple random type: 400 people over 18 years old and Costa Rican residents. The survey has a confidence level of 95%, with a margin of error of  $\pm 4.9$ , and was conducted from October 16 to 31, 2013. It is a small sample, which reflected a differentiation by gender and by age groups, and as such is representative of the national population, according to the 2011 census data, even though the results of the survey can only be generalized to the population with residential phones. The survey covered 60.3% of the Greater Metropolitan Area, 17.3% of the rest of the Central Valley, and 22.3% of the rest of the country. In the areas mentioned there were 52.5% women and 47.5% men interviewed.

The following sections analyze the combined findings of both the focus groups and the survey, within the categories of beliefs and religious practices, moral and sexual and reproductive autonomy, and the perceptions of the population about the link between politics and religion.

---

<sup>2</sup>The Evangelical Christian category includes Neo-Pentecostals or Independents and Historical Protestants, specifically Methodists, Baptists, Anglicans, and Pentecostals.

## 9.2 Religious Beliefs and Its Practices

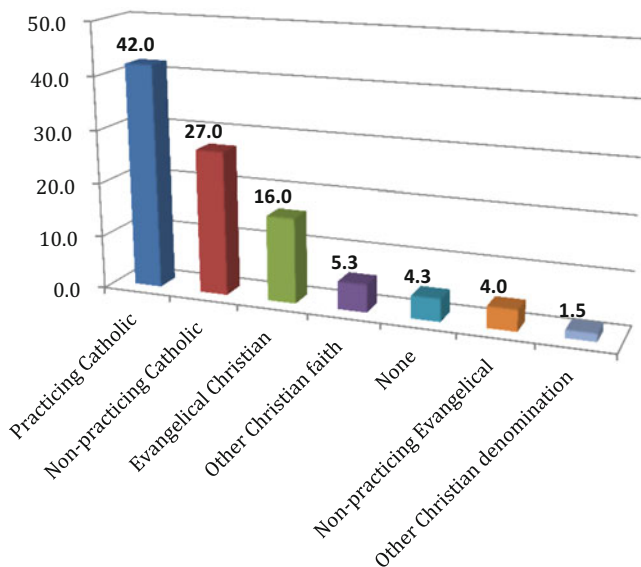
The research results show that Costa Ricans are reworking their religious beliefs, following a tendency toward bricolage—something that has also been observed in other contexts (Hervieu-Léger 2004)—as well as indifference to beliefs, especially among Catholics and Evangelicals, where doctrinal principles tend to be both ignored and preserved. In these strata, a withdrawal from the romanticism of the encounter with God and biblical literalism, respectively, can be seen in the focus groups analysis. Nonetheless, beliefs take on ritual significance in their relationship with religious practice or their absence—a fact that becomes significant since the number of practicing Catholics has decreased, while the number of non-practicing Catholics has increased. The latter are characterized as privileging the belief in a divine cosmic energy of a nebulous character and appealing to elements of popular religiosity.

The 23 national surveys conducted from 1988 to 2011 (except in 2010), under the Structures of Public Opinion Project at the School of Mathematics of the University of Costa Rica (Poltronieri 2011), allow us to observe the temporary evolution of the categories of believers, from representative samples of the national population (1000 interviews, 3% margin of error). According to the data, the number of practicing Catholics is decreasing: in 1988 they constituted 52.3% of the population and, despite a notable increase to 61% in 1992, they have been declining, accounting for 46.9% of the population in 2011. In the case of non-practicing Catholics, the numbers have doubled since 1988, when they accounted for only 13% of the population. This group experienced a drastic increase in 1991, when its numbers reached 22.7%, as well as in 2008, accounting for up to 31.2%. In 2011, this group did not exceed 23.3%—data that coincide with the percentages reached in the early 1990s and 2000s.

As for the Evangelical Christians, the Structures of Public Opinion Project shows data from 1991, a year in which they accounted for 10.2% of the population. This group has increased: in 1999 they reached 14.4% and in 2009 they accounted for 16.9% of the population. In 2011, the percentage of those identified as Evangelical Christians reached 15.5%.

Data from the survey conducted within the research reviewed in this chapter confirm the evolution estimated by the Structures of Public Opinion Project. It also shows a distinction between Evangelical Christian and Evangelical non-practitioners, and identifies more precisely people who declare no religious affiliation (Fig. 9.1).

Practicing Catholics, who make up 42% of the telephone sample, are concentrated in the age bracket of 55 years and older, while 27% of non-practicing Catholics are concentrated in the two younger categories (18–24 and 25–35 years). Evangelical Christians, who make up 16%, are mostly in the category between 35 and 44 years old. Non-observant Evangelicals, who total 4%, are concentrated between 25 and 34 years old, and those who chose “other Christian faith” or “other Christian denomination” are mostly in the younger segment, similar to those with no religious affiliation, a group forming 4.3% of the sample. Only the last figure



**Fig. 9.1** Which choice corresponds to your religious affiliation?

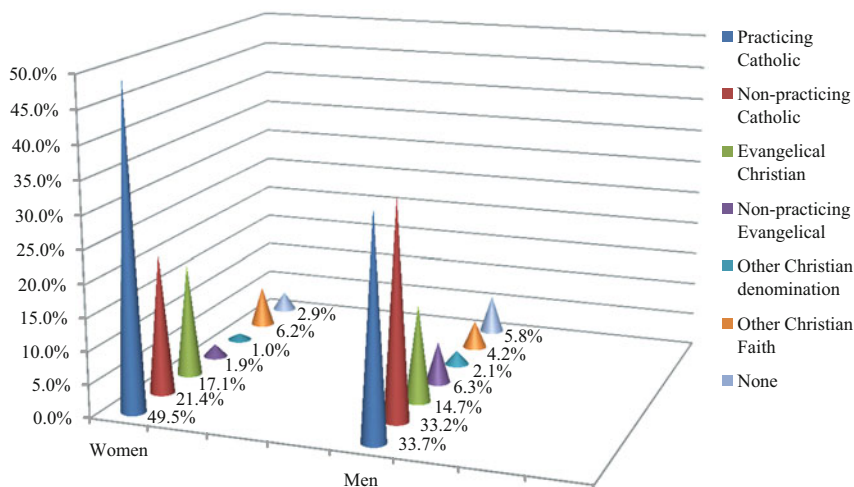
presents a substantial difference, in the group of people who declare themselves as having no religion, according to the Structures of Public Opinion Project. Although this group had increased—in 1988 it constituted 3.5% of the population, by 2004 it had reached 10.1%, and in 2011 it stabilized at 8.8%—it declined to 4.3%, as shown in the data from our 2013 survey.

People who profess other religions—which are not specified in the Structures of Public Opinion Project—constituted 10.5% of the population in 1988. The percentage of those who self-identified this way declined, as in 1994 it reached a total of 2.4%, but it returned to what seems a stable trend in 2011 at 5.5%. The study described here allowed us to determine the other types of “Christian faith” and “other denominations,”<sup>3</sup> formed by 5.3% and 1.5%, respectively. Those identified in this study were Adventists, Jehovah’s Witnesses, and Mormons, followed by non-religious Christians, Anglicans, Baptists, Quakers, and religious non-Roman Catholics.

The data show that the majority of practicing Catholics are university educated, similar to non-practicing Catholics; the majority of Evangelical Christians have completed elementary school but have not completed high school-level education; most non-practicing Evangelicals have completed university courses, as well as those under “another Christian denomination.” Both those who profess “another Christian faith” and those without any religious affiliation vary in their levels of education, falling within the range of either not having completed high school or

<sup>3</sup>The survey options included “Buddhist” as well as “other faith (please specify the name)”; however, no one indicated any of these options.





**Fig. 9.2** Gender according to religious affiliation

having some degree of university-level education. There is a small correlation between having a higher educational level and belonging to a non-religious group; however, no effect is found in the abandonment of religious practices in any identified affiliations, as the study found even higher levels of religious practice in the higher education subset.

As people grow older, more profess a religious faith whereas young people adopt fewer religious practices, but there seems to be an increase in terms of beliefs and practices among the 35- to 44-year and 45- to 54-year age brackets. However, in general, the results correspond to the age profile discovered by *Latinobarómetro 2013* (Banco de Datos en línea 2013) for the Latin American region, where there are more Catholics as age increases and more Evangelicals and people with no religious affiliation in younger groups.

In reference to gender, those who self-identify as women adopt more religious practices; the majority profess affiliation with a faith and their positions tend to be more conservative in terms of politics, morality, and sexuality than those of men. This shows that women continue to be the cornerstone that supports religious institutions both at the symbolic and materialistic levels (Fig. 9.2).

In order to compare the religious affiliation and the gender of respondents, Pearson's chi-squared test was carried out, with a statistical association of 0.003—in other words, less than 0.05, indicating that the variables have a relationship, with a minimum frequency expected of 2.85. The results confirm that women are more active practitioners of religion even though men represent a majority of those affiliated. Catholic women practitioners (49.5%) as well as practicing Catholic men (33.7%) stand out, but both groups have a difference of more than 15 percentage points between them.

Almost 90% of respondents professed a faith, and while 10.3% did not profess a faith, this sample seemingly contradictorily self-identified as being members of a religious affiliation. This segment comprises non-practicing Catholics, followed by non-practicing Evangelicals, Evangelical Christians, “another Christian denomination,” and “another Christian faith.” This particular phenomenon shows the lack of self-identification of these believers with their respective religious institutions. It confirms that for those who say they do not profess a faith but admit to having a religious affiliation, there is a lack of active religious militancy as they express tangible disagreement toward their religious institutions.

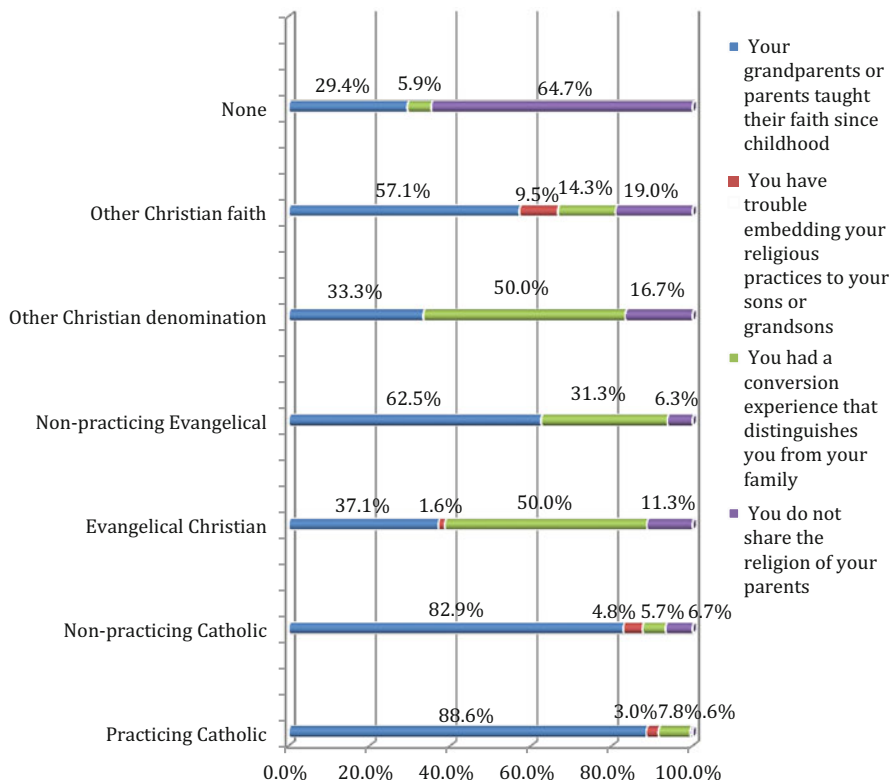
The notion of religious deinstitutionalization explains the paradox in which both practicing (42.7%) and non-practicing (29.9%) Catholics reside. The survey showed that a majority in both groups expressed the notion of religion guiding all of their life decisions, despite both also including a group stating that religion plays no role in their decision making. Evangelical Christians (45.2%) and other affiliations mostly agreed that religion guides all their daily decisions. Only for those without a religious affiliation did a majority (82.4%) express that religion plays no role in their life decisions.

The interweaving of these data with the analysis of the categories drawn from the focus groups confirms that for those who self-associate with minor or no religious practices, there is a major reworking of beliefs and possibilities of developing autonomous consciousness reflected in their views on politics, secularism, sexuality, and morality.

The identity construction mechanisms of non-practicing Catholics are a significant discovery of this investigation in the Costa Rican setting. Non-practicing Catholics’ selection of beliefs gradually becomes the dominant note; their decisions in terms of belief become more selective, so that commitment with a faith turns into a type of very detailed religious consumption, which, as expressed by Bibby (1990), moves them from a faith that encompasses all aspects of life to the consumption of only certain fragments of religious discourse endowed with a new meaning by these consumer-believers.

The notion of “believing without belonging,” as coined by Davie (1993), explains the fact that Catholic non-practitioners maintain a faith that can contradict some doctrinal postulates, which they redefine. They also maintain a separation from the rest of the Catholic community, allowing them to establish a closeness with an “ordinary God” as conceptualized by Davie (1993), whose character is domestic and malleable in the circumstances of everyday life, introducing a divinity characterized by a type of sacredness that exists in a more “private” space.

For practicing and non-practicing Catholics, as well as for non-practicing Evangelicals and people from “another Christian faith,” religion continues to be passed down from mothers, fathers, grandmothers, and grandfathers, while for Evangelical Christians and “other Christian denominations,” conversion is a dominant practice for the majority. For the bulk of those who have no religious affiliation, the answer is that they do not share the same faith as their family. It is worth noting that the number of people who do not share the family faith increases with age, as does the percentage of converted people (Fig. 9.3).



**Fig. 9.3** Religious affiliation and the role of the religion of the family

It is possible to observe that half of Evangelical Christians are converts, but that family lineage is the second most important means of transmitting religion for Christian non-Catholics. This indicates that family processes related to the transmission of religious beliefs have changed in Costa Rica—a country where the position of Catholicism seems to be slowly eroding its historical and cultural place as a result of the integration of the religion of the imagined community.

There is a Costa Rican religious pluralism that goes beyond the differentiation between Catholics and Evangelicals, practicing or not; however, these other types of believers belong to very small groups only identified by using examples from focus groups. These are influenced by Hinduism, Buddhism, adaptations of some Oriental religions in new religious movements (NRMs), or Islamism. In these cases, belief in the integrality of the body and the spirit prevails through a fierce spiritual self-discipline that allows them to reach transcendence. These groups are singled out as having rituals carried out at certain times of the day through precise meditations, or by fasting to mark the transition between seasons.

This last section of the focus groups brings together some of the major non-Christian beliefs found in Costa Rica, where conversion is virtually a rule of thumb—the result of individuals’ crises stemming from dissatisfaction with the Catholic Church, a naturalized agent typically used as a guiding principle of their values and beliefs, through the family lineage and local culture. These situations prior to conversion translate into a state of vulnerability both for those currently not professing Christian beliefs and for Neo-Pentecostal believers, as studied through focus groups. The initial fragility of this position encourages them to exchange a symbolic primary and damaged universe for one that adapts to its deficiencies and needs and strengthens them in psychosocial terms. So, their conversion involves personalizing the new religious beliefs as well as internalizing the new values of the chosen religious group.

In contrast to other scenarios where the religious market has been extensively developed and studied, in Costa Rica this phenomenon is newly emerging. It is the result of a pluralism that is still very limited in terms of religious options but is growing and marked by the crisis of Catholicism, which also leads some believers to create their own spiritual trajectories between religious groups. This, in turn, implies a clear distinction between religion and spirituality, mainly for those who do not maintain religious practices or have abandoned any religious affiliation.

The group without religion, including both atheist and agnostic individuals who identify themselves as such in the focus groups, thus becomes a category built through narratives that seek to politicize their non-religious position in order to demand rights. They include, for example, secular education and a secular state, and a clear separation between the private space of unbelief and the public sphere. This last demand seeks to avoid marginalization at work, in educational institutions, or even in the domestic realm, as people without religion can be subject to explicit discrimination in the confessional state of Costa Rica. The abandonment of religious practice, according to the results of the focus groups, also increases among those who do not meet the expectations of the heteronormative system, because they hardly feel welcome or integrated within religious institutions.

In addition, a progressive de-ritualizing of practices that are considered sacred is evident. This is an aspect that raises issues in terms of the transmission of faith from parents to their children, since the practicing Catholic world and the historic Protestant world compete for the idealization of ancient religious practices in an effort to stop the gradual permeation of secularism within rituals, especially among young people. What is also noteworthy in the focus groups was a concern for the loss of an Evangelical denominational identity that arose in the face of being categorized only as “Christians”—a pivotal point in the Neo-Pentecostal discourse considered uncomfortable for Historical Protestants (Methodists, Baptists, Anglicans) of the Province of Limón.<sup>4</sup> For these believers, mostly Afro-descendants, their belonging to the churches (which became ethnic churches) has marked a historical and

---

<sup>4</sup>The Costa Rican province of Limón includes a port city, as it borders the Caribbean Sea in the northeast, and it is characterized by the multi-ethnic composition of its population (Afro-descendants, Asian, Indigenous, and mixed race).

socio-cultural trend. Their religious beliefs accompanied them in the process of migrating from Jamaica to the Central American Caribbean, as well as during their subsequent settlement, since the churches operated as centers of symbolic force for the entrenched community of the generations born in the isthmus.

The survey also reflects that prayer is the only ritual that remains privileged in comparison with other religious practices that are in clear decline, including attendance of Sunday mass, weekly worship, and participation in pastoral groups and Christian ministries, as seen in Table 9.1. However, prayer and other practices such as meditation fall increasingly in the space of the “private,” lacking an especially sacred devotion, and contingent on the time and place available to individual believers. This is shown in the focus groups through the widespread use of electronic devices that display sacred texts in a digital format, a practice that is increasingly frequent among Neo-Pentecostals but is poorly regarded among Historical Protestants. The latter perceived this experience as invalidating the testimony of the converted, because when the digital format overrides the materiality of the sacred book, the conversion test ceases to be literally tangible for this group.

**Table 9.1** Religious practices

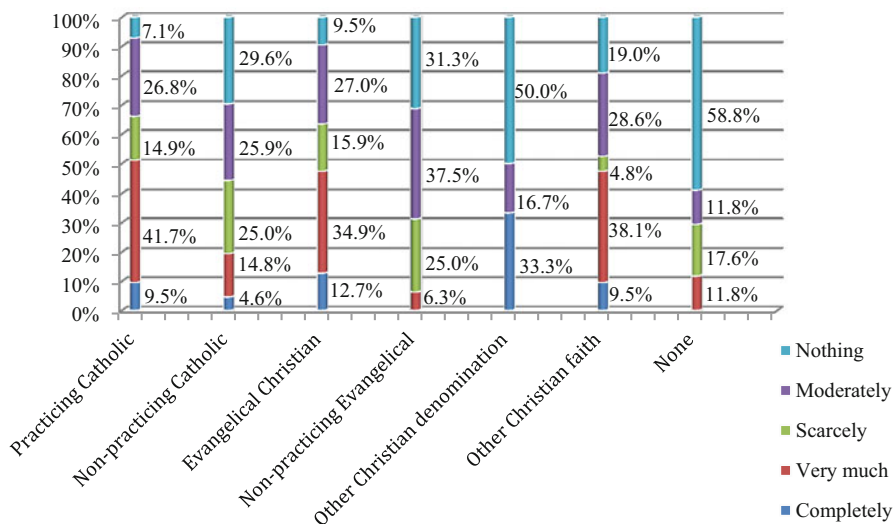
<i>Attendance of mass every Sunday</i>	
Yes	37.5 %
No	62.5 %
<i>Attendance of mass 5 times or fewer per year</i>	
Yes	40.8 %
No	59.3 %
<i>Attendance of Christian worship every week</i>	
Yes	24.5 %
No	75.5 %
<i>Participation in a pastoral group</i>	
Yes	21.5 %
No	78.5 %
<i>Participation in a Christian ministry</i>	
Yes	21.3 %
No	78.8 %
<i>Prayer</i>	
Yes	85.3 %
No	14.8 %
<i>Meditation</i>	
Yes	58.8 %
No	41.3 %
<i>Yoga</i>	
Yes	3 %
No	97 %
<i>Fasting</i>	
Yes	35.3 %
No	64.8 %

The research carried out in the focus groups identifies a minority of practicing Catholics, Evangelical Christians, and other non-Christian faiths whose practice is “virtuous”—in other words, it fully meets the standards set by their religious institutions. These believers perform a series of individual and collective tasks that allows them to establish a link between the community and their respective rituals, usually through campaigns of evangelization. Evangelical Christians are committed to this practice through their strategy of establishing new Neo-Pentecostal churches. This strategy is highly competitive because they must pinpoint surrounding Evangelical churches in order to identify unoccupied geographic areas, in a fairly short range, where the only possible competition is the Catholic Church. These are known as “white spots”—or empty spaces—that, according to the Neo-Pentecostal perspective, need to be filled. The strategy’s detail shows how the growth of these churches is analogous to that of the rhizome, an illustrative concept by Deleuze and Guattari (1980), which can be applied to the model of expansion and growth of Neo-Pentecostal churches that lack a unifying core.

The daily journey of Evangelical Christians is defined through prayer, but music also plays a key role during religious services. The Historical Protestant sample interviewed in the focus groups emphasized the importance of religious hymns’ lyrics, prioritizing the doctrinal message and direct references to the biblical text in contrast to music that features contemporary rhythms that, for these participants, reduces the ritual’s solemnity. Nonetheless, Neo-Pentecostals’ musical innovations alter this type of traditional communication and connect the mundane with the sacred by giving priority to the musical form over the doctrinal background. In general, both Evangelical groups critique the practice of the “holy vomit” and seizures that are carried out in some of the mega Neo-Pentecostal churches as ritual; however, Neo-Pentecostal believers continue claiming *glossolalia* as a divine manifestation.

With regard to practicing Catholics, the core of this group becomes the guardian and the transmitter of rituals by establishing a bridge between tradition and renewal manifested, according to data gathered in the focus groups, by a renewed commitment to attendance at Sunday mass and, following the example of Evangelical Christians, through “door to door” evangelization.

However, non-practicing Catholics—such as those who have converted to a non-Christian faith or are considered to have no religion—reveal the psychosocial mechanism hidden beneath the predominant rituals of Catholicism. The focus groups highlighted the superficiality of compliance with religious practice and noted that a lack of clear self-identification with these rituals—which they considered cold, boring, and lacking social interaction—were characteristics that contributed to their eventual departure or conversion. Thus, specifically among non-practicing Catholics, a double discourse takes place where the appearance of the action (i.e., fulfilling the baptism sacrament) has more importance than the doctrinal content assigned to the ritual. This reveals the core values of this group: they self-identified more with the socio-cultural meaning attributed to the practice than with its religious meaning, due to the fear of eventual social disqualification for failure to fulfill the practice.



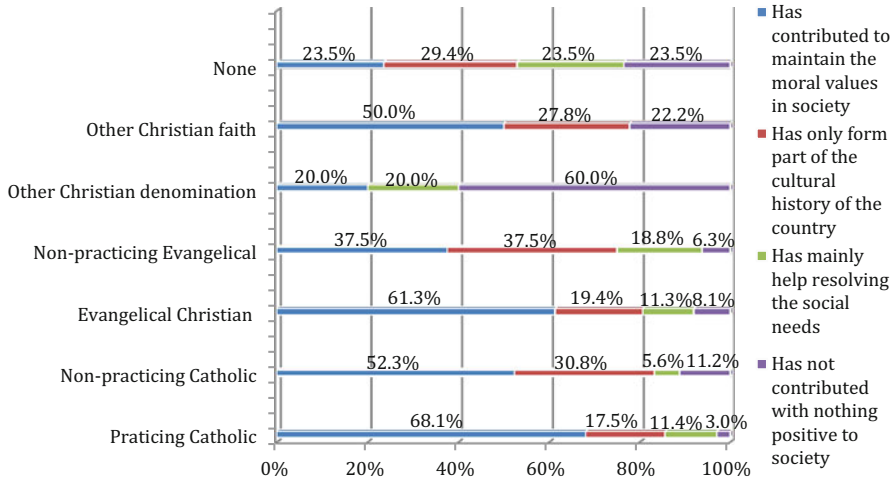
**Fig. 9.4** Affiliation and influence of religious leaders in everyday life

The findings of the survey show that religious leaders tend to have a greater influence on the daily lives of women compared with men, especially for Catholic practitioners and Evangelical Christians (Fig. 9.4).

Both practicing Catholics (41.7%) and Evangelical Christians (34.9%) report being greatly influenced by their religious leaders in their daily lives. For the majority of non-practicing Catholics, their leaders do not influence them at all (29.6%); for those who do not have any religious affiliation, a strong majority (58.8%) indicated they are not influenced by religious leaders; while for non-observant Evangelicals, their leaders’ influence is average (37.5%).

### 9.3 Moral, Sexual, and Reproductive Autonomy

Legislation in Costa Rica favors a Christian ideology on sexuality in that it seeks to preserve the family and “life” through the reconstitution of a so-called natural order through marriage. This order has patriarchal attributes (reproductive, heterosexual, and monogamous) that emphasize the traditional division of sex/gender roles, while maintaining the subordination of women, all under a religious guardianship that does not accept internal challenges (Fuentes Belgrave 2012). A double standard is created as a result of this situation; religious norms are followed in the public space, while a series of behaviors conflicting with tradition are developed in private life. In this regard, institutional dissent from non-practicing Catholics is revealed, which constitutes consensual disagreement with conservative practices, resulting in a double standard about which I will say more below. There are glimpses of the



**Fig. 9.5** Affiliation and opinion about the role of religion in Costa Rica

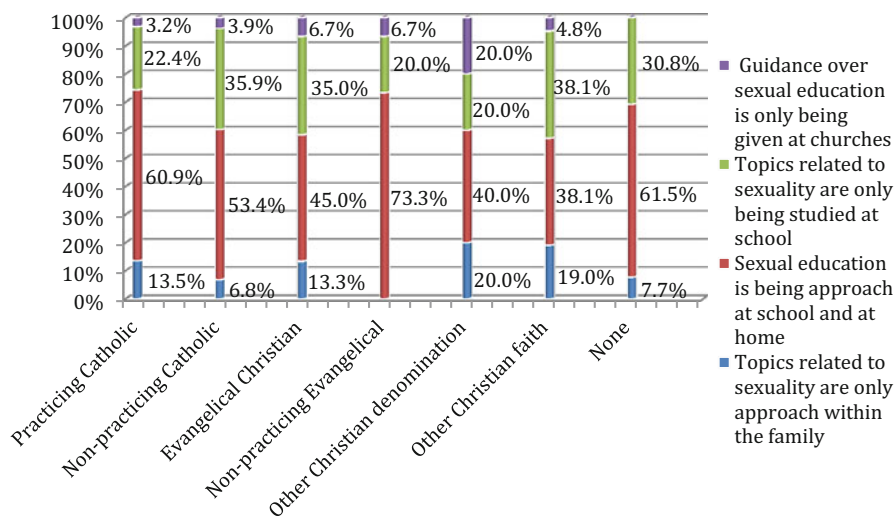
development of a secular morality, understood as the progressive separation between morality and religion, providing a common base of humanism that protects both the rights and freedoms of every individual. However, the results of the study demonstrate that a strong majority of believers consider religion to be a major contributor to the preservation of moral values in society (Fig. 9.5).

Secular morality is the second most mentioned answer in the telephone survey, in response to the question about which religion has only partially contributed to the cultural history of Costa Rica. It is possible that between the largest groups of believers (practicing and non-practicing Catholics and Evangelical Christians), this opinion represents a burgeoning secularism. However, the key to the double standards lies in what has not been said and keeping sexual practices that surpass the bounds of religious norms hidden in the privacy of individuals' lives.

According to what participants have expressed in the focus groups, the apparent reconciliation of the religious conflict that produces the double-standard mechanism is not free of causing guilt among those who have internalized the religious norms, non-believing partners, and divorced people. This is because, in these cases, the religious principle becomes a social deception in relation to the actual practice and therefore represents a contradictory model of individual differentiation, which particularly affects non-practicing Catholics and requires measures of modernization, the acceptance of divorce, and flexibility on sexual matters from the Catholic Church.

This modernization has not been put into practice by the state, whose action on the implementation of sexual and reproductive rights is questionable, given that the first human sexuality guides for high schools, prepared by the Ministry of Education in 1991, were never implemented due to their rejection by the Catholic Church. The





**Fig. 9.6** Affiliation and opinion about addressing sexual education

sexual education program was first taught in Costa Rican classrooms in 2012 but was delayed by opposition from conservative groups who, with support from the Catholic Church and the Evangelical Alliance, filed dozens of appeals for legal protection before the Constitutional Court to postpone its execution. In contrast with the actions and reactions of the religious leaders, the involvement of parents in sexual education programs is considered essential in all strata surveyed by telephone (Fig. 9.6).

Among the focus group participants, this involvement is characterized as either an attempt to counteract recent government efforts in this field, criticized by Evangelical Christians and by practicing Catholics, or conversely to establish a channel of communication on these issues with young people—a perspective highlighted by other affiliations. While traditional morals are encouraged in the first option, in the second, secular morals appear where high school looms as an opportunity to discuss this issue within the family, since possibilities of addressing sexual education through only the family or the churches are limited.

The use of contraceptive methods was explored in the focus groups and not the survey. Contraception is accepted with reservations by practicing Catholics and Evangelical Christians, who only endorse natural methods and methods that do not affect the implantation of the embryo, respectively. The other groups who were investigated show no objection to the use of these types of methods.

Regarding the practice of abortion, there was predominantly unity against it since for practicing Catholics and Evangelical Christians this tends to be an unforgivable procedure (Fig. 9.7).

However, both the survey and the focus groups reveal that in extreme situations, where a woman may die when giving birth, there is a separation between the two types of morality: religious morals are in absolute opposition to abortion while sec-

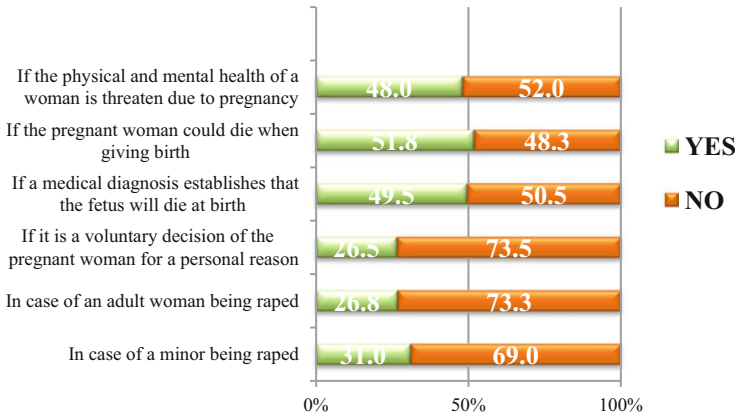
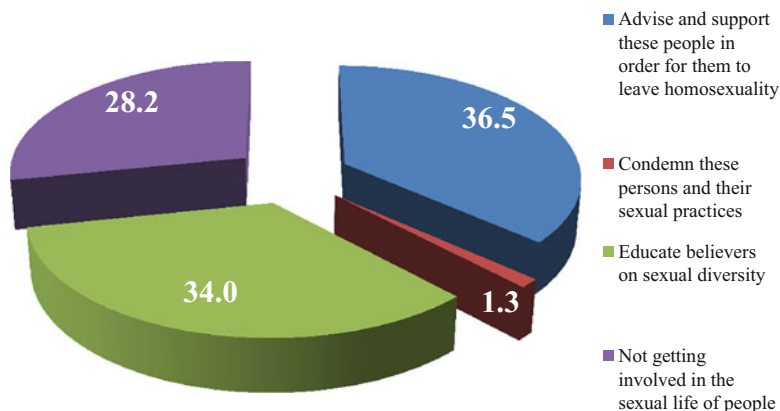


Fig. 9.7 Do you consider acceptable or not the interruption of pregnancy?

ular morals are in favor of it. As for other possible grounds for therapeutic abortion, such as when pregnancy threatens the integral health of a woman, in cases of abuse and rape of girls or adults, or if there are fetal malformations incompatible with life outside the womb, some believers agree that an abortion is a possible option. These are minority percentages in the sample, but are relatively high for a topic considered taboo in Costa Rica.

Since 1970, Article 21 of the Costa Rican Penal Code has established a single exception to the penalization of abortion: “unpunished abortion,” also known as therapeutic abortion, which permits the procedure “in order to avoid a threat to the life or health of the mother.” However, therapeutic abortions are performed only occasionally due to the lack of a medical protocol that clarifies in which cases it should be performed, and because of the religious beliefs of health staff. In addition, potential prison sentences both for the women and for the health staff involved in an unsanctioned abortion (with or without consent of the women, and induced), make the procedure inapplicable in practice (Fuentes Belgrave 2012).

Laws do not necessarily reflect the social imaginary, as the survey shows that people 55 years old and older are more accepting of abortions in cases where there has been the rape of a minor, while those within the 25- to 34-year age bracket mostly approve abortion in cases of adult rape. The believers who were more accepting of the different grounds for abortion were mostly Catholic non-practitioners, specifically men, who admit that there are circumstances in which religious dogma cannot be applied without knowing the particularities of the case of each woman. In other words, the focus groups show the relevance of the circumstances surrounding a pregnancy as being more important than simply the existence of a pregnancy. From this perspective, exceptional circumstances and urgency are recognized as norms that should influence therapeutic abortion. Voluntary interruption of a pregnancy is given less support, but it is remarkable that there is not a sole position on the issue of abortion, as evidenced by religious leaders’ statements and what has become a recurring theme in presidential elections. Regardless of their religious



**Fig. 9.8** Attitude of churches toward homosexual and lesbian persons

affiliation, the opinions on abortion all reflect some favorable percentage—greater than 14 %—in relation to the grounds referred to above.

In the Greater Metropolitan Area, in which most of the services offered in Costa Rica are concentrated (as well as approximately 60 % of its population in about 4 % of its territory), there are more active religious practitioners than non-practitioners, as well as a majority of people without a religious affiliation. Thus geographic location mattered in this study: in the Greater Metropolitan Area a majority of those who approve of abortion in cases involving the rape of a minor trump those who condemn it. Similarly, in the case of a fetus dying at birth or where a woman may die giving birth, the findings are the same. Such a phenomenon sets a socio-geographical difference that defines the scope of religious morality in the Greater Metropolitan Area in comparison with the less urbanized and rural areas.

Furthermore, a gay, lesbian, bisexual, transsexual, transgender, or intersex person who has been brought up within Catholicism or Protestantism becomes by default a non-practitioner, in the absence of a ritual that allows them to integrate into the religious community without suffering discrimination, as explained by the focus group participants. This type of person reformulates her/his beliefs and eventually some practices, or completely gives them up.

In this area, the focus groups support the results of the survey. The majority of Evangelical Christians envision the inherent contradiction between preaching an “open door” policy to sexually diverse populations within their churches, and then strictly following the biblical text that forbids them entrance to the “Kingdom of Heaven.” This also demonstrates the double standards prevailing among religious believers that, for Catholic practitioners, establish rules for apparent sexual deviation and, to that extent, accept the sexually diverse population as long as they refrain from any sexual practices. In this regard, those who do not have any religious affiliation, as well as those who profess non-Christian beliefs, express a greater openness to sexual diversity insofar as the expression of sexuality takes an extraneous place to their beliefs or their non-belief, or it is not regulated specifically through religion (Fig. 9.8).

The survey results show that 36.5% of those interviewed mainly think that churches should offer advice and support for people to end their homosexuality, but 34% held that believers should be educated about sexual diversity. For 28.2% of those surveyed, churches must not get involved in people's sexual lives, and only 1.3% felt that churches must condemn these people and their sexual practices. The fact that a significant percentage of participants encourage churches to educate their congregation on sexual diversity may be understood as a heteronormative prevention measure, or as an interest and openness toward the sexually diverse population. A bill of law regarding civil union between persons of the same sex was submitted to the Legislative Assembly in 2006 but has not yet been discussed.

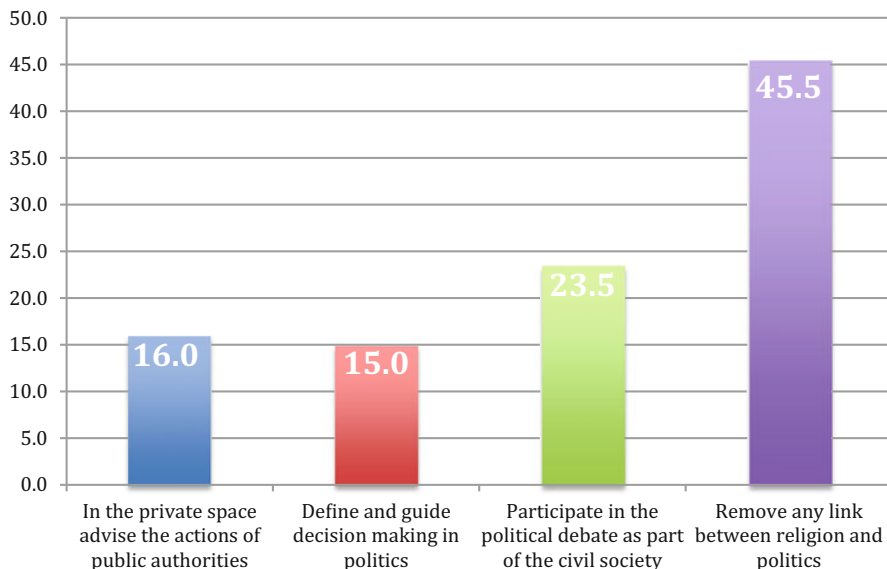
This study also reveals that higher education does not seem to contribute to the development of secular morals in Costa Rica, except in the case of more educated men, who tend to agree more on the grounds of abortion due to fetal malformations incompatible with life outside the womb, or when the woman is at risk of dying when giving birth. Although people with college educations are the ones who are more supportive of churches providing education about sexual diversity, this aspect represents a small percentage difference.

In Costa Rica, there is a high college enrollment rate: according to the National Household Survey of 2012 (INEC), among the participants 15 years of age or older, or among 3,630,695 million people, only 147,799 had no college education, and 649,934 had undergraduate and graduate degrees. Subsequently, we can conclude that advancements in the Costa Rican education system do not necessarily secularize the mindset of citizens. This is probably because the education system has not implemented secularism in its curriculum, thus creating a lack of secular public education. Religion, from a Catholic perspective, continues to be taught in public schools at the elementary and secondary levels.

## 9.4 Perceptions About the Link Between Religion and Politics

Relations between the Spanish Government and the Catholic Church, built across the Royal Patronage since colonial times, has historically nurtured the convergence of politics and religion in Costa Rica, through a link of mutual empowerment between political society and religious authorities, now including Evangelical pastors and leaders. For this reason, it seems surprising in terms of political secularism—in all affiliations found in the survey—that the opinion of the majority favors elimination of the link between religion and politics, with 45.5% in support, followed by the opinion that religion should participate in political debates as part of civil society, with 23.5% in support (Fig. 9.9).

The trend toward the desire to eliminate the relationship between politics and religion can be linked to believers and non-believers recognizing the instrumentalization of religion in the political arena, recently visible in the case of the increased

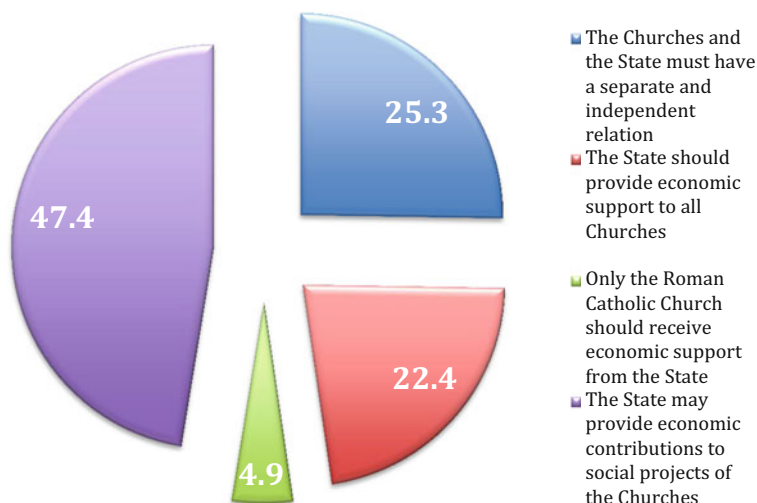


**Fig. 9.9** The best alternative in the religion with politics relationship

support for Evangelical parties. It also stems from the need for a differentiation between institutional domains and for an analysis of political agendas, as expressed by focus group respondents who stress the denial (at least discursively) of the traditional alliance between political elites and religious hierarchies.

The internalization of moral values through Christian beliefs, mainly by Catholics, but now driven further by Evangelical churches and legislators, is part of the Christian cultural matrix that has ramifications extending throughout society. This internalization of Christian values in politics seems to also be present in those groups surveyed who believe that religion must guide the decisions of civil servants in the private sphere or that it must define and guide decision making and policy in the public sphere. Religious pluralism is limited; therefore, the religious menu of options that have greater political visibility and greater electoral profitability are those that reflect more accurately the traditionalism of the cultural matrix.

According to the results of this research, the believers' vote currently relates specifically to the moral *locus* of sexuality and reproduction in the political platforms of candidates, which seems to have had repercussions in the election of more legislative representatives of Christian faith in the 2013 elections. The defense of Christian morality is revealed to be the main factor that mobilizes the believers' vote in the situation of a "crisis of latent sense" (Berger and Luckman 1997). This is reflected in the analysis of the speeches and political actions by believers interviewed in the focus groups, in light of its literal coherence with the sacred texts, but mainly in accordance with the moral precepts indicated by the religious authorities.



**Fig. 9.10** Relationship between the Costa Rican state and the different churches

The strength of the confessional state thus lies in the moral field, because Costa Rica recognizes Catholicism as the state religion according to Article 75 of the Constitution. Therefore, the state contributes to its maintenance, without preventing the free exercise of “other faiths that do not oppose to universal morality or good practices.” In this sense, in terms of the state–church relationship, most of the people who were surveyed opted for the state to support social projects for the churches. The exceptions to this were those of “other Christian faith” and those who declared no religious affiliation, who mostly support a separate and independent relationship between churches and the state—a very similar percentage to those with the opinion that the state should economically support all churches. Notably, in the case of women only, their support of a separation between church and state is directly proportional to the increase in their educational level (Fig. 9.10).

The majority of responses indicate a growing demand for the need to regulate the relationship between the state and all churches, and not only the Catholic Church. This raises the possibility of establishing a secular state. The challenge has been to overcome the dichotomy of an atheist/confessional state that the leaders of the Catholic and Evangelical Churches have promoted, ever since the submission and accelerated removal of a bill of law in 2009, which aimed to reform the aforementioned constitutional article. A new bill of law submitted in 2012 with the same objective is not even mentioned in the pending projects due to be discussed at the Legislative Assembly.

The secular state has not been able to be fully understood, which includes, according to Milot (2008), the neutrality of the state, the independence of political and public institutions in relation to religious standards, freedom of conscience and religion, and equality of individuals with different convictions. As reflected by the

focus groups, the establishment of a secular state in Costa Rica, with the characteristics described above, could apparently converge in an agreement that also comprises a financial grant specifically allocated for the churches' social projects.

Nevertheless, the specific criticism in the focus groups concerned the social bonding strategies developed by the churches, which are focused on promoting religious clientalism, with the public budget or private funds. It is necessary to mention that the relationships developed since the colonial age encouraged in this sense political-religious despotism. In particular, the Neo-Pentecostal pastors who preach the theology of prosperity adhere to this corporate logic, which includes the promise of earthly salvation goods in exchange for more goods. The success of the religious enterprise in this case, reflected in an "overabundance" of goods and of believers, was conceived of as proof of divine blessing on the religious work, and was strongly criticized among Evangelical Christians.

## 9.5 Conclusions

Costa Rica is in the process of an intergenerational change, where Evangelical Christians and people without religious affiliation, especially those in younger age ranges, seem to be slowly beginning to withdraw from the Catholic control in the religious field, related to what Bastian (2013, 94) characterized as "a difference from effervescence in monopoly to effervescent pluralization." Meanwhile, due to the preservation of religious education with a Christian perspective in elementary and high schools, progress in the educational system has not necessarily secularized practices nor morality, as Christian conservatism permeates all levels.

In this sense, a nominal legacy of religious affiliation persists, especially among non-practicing Catholics, for whom membership is an inherited familial trait that lacks a substantial relationship with the church as a religious institution. This nominal identity, however, remains relevant for Catholics and Evangelical Christians in general, because it allows for their integration into the social fabric of a community of citizens that favors its Christian foundations.

Meanwhile, for a significant number of practicing believers, their legacy comes from a religious militancy, while for others—including institutional dissidents—the development of their own spirituality represents a mechanism that breaks the cycle of guilt established by the precepts of faith internalized by believers.

The research results reveal that the moral standards of the religious are expressed in gender inequality between women and men, since women are higher in the ranks of believers and practitioners, following more rigorously institutional precepts and the voices of religious authorities who largely reject their right to sexual and reproductive health. Male believers and practitioners are shown to more often adopt double standards, since most of them prefer churches that do not get involved in people's sexual lives.

On the other hand, the study shows that when politics tries to join with religion it becomes an unwanted pairing, at least discursively, for a majority of the popula-

tion of the confessional Costa Rican state, and when it binds to a specific agenda (i.e., related to abortion and same-sex marriage), moral principles preached by religious leaders are triggered among believers.

According to Côté (2003), the state can determine the scope of religion in two ways: by privatization or through the transformation of religion's disclosure mechanisms—for instance, leaving religious options to compete in a religious market where the state is not a guarantor of any one in particular. Nonetheless, the preservation of a confessional Costa Rican state, even against the will of a significant percentage of the population, prevents any movement in this regard.

Due to their history and symbolic capital, the Catholic and Evangelical Churches tend to position themselves as public authorities, which excludes not only the importance of promoting community models of secular organization, where social development initiatives establish religious proselytism, but also the obligation of the Costa Rican state to regulate the religious field—a possibility that is thus far non-existent.

## References

- Acuña Lizano, Z. (2001). *Pensamiento de la Iglesia Católica Costarricense sobre neoliberalismo y proceso de globalización económica*. Master's thesis, Universidad Nacional de Costa Rica, San José.
- Amaya Alvarez, M.. (2002). *Mujeres de iglesia protestante en Costa Rica: un estudio de caso*. Master's thesis, Universidad Nacional and Universidad de Costa Rica, San José.
- Banco de Datos en línea. (2013). *Latinobarómetro*. <http://www.latinbarometro.org>. Accessed 20 Apr 2014.
- Basilio Alfaro, H. (2010). *Prohibición de la participación política de los grupos religiosos y seglares, a partir del análisis jurídico de la resolución de las 9hrs del 10 de Agosto del 2007 número 1948-E-2007 y la resolución de las 15 hrs del 27 de Agosto del 2007 Número 2156-E-2007, ambas del Tribunal Supremo de Elecciones*. Bachelor's thesis, Universidad de Costa Rica, San José.
- Bastian, J.-P. (2013). Pluralización religiosa y lógica de mercado en América Latina. In M. A. Cuadriello & M. T. Kuri (Eds.), *El fin de un sueño secular. Religión y relaciones internacionales en el cambio de siglo* (pp. 91–112). Mexico D.F.: El Colegio de México, Centro de Estudios Internacionales.
- Blanco, G. (1987). *Iglesia Católica costarricense y pastoral social*. Master's thesis, Universidad de Costa Rica, San José.
- Berger, P., & Luckman, T. (1997). *Modernidad, pluralismo y crisis de sentido. La orientación del hombre moderno*. Barcelona: Ediciones Paidós.
- Bibby, R. W. (1990). La religion à la carte au Québec: by une analyse de tendances. *Sociologie et Societes*, 22(2), 133–144.
- Campos Guadamuz, Á., & Rodríguez Calvo, M. (1986). *Religión e ideología: análisis psicosocial de la práctica religiosa de tres denominaciones pentecostales del Área Metropolitana de San José*. Bachelor's thesis, Universidad de Costa Rica, San José.
- Carrillo García, E. (2004). *Caracterización de los procesos comunicacionales en dos congregaciones pentecostales de San José*. Master's thesis, Universidad de Costa Rica, San José.
- Chacón Alvarado, M. del S., & Fernández Velázquez, Z. (1997). *La identidad de la mujer asignada a las feligresas de la iglesia Asambleas de Dios*. Bachelor's thesis, Universidad Nacional de Costa Rica, San José.



- Cordero Camacho, M. (2003). *Mujeres cristianas practicantes: relación entre la doctrina-praxis de sus comunidades religiosas y su vivencia de violencia doméstica*. Bachelor's thesis, Universidad de Costa Rica, San José.
- Cortés Campos, A. M. (2001). *El sincretismo de la religión de Mama Chi entre los Ngöbes del sur de Costa Rica*. Master's thesis, Universidad de Costa Rica, San José.
- Côté, P. (2003). Autorité publique, pluralisation et sectorisation religieuse en modernité tardive. *Archives de sciences sociales des religions*, 121, 19–39.
- Davie, G. (1993). Believing without belonging: A Liverpool case study. *Archives des sciences sociales des religions*, 81, 79–89.
- Delgado González, M., & Jiménez Murillo, Y. (1990). *El papel social del Movimiento de Renovación Carismática en la Iglesia Católica costarricense*. Bachelor's thesis, Universidad de Costa Rica, San José.
- Deleuze, G., & Guattari, F. (1980). *Capitalisme et Schizophrénie 2. Mille Plateaux*. Paris: Minuit.
- Faerron Ángel, A. Lucía. (2002). *La educación para la sexualidad en el contexto de la sociedad costarricense: análisis del proceso de diseño y gestión del programa amor joven 1998–2001*. Master's thesis, Universidad Nacional and Universidad de Costa Rica, San José.
- Fernández González, A. (1993). Iglesia católica y ajuste estructural: Dilemas y conflictos. *Ciencias Sociales*, 61, 87–95.
- Fuentes Belgrave, L. (2012). *L'autonomie reproductive au Costa Rica et au Nicaragua: un talon d'Achille dans le processus de laïcisation*. PhD dissertation, École Des Hautes Études en Sciences Sociales (EHESS), Paris.
- Fuentes Belgrave, L. (2015). *La tibieza de quien peca y reza. Cambios en las creencias religiosas en Costa Rica. Informe final de resultados de investigación*. San José: Sebila/Escuela Ecueménica de Ciencias de la Religión, Universidad Nacional de Costa Rica.
- Hervieu-Léger, D. (2004). *El peregrino y el convertido. La religión en movimiento*. Mexico D.F.: Ediciones del Helénico.
- INEC. (2012a). Resultados generales de población y vivienda del censo 2011. <http://www.inec.go.cr/Web/Home/pagPrincipal.aspx>. Accessed 24 Oct 2014.
- INEC. (2012b). Encuesta Nacional de Hogares 2012. <http://www.inec.go.cr/Web/Home/pag-Principal.aspx>. Accessed 24 Oct 2014.
- Maroto Vargas, A. (2012). *Los procesos de construcción de la legitimidad en las relaciones Estado-Iglesia católica en Costa Rica, 2007–2010*. Master's thesis, Universidad de Costa Rica, San José.
- Martín-Barbero, J. (1992). Modernidad y postmodernidad en la periferia. *Politeia Universidad Nacional de Colombia*, 11, 90–95.
- Milot, M. (2008). *La laïcité*. Ottawa: Université Saint Paul, Novalis.
- Poltronieri, J. (2011). Proyecto de Investigación Estructuras de la Opinión Pública. Comunicado de prensa. Encuesta de opinión pública XXIII – 2011 Panorama global. [http://www.cimpa.ucr.ac.cr/encuesta/Encuesta\\_de\\_Opinion\\_Publica\\_2011.pdf](http://www.cimpa.ucr.ac.cr/encuesta/Encuesta_de_Opinion_Publica_2011.pdf). Accessed 4 Mar 2013.
- Rojas Alvarado, & Luis Alejandro. (1997). *Las guías didácticas de sexualidad humana: breve reseña de la participación de la Iglesia Católica Costarricense en la polémica*. Bachelor's thesis, Universidad Nacional de Costa Rica, San José.
- Rojas Rojas, & Jorge Alberto. (1989). *La vigencia del mensaje pentecostal en la zona Atlántica Costarricense*. Bachelor's thesis, Universidad de Costa Rica, San José.
- Sánchez Rojas, A. L., & Ponce Serreno, O. R. (1989). *La mujer en la iglesia protestante fundamentalista: un estudio de casos*. Bachelor's thesis, Universidad Nacional de Costa Rica, San José.
- Solano Chaves, D. E. (2012). *Los católicos no practicantes, sus prácticas religiosas y sus significados. Un estudio de caso en Curridabat*. Bachelor's thesis, Universidad de Costa Rica, San José.
- Quesada Cordero, C. (2008). *Proceso de cambio cultural en la Iglesia Católica vinculado con la espiritualidad y la representación del cuerpo entre estudiantes católicos de la Escuela Ecueménica de Ciencias de la Religión de la Universidad Nacional (UNA), Costa Rica, 2007*. Bachelor's thesis, Universidad de Costa Rica, San José.

- Quesada Cordero, C. (2012). Familia y heteronormatividad: Acontecimientos históricos y la doctrina sexual de la Iglesia católica en Costa Rica. *Anuario de Estudios Centroamericanos Universidad de Costa Rica*, 38, 305–328.
- Tapia Balladares, N. (2003). *Construcción de la subjetividad masculina en experiencias religiosas concretas* (Final report, no. UCR-VI-IIP-723-96-285). San José: Instituto de Investigaciones Psicológicas, Universidad de Costa Rica.
- Ulloa Brenes, G. (2006). *Identidad religiosa en el contexto institucional católico costarricense. Aportes para una aproximación psicocultural al lenguaje religioso de la identidad*. Master's thesis, Universidad Nacional de Costa Rica, San José.
- Valverde Manzanares, C., & Walker Morera, L. (2005). *El movimiento de la Iglesia Católica Reformada en Costa Rica: un acercamiento antropológico a su propuesta y a la dinámica de sus comunidades en el país*. Bachelor's thesis, Universidad de Costa Rica, San José.
- Valverde, J. (1990). *Las sectas en Costa Rica: pentecostalismo y conflicto social*. San José: DEI.

# Index

## A

Argentina, 3, 6, 10, 13–15, 25, 29, 57–70, 102–107, 109, 112, 113, 115, 120, 142–144, 147–153

## C

Catholic Church, 1–8, 10, 13–15, 21–39, 45–47, 58–60, 65, 75, 78, 81–83, 86, 91, 93–97, 102, 103, 108, 109, 111, 114–116, 119, 120, 123–125, 128, 129, 133, 135–138, 144, 147, 150, 152, 157, 158, 165, 167, 169, 170, 173, 175

in Latin America, 21–39

Conservatives, 8, 12, 15, 16, 22–24, 26, 27, 29, 30, 32, 36–38, 60, 61, 64, 82, 84–86, 91, 93, 108, 123, 124, 129, 130, 132, 133, 135, 143–146, 149–153, 162, 168, 170

Costa Rica, 3, 6, 10, 16, 26, 85, 157–163, 165–169, 171–174, 176, 177

## E

Evangelicals, 2, 3, 7–13, 15, 16, 24, 34, 37, 74, 80, 82, 84, 86, 88, 90, 93, 94, 96, 97, 116, 125, 129, 142–153, 159–165, 167–170, 172–177

## H

Human rights, 15, 24, 35, 70, 82, 84, 85, 94, 95, 98, 123–139, 144, 146, 149, 151

## I

Institutional arrangement, 45, 47–49, 52

Integrism/fundamentalism, 38

## L

Laicism, 4, 14–16, 44–56

LGBTI, 8, 12, 13, 15, 38

Liberal Laicism, 14, 47, 48, 50–56

Liberation theology, 25, 37, 124, 127–129, 144, 151, 152

## N

Nineteenth century liberalism, 22, 25, 26, 29, 30, 60, 157

## P

Peronism, 63–69

Peru, 3, 6, 10, 13, 23, 32, 34, 81, 125–128, 131–133, 135–139

Pluralism, 2, 11–13, 36, 39, 44, 45, 50, 52–56, 68, 74, 94, 142, 149, 152, 164, 165, 174

- Politics, 1–9, 11–16, 23, 28, 34, 38, 44, 48–51, 54, 63, 66, 69, 83, 94, 97, 102, 115, 120, 129, 142, 143, 150, 153, 159, 162, 163, 173–176
- Poverty, 30, 37, 124–135
- R**
- Religion, 4–9, 12, 22, 24–36, 38, 39, 44–51, 53, 54, 56, 60, 65, 69, 70, 73, 74, 77–83, 86, 94, 96–98, 102, 103, 109, 115, 120, 143, 150, 153, 157–159, 161–165, 167, 169, 172–177
- Religious establishment, 22, 24, 25, 29, 31, 46
- Religious freedom, 21–39, 46, 74, 75, 82, 93, 169, 175
- Religious neutrality, 34, 46, 47, 49–53, 175
- Religious pluralism, 2, 11, 39, 44, 45, 50, 52, 54–56, 74, 93, 97, 164, 165, 174
- Republican laicism, 51, 53
- S**
- Secular state, 60, 81, 82, 85, 88, 95–98, 165, 175, 176
- Secularism, 5, 68, 73, 76, 77, 79, 95, 125, 158, 163, 165, 169, 173
- Secularization, 4–6, 9, 58, 64, 66, 68, 69, 76, 77, 93, 95, 97, 98, 118, 173, 176
- Separation between church and state, 5, 8, 24, 25, 29, 46, 48, 49, 52, 66, 78, 81, 126, 175
- Sexual and reproductive rights, 8, 12–13, 15, 36–38, 74, 85, 86, 89, 94–96, 98, 104, 105, 108, 118, 128, 134, 135, 137, 142, 158, 169
- Sexual education, 15, 23, 102–121, 134, 142, 144, 170
- Sexuality, 2, 7, 8, 12, 13, 15, 16, 36, 38, 39, 73–93, 95–98, 103–105, 108–111, 117, 118, 124, 128–131, 133–135, 152, 162, 163, 168, 169, 172, 174