

Sexuality, Religion and Politics in Latin America

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Introduction

Against the expectations of modernity, sexuality and religion are two issues crucial to understanding contemporary politics. If modernity, as an ideological project, sought to relegate both, albeit in different ways, to the private sphere, and thereby depoliticize them, in actuality, the opposite has occurred. On the one hand, sexuality has become an indisputable dimension of national and international politics, breaching the public–private divide and inscribing new meanings of democracy and justice. Far from being confined to the private sphere, sexuality is debated as one of the major dimensions stratifying society, causing marginalization and what might be understood as failed citizenships. Nor has religion fulfilled its intended destiny of being inexorably placed outside politics. It is urgent for social scientists to (re)think the boundaries, once clear and undisputed, between religion and politics. In international relations, family law, immigration policy, electoral politics, and many other areas, the voice of religion is not only present, it has a powerful influence on the final decision.

The politicization of both sexuality and religion needs to be understood in all its many ramifications because the politicizing of sexuality and the reopening of discussions around its legal boundaries

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and cultural regulation inevitably mean debating the role of religion in contemporary societies. Far from withdrawing, religion is still a crucial force in most countries in the world, and it is precisely in the debate over the legal and moral strictures of sexuality that its presence is felt most palpably. However, policies granting greater sexual freedom have also provoked changes within the religious domain. Religions are not entirely reactionary and important religious actors and discourses sustain positions favorable to sexual freedom and diversity. Religious thinking responds to particular social contexts, and while some religious sectors have intensified their defense of a rigid stance towards sexuality as a way of exerting broader social control, others have found doctrinal grounds in religious beliefs and principles to defend positions favorable to feminism and sexual diversity.

The interactions, overlaps, and tensions between religion and sexuality are therefore an important component of contemporary politics. The purpose of this article is to present some analytic and normative aspects of these imbrications as they play out in Latin America. Analytically, the article focuses on the complex ways in which some religious sectors have reacted to the impact that feminist and sexual diversity movements have had across societies in Latin America. The inclusion of sexuality in political agendas has produced a change in the political environment that forced groups identified with Catholicism to articulate new strategies and arguments to influence public debates. The reactions and transformations of conservative religious sectors confronted with the 'advances' made by feminist and sexual diversity movements have produced novel patterns of religious politics that escape traditional analyses. Revisiting previous work (Vaggione, 2005, 2006a, 2006b) this article presents the concepts of *reactive politicization* and *strategic secularism* to illuminate patterns of conservative religious activism that not only transcend the classical religious–secular dichotomy but also define and determine contemporary sexual politics.

The second part of the article presents some normative considerations with regard to the intersections between religion and sexuality. After decades in which normative arrangements tended to confine religious practice to the private sphere, as external to politics, now major contemporary debates

have given more legitimacy to religious actors and discourses in the democratic public sphere. This realignment in the relationship between democracy and religion presents new challenges to feminist and sexual diversity movements, calling into question the rigid and stable boundary between religion and politics that pervades the imagination of these movements. Without disqualifying the central political strategies adopted by these movements – in particular the defense of *laicidad*, referring to the principle of *laïcité* or the separation between church and state – this article underscores the need for those engaged with sexual politics to consider that it is politically inevitable that religion is now enmeshed in public debates about sexuality, in both normative and empirical terms. The changes recently observed in conservative religious activism and the normative transformations that are expanding democratic arenas in ways that incorporate religious voices have created a new panorama for sexual politics. If, as contended in this article, distinct historical contexts present distinct challenges for sexual politics, our main challenge today is to develop more complex analytical frameworks and political strategies to better understand and resist the political force of religion as a legitimate component, at least in some of its manifestations, of the democratic playing field.

A clarification is necessary about the level of generalization adopted in this article, which in responding to the objective of regional dialogue, focuses on Latin America as a region. However, the specificities and differences across the countries of the region make it necessary to underline that the notion of “region” is to a large extent imagined and that any generalization made in the analyses must be considered in the context of more complex and diverse dynamics unfolding at national level. Recognizing these limitations, this article seeks to present some general trends and propose analytical categories and normative challenges that might have relevance beyond specific national contexts.

Reactive politicization: religious actors and arguments in flux

In recent years, Latin America has seen important changes in sexual politics. The inclusion of

sexual and reproductive rights in public debate in various countries implies, among other things, an expanding breach in the edifice of the hegemonic power of the Catholic Church in regard to matters of sexual morality and sexual laws. Historically, the overlap between religion and morality and the confessional nature of Latin American states, which was sometimes formally enshrined in law and sometimes the result of less structured political practices, have created a legal structure for the regulation of sexuality infused with Catholic doctrine. The hegemonic control of the Catholic Church was reflected not only in legislation and public policy but also in its capacity to set the limits of public debate on certain matters. For example, the notions of the Catholic family, natural family and national family were systematically presented as overlapping tropes that silenced potential debates on alternative ways of regulating sexuality. Those in opposition to the Catholic doctrine were systematically portrayed as alien, not just to Catholic morality but also to the nation.

When the demands of feminist and sexual diversity movements began to gain visibility in the region, they were quite often depicted as foreign, responsive to alienating realities that sought to undermine moral and national principles. Religion, morality and legislation on sexuality were reduced to the official position of the Catholic hierarchy. Of course, sexual and reproductive practices that broke with these prescriptions – such as the use of contraception and interrupted pregnancies – were widespread, but were driven underground and relegated to secrecy. The distance between the principles of Catholic doctrine and the behavior of ordinary citizens, a distance that always existed, was rendered invisible and depoliticized.

The growing impact of the feminist and sexual diversity movements has created at least a partial crack in the hegemony of the Catholic Church. The debate over divorce was, in a number of countries, an important first step in the partial dismantling of religious influence on law, as the approval of divorce laws overcame strong opposition on the part of Catholic hierarchies. This crack has further deepened in the new phase of sexual politics inaugurated with the advent of sexual and reproductive rights claims. If the right to divorce succeeded in leaving behind the Catholic

construction of the indissolubility of marriage, the new agenda of sexual and reproductive rights contested the tenets of sexuality constructed and promoted by Catholic authorities, in particular its imbrication with procreation. Public debates, legislative reforms and judicial decisions have gradually eroded the moral and legal framework defined by the Catholic hierarchy and political elites, which restricted legitimate sexuality to the narrow strictures of Catholic doctrine. Through these cracks in the Church hegemony, sexual and reproductive rights have been expanded with varying degrees of effectiveness. Universal access to contraception, sex education, the decriminalization of abortion, and legal protection of same-sex couples are clear signs that the Church's power to limit policies on sexuality is being contested. This is happening because throughout the years, feminist and sexual diversity movements have offered alternative frames to dismantle the imbrication of religion, morality and law that historically functioned as the ideological foundation for a single and dogmatic position on sexuality.

This crack in the hegemony of the Catholic Church, however, does not mean it has ceased to be influential in determining policies in the area of sexuality. On the contrary, as the Church loses the power to control national agendas of sexual morality because feminist and sexual diversity movements have politicized sexuality, "conservative" religious activism has assumed new forms and strategies. The purpose of this section is to analyze this phenomenon. Far from withdrawing from public spheres as progressive sexual politics gained spaces in policy agendas and legal debates, conservative religious activism has strengthened its presence, developing new strategies for regaining, or in some cases retaining, its control over the legitimacy and legality of sexuality. Once the Catholic hegemony over sexual matters began to unravel, conservative religious activism began presenting itself in new and complex ways that require the feminist and sexual diversity movements to understand more fully the new normative and analytical frameworks and revised political strategies.

The recent development of a reactive politicization of religion (Vaggione, 2005, 2006b) challenges

the conventional lenses that have been used to analyze the political and religious power of the Catholic Church in Latin America. Without abandoning its obsession with the control of sexuality, conservative religious activism is rapidly adapting to new political environments created by democratizing processes. It is also giving rise to entirely new social actors to voice its positions and re-constructed arguments to oppose sexual and reproductive rights. The idea of reactive politicization allows us to understand two important dimensions of conservative religious activism. The first is that, in reaction to the gains achieved by feminist and sexual diversity movements, conservative religious groups now view these movements as their main political opponents. This antagonism, as I elaborate below, can assume a mimetic quality. Second, it is important to understand that conservative religious activism is not a mere reaction and retrenchment in orthodox stances, it has also updated its political strategies to oppose sexual and reproductive rights. While retrenching in some ways, the Catholic Church is also systematically adapting to changing political environments and in particular using the institutional channels opened by political transitions to democracy to oppose the claims of feminist and sexual diversity movements.

Two key features of conservative religious activism might be noted as expressions of this reactive politicization. The first is a dual restructuring of the political actors involved. On the one hand, the Catholic hierarchy has adopted a two-front strategy in which it retains its privileges as a religious institution while at the same time claiming rights as a legitimate actor in civil society to be involved in legal and public policy debate concerning sexual and reproductive rights. Concurrently, the phenomenon of religious NGOization is also bringing other actors onto the public stage whose discourse and actions are also crafted to oppose or reverse sexual and reproductive rights. Secondly, the term *strategic secularism* captures various changes in the discourses and arguments used to oppose the demands of feminist and sexual diversity movements. Rather than basing their defense of a restrictive definition of family and sexuality in religious discourses, conservative religious actors are increasingly using legal arguments, scientific data and bioethical considerations (all secular discourses) for public purposes.

The Catholic Church: politics on two fronts

To a large extent, the power of the Catholic Church in contemporary politics derives from its complexity as an organization. The Church is a state (the Holy See, occupying the territory of Vatican City) that has a seat at the United Nations, as permanent observer.⁴² It is also one of the great world religious traditions, headed by the Pope and operating through a network of regional, national and local branches. The Church plays dual roles, as a religious institution and a political actor, which are not always easily distinguishable in practice. Traditionally, the Church has had and continues to have a strong historical and cultural presence in Latin America that gives it a privileged status in relation to other religions.⁴³ These privileges may be formalized as in countries where the Catholic Church receives special legal prerogatives – public financing or participation in state structures – or can also be less formal, merely resting on the delegation of state functions to the Church hierarchy or institutions, particularly in the areas of education, health and family support services. Both types of privileges make it evident that the separation of church and state is an incomplete process in most Latin American countries. If states' capacity to remain autonomous from the church is an important dimension of liberal democracies, in the case of Latin America, this foundational liberal tenet has a long and complicated history (Gill, 1998). It implies that despite the formal separation between church and state, at the level of concrete political practices it is not unusual for the Church to continue determining the content of legislation and public policy. Not surprisingly, policies related to sexuality are precisely the ones most likely to be decided by Church authorities.

The Catholic Church is also an influential political actor on the national and international stage. Apart from being a state in and of itself, the Church claims a right to participate in major contemporary

42 The Holy See, as a permanent observer, has full access to U.N. meetings, conferences, debates and documents (full membership) with the restriction of no voting or putting forward candidates.

43 In terms of legal recognition and economic support.

national public debates. The Second Vatican Council (1962–1965) signaled a new modality of Church politics, based on the acceptance of religious pluralism and state autonomy, which has also meant the reinvention of the Church as a civil society organization. Its acceptance of religious freedom and of separation between religious and state affairs, however, did not signify the privatization of Church practices (Casanova, 1994). On the contrary, as stated in various documents, the Church claims a right to intervene in policies it considers relevant (Paul VI, 1965), with sexuality becoming a main target of the Church's policy attention.

Once issues of sexuality enter the public arena, usually driven by the feminist and sexual diversity movements, the Church routinely participates in the debate, taking a position against sexual and reproductive rights. In doing so, the Church does not speak exclusively in doctrinarian terms or on behalf of the views and interests of the Catholic faithful, it speaks in the name of public morality.. and it reaches out to all citizens. The major documents produced by the Church leadership – particularly the Popes and the Congregation for the Doctrine of the Faith – are not just religious documents outlining the Church's moral position on sexuality; they are also political documents aimed at advising the hierarchy and the faithful on how to intervene publicly in defense of a certain model of family and sexuality.

As a civil society actor that operates in political arenas, when faced with issues such as same-sex marriage or the decriminalization of abortion, “the church has the responsibility to promote family life and the public morality of the entire civil society on the basis of fundamental moral values, not simply to protect herself from the application of harmful laws” (Congregation for the Doctrine of the Faith, 1992). The Church hierarchy influences public opinion systematically through official documents, letters to elected officials, and the use of mass media. These influences are brought to bear on the executive and legislative branches of governments through, for example, letters from Catholic bishops on issues related to sexual and reproductive rights or instructions from the Vatican to Catholic legislators on how to vote on matters such as abortion or same-sex

marriage (Congregation for the Doctrine of the Faith, 2003a). The Church has thus clearly entered a new phase in the last decades of 20th century by defining itself as a moral bastion of humanity in combating “pluralism that reflects moral relativism” (Congregation for the Doctrine of the Faith, 2003b).

This dual role of the Church, as both a religious institution and a political actor, distinguished here for analytical purposes, is constitutive of the Church’s activism in matters of sexuality. It cannot be ignored or reduced to just one of its manifestations. The Catholic hierarchy has not softened its posture with respect to sexuality – in fact, quite the opposite, it has become increasingly dogmatic with respect to sexual matters – but it has modernized its methods to ensure that Church doctrine retains a central role in defining the cultural and legal regulation of sexuality. In its nostalgia for power, the Church may eventually undermine the necessary separation of church and state. We must also recognize that the Church has adapted quite rapidly to democratic structures of debate and governance and is now mobilizing as a political actor in civil society and like any other actor, pressures the state to adopt its positions. This process of “deprivatization” of religion, as defined by José Casanova (1994) makes it necessary for us to recognize the Church as a legitimate player in contemporary sexual politics. Notwithstanding the discussion over whether the influence of religion has increased or decreased, various religious institutions have intensified their participation in contemporary politics through the channels opened to them by democratic systems.

The NGOization of conservative religious activism

A key feature of contemporary conservative religious activism in Latin America is that alongside the traditional role of the Church hierarchy, lay believers have also become central players in the defense of the Catholic doctrine on sexuality. Not only has the Catholic hierarchy re-politicized itself in opposition to feminist and sexual diversity movements, it now calls on the faithful to defend the official doctrine and resist these movements’ demands (John Paul II, 1995). For these believers,

the growing legitimacy of sexual and reproductive rights poses a threat to the traditional order and worldview that they defend, and they have thus organized to resist these demands (Vaggione, 2010).

Latin America sexual politics, therefore, is witnessing a new development with the expanding presence of non-governmental organizations (NGOs) that, with various trajectories and degrees of institutionalization, oppose any legal reform that liberates or diversifies the idea of sexuality. Today large numbers of citizens are mobilizing as religious voices within civil societies to advocate for a dogmatic idea of the family and against legal abortion. From the 1970s on, beginning in the United States and then extending across the continent, a significant number of national and international NGOs were created to defend dogmatic religious doctrine in relation to sexuality and reproduction (Cuneo, 1995; 1997), as exemplified by the growing prominence of self-defined pro-life or pro-family organizations. The primary objective of these organizations is to influence states in all policy debates regarding sexual and reproductive rights.

To achieve their goals, they lobby legislators, participate in public debates, and sponsor regional and international conferences to coordinate their transnational agenda (Vaggione, 2005, 2010). Among other strategies, these groups are also turning systematically to the judiciary. If the courts have long been important arenas to advance feminist rights claims, conservative religious groups are now using judicial strategies to defend traditional values. Many of these religious conservative groups are formally established as associations or NGOs that have the right to initiate lawsuits.⁴⁴ For example, in the face of growing support for the decriminalization of abortion in various countries, these organizations are redoubling legal efforts to declare emergency contraception abortive and

⁴⁴ In the United States, for example, organizations on the religious right have turned to the courts in recent decades, particularly appealing to the right to free speech (Brown, 2002).

thereby ban it, and to obtain conservative rulings on the beginning of life.⁴⁵

In other words, civil societies as the heart of democratic arenas have become a strategic space for the articulation and mobilization of conservative religious activism all across Latin America. As various studies have observed, religion has historically been an important influence in the political mobilization of citizenship. However, this literature focuses almost exclusively on the progressive expressions of religiously mobilized citizens, as exemplified by the defense of human rights under several of the dictatorships that existed in the region in the 1970s and 1980s. But today, just as feminist and sexual diversity movements erupted in civil society to mobilize during re-democratization, religious groups are also organizing as civil society voices to resist and attack advances in relation to sexual and reproductive rights. These citizens, who are highly motivated by their religious identity, are not just against these rights claims but are usually opposed to the very idea of pluralism. Though the political and economic links between these organizations' political and religious institutions, in particular to the Catholic Church, may vary widely, their political actions are normally coordinated with formal religious machineries. Even so, civil society is now a strategic platform from which those defending the official doctrine can also unite and pressure the state, creating a novel political dynamic that breaks with the classical religious-secular dichotomy.

Discursive shifts: the meanings and effects of strategic secularism

Although secularists have constructed religion as irrational and resistant to modernity, today even the most conservative religious sectors have adapted strategically to modern tenets in constructing their political interventions. These religious activists have learned to be smart about interweaving religious and secular arguments to increase their influence and legitimacy. Their opposition to sexual

45 Portal de Belen—Asociación Civil sin Fines de Lucro [a not-for-profit association] against National Ministry of Health and Social Action (*Argentina*), Recurso de Amparo (Appeal on the grounds of unconstitutionality).

and reproductive rights is undoubtedly grounded in religious beliefs, yet they are also crafting their stances on the basis of secular justifications. This means that while direct references to the Bible or the teachings of the Catholic Church may be common in their diatribes, conservative religious activism has also become strategically secular. The use of secular arguments by the Catholic Church, it should be said, is not a novelty, rather it is the continuation of a long tradition.⁴⁶ Even so, it has clearly intensified with the reactive politicization of the Catholic Church against women's rights and sexual diversity. This has become particularly evident since the mid-1990s, when Pope John Paul II began to articulate secular arguments to counteract the "culture of death", a term used since then by Church authorities to characterize demands that aim at legitimizing the distinction between sexuality and reproduction. In the Encyclical *Evangelium Vitae* (John Paul II, 1995), the Pope stated that:

Catholic intellectuals, who are called to be present and active in the leading centers where culture is formed, in schools and universities, in places of scientific and technological research, of artistic creativity and of the study of man. Allowing their talents and activity to be nourished by the living force of the Gospel, they ought to place themselves at the service of a new culture of life by offering serious and well documented contributions, capable of commanding general respect and interest by reason of their merit.

In 1995, the same year this encyclical was issued, Pope John Paul II created the Pontifical Academy for Life, whose mandate is "to study and to provide information and training about the principal problems of law and biomedicine pertaining to the promotion and protection of life, especially in the direct relationship they have with Christian morality and the directives of the Church's magisterium" (John Paul II, 1994).

⁴⁶ One need only cite the influences of St Thomas Aquinas and the importance that the concept of natural law has had and still has on the Church.

Two types of secular justification might be cited as examples of the strategies currently used by the Church and its political basis in Latin America. First, they increasingly justify their doctrinaire positions on the basis of scientific research and data, also relying on modern technologies rather than resorting to religious or moral arguments, a strategy that had been used earlier in the United States (Cuneo, 1995). To oppose the decriminalization of abortion, for example, they use analyses and data produced by scientific research on the beginning of human life and systematically resort to technological images that humanize the fetus. They also constantly refer to an arsenal of studies that attempt to charter scientifically the “negative” consequences of illegal abortion. Pseudo-scientific arguments and data are also used in their arguments against the adoption of children by same-sex partners. These ‘studies’ are designed to demonstrate that homosexuals, either living alone or in couples, are not appropriate parents because their children suffer psychological and social harm. One frequently cited “harm” is that these children will be disabled by the absence of masculine and feminine role models in their lives. Other common arguments allege that homosexual couples lack stability and have higher levels of separation and divorce or that gays and lesbians have a higher incidence of mental illness (Gallagher & Baker, 2004; Universidad Austral, 2010).

Strategic secularism is also evident in the emphasis these religious voices now place on legal arguments. In addition to turning to the courts to politicize issues as mentioned above, the religious right also articulates substantive legal rationales and justifications for its opposition to sexual and reproductive rights. A central argument in these legal struggles is the appeal to natural law as a core principle of modern legal architectures. The notion of the family based on natural law is a fundamental tenet of religious sectors that seek to contest the expanding pluralism of contemporary Latin American societies. The universality and immutability attributed to natural law serve as legal justification to resist any political claim or legal reform that “denaturalizes” the family. The Holy See affirms that:

Every humanly-created law is legitimate insofar as it is consistent with the natural moral

law, recognized by right reason, and insofar as it respects the inalienable rights of every person. Laws in favor of homosexual unions are contrary to right reason because they confer legal guarantees, analogous to those granted to marriage, to unions between persons of the same sex. (Congregation for the Doctrine of the Faith, 2003a)

The Church also refuses the human rights principle of non-discrimination as a basis for recognizing same-sex couples: “Differentiating between persons or refusing social recognition or benefits is unacceptable only when it is contrary to justice. The denial of the social and legal status of marriage to forms of cohabitation that are not and cannot be marital is not opposed to justice; on the contrary, justice requires it” (Congregation for the Doctrine of the Faith, 2003a). Not only do these couples not deserve legal standing but “there are good reasons for holding that such unions are harmful to the proper development of human society, especially if their impact on society were to increase” (Congregation for the Doctrine of the Faith, 2003a). Instead of defending this position with sacred texts or religious doctrine, the strategic move from the religious to the secular is therefore to rely on the concepts of nature. The force of these arguments has, in fact, given rise to a new interpretation of natural law that is frequently used in counterarguments to sexual and reproductive rights (Skerrett, 2007).

Regardless of the veracity of these scientific studies or the merits of these legal arguments, what stands out is that religious activists’ engagement with politics is now done through secular tactics. Strategic secularism as deployed by these forces is at odds with what secularization was supposed to achieve: the gradual weakening of religious influences. This shift in strategy, moreover, does not imply that the Catholic Church and its allies are now more open to negotiation or debate; rather, their arguments retain the dogmatism of their religious convictions. The question, therefore, is not so much the religious or secular nature of the discourse but the openness and pluralism of the debate.

As I sought to demonstrate in the first part of this article, the reactive politicization of conservative religious sectors reveals complex interactions between religion and sexuality. Without denying that the Catholic hierarchy continues to use its privilege as a religious institution or its capacity to influence governments in ways that erode the separation between church and state, we must recognize these new contours of religiosity in sexual politics. The hierarchy claims its inalienable right to participate in politics; the faithful mobilize to defend conservative sexual orders, and the position against sexual and reproductive rights is based on secular justifications. These changes and adaptations challenge not only our analytic approaches to sexual politics but also normative debates about the relationship between religion and politics in modern democracies.

Sexual democracies and religious politics: *laicidad* as a strategy

The role of religion in democratic systems is a crucial academic and political concern. Views on this question vary and have been intensely debated in recent years. One approach that has dominated this field of study for many years posits an irreconcilable tension or opposition between religion and politics. Reflecting the legacy of modernity, in particular its conceptualization of secularity as a constitutive dimension of the public sphere, this analytical approach reinforces the boundaries between the secular and the religious, confining religion in the private sphere. A process of secularization involving a differentiation of social realms and the privatization of religion rests (more or less explicitly) on a normative construction that views politics as a secular space that excludes (or should exclude) religion. The retreat of religion from the public sphere, or its privatization as a key element in the theory of secularization (Casanova, 1994) is not merely used to describe the real processes it seeks to analyze. It is also presented as a normative horizon for contemporary democracies. The political presence of religion in politics is viewed as a sign of incomplete secularization and, as such, a democratic malfunction.

Among the various theoretical frameworks that posit the distinction and autonomy between religion

and politics, *laicidad* has a strong resonance in Latin America. The concept has transcended its geographic and historic origins in France in the late nineteenth and early twentieth centuries, and constitutes a central axis around which the debates on the role of religions in the region's democracies are turning.

Despite its importance, *laicidad* and laicism – the ideology of those who advocate for strict principles of *laicidad* – is not just a contested concept, it is a concept interpreted in very diverse and not always coherent ways. While not the focus of this article, the conceptual vagueness of the term *laicidad* can be illustrated by citing a few of the adjectives that are linked to it that underscore its polysemic character. *Laicidad* can be characterized as republican or democratic (Bauberot, 1994), as militant (anti-clerical) or managerial (Willaime, 2008); as inclusive or exclusive (Diaz-Salazar, 2008); or as healthy or ideological (Pope Benedict XVI, 2006). While used with a broad range of implications as these dichotomies reveal, the concept tends to be used to refer to various linkages between religion and politics and institutional arrangements between church and state. Despite variations, the debates on *laicidad* usually center on the institutional arrangements that regulate the relationship between the political and the religious. Usually, the banner of *laicidad* is used on the one hand to preserve the state's autonomy from religious traditions and influences (i.e. the differentiation and autonomy of the religious and the political spheres), and on the other to defend the freedom of worship and belief. In its broadest sense, the term *laicidad* is applied not just to legal–institutional arrangements but also to the guarantee of religious liberty for all citizens. In this sense, *laicidad*, broadly understood, advocates not only the separation between church and state, its central tenet, but also to ensure the independence of law and public policy from the influence of religious groups, or, in the words of Blancarte (2000), the transition from sacred to democratic forms of legitimacy.

The strong historical, cultural and political presence of the Catholic Church in Latin America implies that that processes of “laicization” have been partial or incomplete in most countries. As noted

above, the Church has retained a number of formal and informal, material and symbolic privileges, which cast much doubt in relation to the differentiation and autonomy of church and state. The Church's historic presence has, in fact, produced weak secular systems, with state autonomy from religious tenets and equality of rights among different religions still pending in most countries in the region. The impact of the feminist and sexual diversity movements has made further evident the insufficient separation between church and state, or between the religious and the political spheres. Both movements have particularly denounced the overlap between legal systems and Catholic doctrine in several countries. The viability of sexual and reproductive rights depends, in good measure, on the capacity of governors, legislators and judges to distance themselves from their own personal beliefs and also from pressures by Catholic and other religious authorities. Hence, aside from the conceptual debates, the defense of the *laicidad* is a key dimension of an emancipatory sexual politics in Latin America. These confrontational politics leave little or no room to consider the participation of religious leaders or the appeal to religious beliefs as a legitimate dimension of contemporary politics.

The importance of *laicidad* as a normative horizon is evident in various national and regional political campaigns. They consider *laicidad* and the secular state as the guarantor of citizenship, a necessary pillar to make sexual and reproductive rights a reality, and a precondition for the state to respect and ensure sexual liberty and diversity. This connection is primarily made on the basis of the state's obligation to ensure freedom of conscience, which in modern societies must be understood as diverse and plural (Blancarte, 2008). A growing number of regional conferences, projects and campaigns have, therefore, focused on the defense of *laicidad*, as illustrated by the Ibero-American Network for Laic Liberties (*Red Iberoamericana de Libertades Laicas*), whose impact is undeniable. The Network combines studies and theoretical training as strategies of political intervention to promote civil liberties and sexual and reproductive rights. It regards *laicidad* as a regime of coexistence that “guarantees the free expression of different ideas about life”, and

the best guarantor of civil liberties.⁴⁷ Another regional initiative is the Campaign for Laic States (*Campaña por los Estados Laicos*) sponsored by the Latin America Network of Catholics for a Free Choice (*Red Latinoamericana de Católicas por el Derecho a Decidir*). The unusual feature of this campaign is that it has been promoted by a network of organizations that identify as Catholic, and that from that position criticize the excessive influence of the Catholic hierarchy on government and public policy.⁴⁸

Although *laicidad* is a core narrative of Latin American sexual politics, it is necessary also to recognize its risks and limitations. *Laicidad* offers a normative horizon that seeks to tame the tension between religious political expression and democratic systems and procedures, but it risks distorting or obscuring other kinds of articulations between religion and politics. Without ignoring the relevance of normative constructions that defend the principle of autonomy between politics and religion and the boundaries between the religious and the secular, consideration has to be given to new approaches that have begun to take shape in recent years that imply a normative shift with respect to the relation between democracy and religion.

Religion and sexual politics: a critique of secularism

The question of religion is clearly once again unavoidable (if it had ever stopped being so). But this urgency occurs at a time when neither secularity nor *laicidad* nor the hope that religion will disappear offers an undisputed basis for analysis or policy interventions. Not only has religion reemerged as a political quandary; its return has also displaced the construction of the secular as a certain and well-defined space. The strong secular imprint that dominated progressive thinking

47 Website Red Iberoamericana de Libertades Laicas http://centauro.cmq.edu.mx:8080/Libertades/P_agLisSee.jsp?seccion=1.

48 <https://www.facebook.com/CampanaPorLosEstadosLaicos>.

in the last century has, in many ways, become a limitation to our understanding of religion and its political implications. In particular, secularism (or laicism) as an ideology and a worldview is being challenged in various ways. The term captures a number of academic, political, and even common-sense constructions with respect to religion (Casanova, 2011). Political secularism, as Casanova (2011) explains, implies a normative construction that advocates containing religion within its own sphere and a democratic public arena entirely free from religion.

Critical views on this perspective have focused on how the public and the political have been construed as spaces entirely devoid of religion. While for decades an oppositional frame that pitted religion against democracy was the rule, those who insist that the only legitimate place for religion is the private sphere are now more the exception. The full panoply of ideas that emerge from this conceptual and normative shift is beyond the scope of this article. All of them, however, tend to (re)think the conventional boundaries separating the religious from the political and to present a critical perspective on secularism.⁴⁹ These approaches are increasingly inspired by the concept of “post-secular”, which reflects the influence of the German sociologist and philosopher Jürgen Habermas on normative debates about the nature of democracy. Habermas, perhaps one of the staunchest defenders of secularism in our time (Connolly, 1999), in his more recent work revises his earlier positions excluding religion from the public sphere and articulates a perspective that supports the participation of people of faith in arenas of public deliberation (Habermas, 2008). Beyond Habermas, post-secularism has also begun to be adopted as a conceptual alternative to think critically about the relationship between religion and politics in contemporary democracies. This alternative approach, through various paths, reaches the conclusion that religious actors, beliefs and motivations must be considered as part of democratic politics.

49 ‘Deconstructing Christianity’ (Nancy, 2006); conducting an ‘anthropology of the secular’ (Asad, 2003); understanding the role of ‘public religions’ in modern life (Casanova, 1994); or affirming the existence of post-secular societies (Habermas, 2008) are some of the critical approaches to secularism as an ideology of modernity.

The normative reassessments of the links between religion and politics are especially challenging for an emancipatory politics of sexuality that for decades found in the various formulations of secularism a way to understand the role of religion in the democratic process that served the demands of the feminist and sexual diversity movements effectively. The nodal role of all major religious traditions in sustaining patriarchy and heteronormativity as structures of power is undeniable. This explains the emergence of theories that advocate the privatization of religion as pre-requisite of sexual liberation. Religion should stay out of politics, relegated to the private sphere; religious beliefs, while recognized and protected, should not contaminate debates on law and public policy. The sexual politics of feminist and sexual diversity movements, especially in Latin America, is strongly allied to political secularism in ways that leave practically no room for religious leaders and beliefs to have a place in the democratic public arena. Retrospectively, it is notable that these movements, whose central aim was to dismantle the dichotomy between public and private, have in these debates reinscribed the closet of the private sphere as the proper place of religion.

These critiques of secularism and laicism have begun to be incorporated into research on gender and sexualities (for example, Correa, Petchesky, & Parker, 2008, chapter 3; Jakobsen & Pellegrini, 2008; Reilly, 2011). In these studies, the limitations of secularism or laicism are made evident in their relationship to Islam as a religious and cultural tradition, revealing the ethnocentric biases underlying these normative models. The most publicized example was the controversy around over the veil used by Muslim women in France, which opened a long and complex public debate and academic discussion about the oppressive consequences of *laicidad*. The debate over the use of religious symbols in public schools was overlaid by discussions about the sexuality of Muslim communities, in which sectors of the feminist movement actively took part, characterizing it as “unnatural and oppressive, compared to the French vision of sexual practices” (Scott, 2007, p. 11). Judith Butler (2010) has also called attention to the characteristics of a secular temporality in which certain visions of liberty can be used as “an instrument ... of coercion” (p. 3). Butler points to the example of how the Dutch government uses (male) homosexuality as a marker of modernity

and equates gay politics with cultural and political modernity, deploying these tropes to marginalize some immigrant communities further as not quite modern. These examples starkly demonstrate that when sexual politics do not stay a critical distance from the tenets of secularism—laicism, they may add grist to the mills of political conservatism, reinforcing xenophobia and the exclusion of certain populations.

In response to this critique of the ethnocentric imprint of secularism and laicism one must explore a perspective that goes beyond the understanding of the democratic public sphere as an exclusively secular space. Without denying the antidemocratic dimension of religious institutions and arguments, it is nonetheless necessary to create normative frameworks that recognize religion as a legitimate dimension in politics, including sexual politics. The insistence on the privatization of the religious is not just impossible in practice; it poses serious risks to an emancipatory sexual politics. To take distance does not imply rejecting secularity and *laicidad* as a conceptual framework or a political strategy, but rather to situate their tenets in a broader critical perspective.

Religion as a dimension of sexual politics

The political perspectives advanced by the feminist and sexual diversity movements respond to a specific moment in time and reflect the prevailing normative and analytical options of that moment. While these movements pushed the envelope politically and imagined new expressions and institutional frames of justice and democracy, they were also conditioned by the dominant way of conceiving the place of religion in society that was informed by the paradigmatic force of secularization theory. The current juncture, however, makes it necessary to rethink this relationship through new lenses that may reflect the complexity of the role of religion in modern societies. The challenge, then, is to propose theoretical frameworks and political strategies based on an understanding of religion as a legitimate component of politics. An emancipatory sexual politics in particular must move beyond, or at least question, secularism and laicism as ideologies in order to

make room for different interpretations of the relationship between religion and sexuality.

I will examine two paths through which religious ideas are penetrating contemporary sexual politics in ways that transcend secularism. First, given the shifts in religious activism discussed above, I consider the need to develop theoretical frameworks and political strategies that are capable of better capturing the phenomenon described as reactive politicization and its displacement of the religious–secular dichotomy. Secondly, I consider the significance of religious pluralism with respect to sexuality as a facet of contemporary politics. This new configuration displaces the conservative–progressive dichotomy and requires normative and theoretical frameworks that accept diversity and pluralism in religious practice as part of the political process.

Conservative religious politics as a part of democracy

As noted above, normative models that are strongly influenced by secularism and laicism leave little or no space for understanding religious practice as a legitimate part of sexual politics. Religion is viewed as belonging to the private sphere, not the political realm, and any signs to the contrary are seen as evidence of an incomplete process of secularization both at the state and political levels. Although secularism, with its mandate to privatize religious expression, or at least depoliticize it, continues to be an important path used by advocates of sexual and reproductive rights to define and confront religious influence, as noted above, this approach must be critically evaluated in light of the complex influences of religion on politics overall, including sexual politics.

A strong secularist construction that calls for the complete exclusion of religion from politics presents two major risks. First, *laicidad* does not necessarily imply depoliticizing the Catholic Church. As discussed above, the acceptance of the separation of church and state does not mean that the Church will stop being a public actor in contemporary debates. The process of “deprivatization” (Casanova, 1994) requires recognition that the Catholic Church influences policy (or more aptly, can influence it) without necessarily endangering *laicidad*. While the analyses of *laicidad* do capture

some negative political effects of religion, particularly in Latin America where the Catholic Church has a long history of privileges and efforts to undermine the separation of church and state, it is still necessary to propose analyses and strategies that recognize religious activism as part of democratic politics. Without denying that *laicidad* remains an incomplete process, it is nonetheless important to consider the legitimate role of religion in sexual politics. The fact that the Catholic Church aspires to be a political actor, entangling itself in the democratic system, itself opens up various normative considerations favorable to sexual and reproductive rights. As leaders of a religious institution, Catholic authorities can take a united position on Church doctrine; but when the Church becomes a political actor, this united position is untenable. Its actions and arguments become part of the conflicts of democratic public spheres, and, as such, they are subject to criticism and debate. As leaders of a religious institution, the hierarchy can decide whom they recognize as subjects of the Church (the faithful) and even expel some of them (excommunication); as a political actor, they are obliged to respect others as political subjects (citizens) with rights and dignity. As a political actor, the Church must submit itself to a set of external rules and thereby renounces, voluntarily or not, the privileged status it enjoys as a religious institution.

The second risk involves obscuring the changes underway in conservative religious activism. As analyzed above, the proliferation of NGOs to defend the position of Church authorities, the use of the courts, and the publication of legal, scientific and bioethical studies are fundamentally transforming the scope and nature of religious influences on sexual politics. These changes are also displacing the classical religious–secular dichotomy. While this renewed activism is religiously motivated and Catholic authorities may be behind these strategies, in the majority of cases this new activism makes no direct appeal to religious actors or discourses, but is unfolding through what one might consider (at least formally) a secular or lay politics. One can question the truth or absolutism of the positions deployed by these voices, but one cannot deny that they are framed in secular terms.

Despite affirmations that religious influences are merely a vestige of the past or resistance to

change, a different picture seems to be emerging. Instead of retreating to the private sphere or disappearing, religious activism remains an important force in politics and, in fact, is developing new strategies and rationales that are introducing new complications into sexual politics. The challenge is not just to incorporate these changes into existing analytical frameworks but to develop renewed normative debates and political strategies that take account of this complexity. An agenda that seeks to understand the relationship between sexuality, religion and politics must think critically about secular positions that exclude the political role of religion entirely. While campaigns in favor of *laicidad* are necessary, they are not sufficient to capture and countervail religious opposition to sexual and reproductive rights. The challenge is to break with secularism and laicism in order to expand our understanding of religion as a legitimate element of contemporary politics. Despite antidemocratic religious practices, it is not possible to exclude conservative religious voices from public arenas, even when they oppose pluralism. Normative frameworks must be revised to open the space for religious actors and discourses on the political playing field. Reinforcing secularism or laicism and interpreting all conservative religious activism as a symptom of insufficient secularization may, in many ways, distort or obscure the religious influence on legislation and public policy.

The religious as plural and heterogeneous

Another risk posed by a strong secular politics is that it can reinforce an essentialist understanding of religion. While religious institutions and discourses have been and still are central to sustain patriarchy and heteronormativity as systems of power, the role of religions is much more complex and heterogeneous with respect to sexuality. While certain religious sectors may represent a key obstacle to sexual and reproductive rights, there are religious groups and voices whose position is more open to pluralism and sexual diversity. Alongside religious dogmatism mandating its restriction, other religious stances are opposing patriarchy and heteronormativity. Religions are, among other things, cultural constructions that respond to socio-political contexts located in time and space. It is not surprising, therefore that the feminist and sexual diversity movements have provoked changes

in the religious field. Within Catholicism in particular, dissident positions are becoming more visible among priests, nuns, theologians and believers who articulate their religious identity with political support for feminism and sexual diversity (Vaggione, 2005). This type of pluralism allows us to distinguish between the egalitarian aspirations that characterize the majority of religions, and the 'perversion by powerful authorities interested in maintaining their status' (Cahill, 1996, p. 1).

The normative challenge for feminists and sexual diversity activists is to incorporate an understanding of religion that makes room for the politicization of the pluralism that exists among and within communities of faith. Transforming religious pluralism into a dimension of an emancipatory sexual politics opens various possibilities. On the one hand, it permits the enlistment of dissident actors and discourses in the debate on sexual ethics (in the form of NGOs, theologies, or religious leaders that articulate religious beliefs with a broad and diverse view of sexuality). For reasons that are understandable, the feminist and sexual diversity movements have concentrated their efforts on matters of rights and citizenships, staying away from debates on ethics, and indirectly, strengthening the most traditional religions' monopoly on public morality. Whatever the possibilities of a secular ethic on sexuality, dissident religious views and positions provide an array of ethical stances supportive of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) people, contraception or the termination of pregnancy. On the other hand, the pluralism identified within the religious field is also important to empower people who are indispensable to the realization of sexual and reproductive rights. Beyond formal recognition, these rights require a cultural transformation that would permit overcoming notions of guilt and sin with respect to sexuality. Thus dissident theological debates and religious leaders who propose a reconstruction of religious subjectivities in ways that denaturalize patriarchy and heteronormativity within religious communities themselves are crucial for this cultural transformation.

In relegating religion to the private sphere we may be confining one of the most important social and cultural transformations in the closet: the creative and liberatory ways – driven by the faithful

themselves – in which religions are (re)constructing themselves. While church authorities may insist on rigid and dogmatic positions, the faithful are everywhere molding new and complex paths of being religious, many of them compatible with, or even inspired by, feminism and sexual diversity. This religious pluralism has the potential of eroding the symbolic power of conservative authorities as it deconstructs their discourse and undercuts their claims to representation. Recognizing this heterogeneity is necessary but not enough; engaging with religious pluralism must be an essential part of emancipatory sexual politics. Deep commitments to pluralism (Connolly, 2005) mandates rescuing the heterogeneity that exists within religious communities and inside church walls, transforming it into a democratizing principle, particularly in relation to sexual and reproductive rights.

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