

## WHAT CAN BE LEARNED FROM THE EXPERIENCE OF RELIGIOUS FREEDOM IN LATIN AMERICA?

Pedro Morandé

1. The history of Latin America has very peculiar features in relation to religion. During the sixteenth, seventeenth and eighteenth centuries there was a total monopoly of religious freedom for the Catholic Church, as the Spanish and Portuguese Crown did not allow the coming of Reformed Christianity, and also not the presence of Judaism and Islam. The conquest was religious legitimated, as the Pope Alexander VI granted the lands discovered to the crown by the bull *Intercaetera* in 1493 that justified European presence in them for the purpose of evangelization. Mendicant orders (Franciscans, Dominicans, Mercederians, and Augustinians) accompanied the conquerors fast for the very beginning. After the Council of Trent the Jesuits were added, who played an important role in higher education. Latin America never had "religion's wars" and the principle "cuius regio, eius religio", which won the pacification of Europe after the thirty years war, was completely unknown. Nobody has ever used religion in Latin America to justify state sovereignty and after the independence from Spain and Portugal there has not been a war between states for religious reasons. It can be rather said, that Church and State were partners in the task of forming a civil society from the Spanish and Portuguese immigration and taking into account indigenous peoples and their traditions.

Catholic Church has often been accused not having recognized the religious freedom of indigenous peoples by promoting their forced conversion. Although there are some episodes of this kind, it cannot be generalized as a trend. The role of the religious orders involved, from the beginning, the defense of indigenous people from mistreatment at work, especially in mining, and the right to preserve their own language and culture. The School of Salamanca and the laws of India, fed both by the constant claims of the missionaries of indigenous mistreatment, are impressive evidence of the legal analysis of the time around the right of native peoples encountered by Europeans an American soil. But even more eloquent is, still to present times, the resulting popular religiosity that blended ancient traditions with the newness of the Gospel.

The social context of the encounter between the European and the natives can be understood from the fact that there was no written culture among indigenous peoples so that it was Spanish and Portuguese writing which progressively reached the cultural identity of the crown's dominions. The original indigenous languages which survived were those that Christian missionaries led to the writing: the Nahuatl, Quechua, Aymara, Guaraní, Mapudungun among others. Some ones were kept only in terms of ancestral rituals and lost its dynamic expansion and growth with the passing of the centuries. The missionaries appealed for their preaching not only to the text of the doctrine, but also to the profuse symbolism of the rites of passage that are present in all cultures. They organized popular theater (the so-called auto sacramental), and also encouraged the creation of music, painting and Baroque architecture. There were famous among missionary's disputes about pre-baptismal catechesis. Some were in favor of giving baptism even without catechesis, arguing that natives were the guests at the eleventh hour of the parable of the banquet. Others, however, sought a more rigorous catechumenate. The indigenous response was rather to identify the new saints with their ancestral deities, as it was in Latin America with the devotion to the Virgin Mary and the devotion to "mother earth" or "common mother" (Tonantzin / Guadalupe, Pachamama / Carmelite Virgin, etc.).

Personally, I think there were only two areas of disagreement in relation to symbolism. On the

one hand, the cult of the dead and ancestors which indigenous families celebrated in their homes, even when possible, with the mummification of their bodies. The Europeans, however, offered the undergrounds of temples to put down the dead and then opened the general cemetery. On the other hand, the consideration of precious metals by Europeans as means of payment, which were exported to Europe in large numbers, instead of the cultic funerary function attributed by the natives. Almost all the pieces that adorn today's gold museum in Bogota and Lima, the largest in Latin America, were taken from graves desecrated in search of this metal. It was also banned the drug consumption for religious purposes, but this use was limited to some officers and not affected the Population as a whole.

More important than labor's mistreatment for the disappearance of some native peoples was the transmission of disease because they had not yet developed the antibodies needed and it would take considerable time to develop this natural process. Sometimes, the missionaries thought that the best for indigenous people were to live physically separated from the Europeans and they created for this purpose the so-called "hospital's villages" and "missions." But the tendency of people to blend themselves grew vigorously throughout Latin America, overcoming segregation trends. This made possible that there were also a cultural crossbreed and a religious syncretism rich in expressions. The first Europeans arrived an American soil were only men and it took a long time before they could bring their wives and families. The delivery of the daughters to strangers to form family alliances with them has been a practice known and documented among peoples of all continents. It was also customary in America, especially among those peoples who had tribal structure and had not yet developed hierarchical stratification.

The most eloquent evidence that the native peoples came to accept the crossbreed and evangelization is that the neo-indigenous movements present now in Mexico, Bolivia, Brazil and Chile, have not claimed for them religious freedom, but rather territories, self-government and ethnic constitutional recognition.

The largest religious conflicts of that time could be said that happened at the administrative level, since under the Institution of "patronage" the crown had assumed the management of the church, collected the tithe, appointed bishops, and all pontifical rules were subject to the exequatur of the crown. However, the most important church event of that time, the Council of Trent, was endorsed by Philip II to America in 1564, that is rather quickly and a few years alter its closure. But there was one resident Apostolic Nuncio in Spain and it was not allowed to send papal delegates to America. With the change of the House of Austria by the House of Bourbon, the situation started to become more contentious and concluded in the second half of the eighteenth century with the expulsion of the Jesuits from all Spanish and Portuguese dominions. The conflict was, in this particular case, not only administrative, but rather political, due to the introduction of liberal ideas through Catholic Enlightenment and Freemasonry. To the expulsion of the Jesuits was added the limitation of the diocesan seminaries and of other religious orders, in order to reduce the number of consecrated staff. This decision has great impact in the formation of the clergy and in the declining quality of higher education with the consequent effect on the ruling elites of different regions. Notwithstanding, as been said, remained the monopoly of religious freedom by the Catholic Church.

2. The independence gained by Latin American countries at the beginning of nineteen century was not the result of a religious movement, but rather political and economic. In fact, many of the clergy participated in the new governing boards. However, the emerging sovereign States wanted to keep the right of patronage that had been assigned to the crown for their own,

which was a source of conflict between State and Church throughout the century, but never affect religious freedom as such. With the arrival of immigrants of Reformed Christianity to most Latin American countries, the States began to accept religious pluralism even if they remained officially Catholic. From the second half of the nineteenth century began a transition toward the neutrality of the State facing religions, until formal separation between Church and State was achieved in the first half of the twentieth century in many countries. In some cases covenants were signed with the Holy See and not in others. But it was policy of the Holy See to promote the independence of the Church from the State, although not always was understood by local bishops. By the end of the twentieth century was legally accepted the equality of all religious creeds in many countries. This process culminated recently with the adopted constitutional reforms in Mexico that guarantee freedom of religion and state neutrality. However, a large majority of countries has still not approved the equal recognition by the State of all religious creeds, perhaps because they continue to be mostly Catholics, perhaps because they have not yet completed the transition. It is important to note that the UN declaration of 1981 on the elimination of all forms of discrimination and intolerance in matters of religion had its origin in the OAS.

In the second half of the nineteenth century the Church suffered a strong attack from liberal secularism and anticlericalism, mostly on three areas: with regard to education, seeking the State's monopoly; with regard to the family, with the imposition of civil marriage, and with regard to economic, with the confiscation of many church properties. Not in all countries, this strike came to violence, as in Mexico or Colombia, but in other countries had more lasting cultural effects, as in Argentina and Uruguay where took place a great secularization of public space. But it can be said however that secularism as an ideology in Latin America was not as strong as in Europe, probably due to the fact already noted that there were no wars of religion and always prevailed a spirit of cooperation between the State and the Church. The role, really constituent, played for centuries the Church in relation to civil society, its education, its attendance to the families, its tolerance to religious syncretism with indigenous peoples, its presence in all stratified groups of society, has made that she could be seen as a mediating institution whenever there is internal governance conflicts, precarious social conditions of existence for the population, and also international conflicts, as happened between Chile and Argentina, happily resolved by the mediation of Pope John Paul II.

There have been, however, more recently outbreaks of tension between Church and State because of other ideological orientations that governments have sought to impose. First was the case of Cuba and its Marxist revolution, thereafter the case of military dictatorships in several Latin American countries, where the defense of human rights divided the Catholics themselves and also confronted the laity with the hierarchy. Then followed Nicaragua and its Sandinista revolution with the participation of priests in the government and now has spread tension in Venezuela, Bolivia and Ecuador, with neo-Marxist socialism and neo-indigenous ideology. Except in the case of Cuba, there has been no direct constraint of religious freedom, but the ideological tension created in these countries has affected freedom of education, has put an administrative obstacles to the independence of the Church or simply has sought unsuccessfully to silence her as the "voice of the voiceless".

3. Notwithstanding, I must add that stronger than ideologies have been the mass media which have weakened the Church's presence in public opinion and not necessarily intentionally, but because of the overvaluation of the information as an effective means of coordination of social activities. Religion, and in the case of Latin America Catholicism has been the only religion capable of articulate civil society as a whole, has ceased to be news even for the

Catholics, excepting the newly discovered abusive sexual behaviour of clergy or consecrates, men and women, with children or youth under their care. This has been, in my opinion, the greatest threat that the Church has had in its five centuries of existence in this region and perhaps elsewhere. Church has shown herself to the public as a place of corruption, of cover-up, of impunity and in some countries, like Chile, her confidence level has gone down already to 17% even though 70% recognized themselves as Catholics. This situation seems to affect even more young people who no longer recognize the Church as the support of their own culture. We must recognize that in the absence of electronic communication and social networks many of these cases would not ever been known and could have gone unpunished. It is clear that the scandal is more newsworthy than the silent charity daily practiced. But what destroys confidence in the Church is the double standard that on the one hand, she criticizes the world and its relativistic trends and secular permissiveness but, on the other, hides the crimes of them, who apparently live an ascetic and holiness life.

This incident shows that religious freedom cannot be more understood solely as the freedom of churches and religious groups, that is, as freedom of cults, because people themselves begin to understand it as the individual right to have or have no religion or to blend self-selecting elements that seem most significant of all religious creeds. This leads somehow to a discrediting of the official religions, with official teachings. Increasingly is seen in the faithful, including Catholics, the willingness to think for themselves and to understand the freedom of religion as freedom of conscience. In a sense, all human rights treaties that protect individual freedom of belief and thinking support this view. But still more supporting than the rule of law is the Operation of the functionally differentiated society, which is center less, have not hierarchical structure and organizes itself on the mutual benefits that the interchange of its different subsystems made between them. This leads to the need to understand all the fundamental rights and also liberty of religion, not only in extreme cases of their flagrant infringement, but in the everyday functioning of social activity, where they suffer constraints not as a result of the ideologies oriented to deny them but by insufficient understanding of religious discourse and its usefulness for the Operation of all subsystems of society.

The constitutional recognition of religious freedom and the international covenants that acquire constitutional status and that have recognized it are without doubt a great achievement of civilization. But in a functionally organized society, this achievement also shows its limitation in the sense that religious freedom, to be effectively recognized, must be prosecuted. As illustrated by the case of politics in several countries as well as quarrels over the use of religious symbols in public places, the prosecution has its own limits, not only by the heavy workload of the courts and the questionable procedures, but also because public opinion demand for transparency operates at a speed that could not match any judicial proceedings. Functionally organized society prefers conciliation rather than a good judgment, searching for a functional substitute to meet the requirement. In order to achieve that the religious disputes could be resolved not as in the past by the use of weapons, is certainly needed the rule of law, both nationally and internationally. But it is not enough. It is additionally required the Operation of the other functional subsystems, and particularly, that the steady increase in the provision of information and communication does not distort their truth, their meaning and opportunity. The "principle of good faith" has been recognized as one of the pillars of law, but must be extended as the bases for all systems of functions or at least in coordination with them. This applies to science and health, to education and sports to politics and economy and also to religion. And especially must apply also to real-time electronic communication.

Functionally speaking, I think that, the main guarantor of religious freedom of the people is religion itself, if practiced with the hermeneutic criterion of "Charity in Truth" as Pope Benedict XVI has written. If the information that religion produces and communicates carries this mark, which is the simplicity of heart, it will have the credibility and transparency that society demands for its balanced functioning. If it does not, religion will be suspected of vested interests, of cover its own corruption, of ideological arrogance or hegemony claim, rendering useless the legal recognition of religious freedom. What we learned in Latin America, especially in the last decade is that the Church could not achieve to have a smooth relationship with media. She has fear of being caught, that her arguments may be refuted, that her rites may be ridicule. She has fear to rise up dissent among Catholics themselves. It is a great temptation for the Church to exclude herself from the functioning of a society that seems to need no hierarchies to operate and have not enough respect for them. Catholics need to believe more in religious freedom as a fundamental human right, not only as an inevitable recognition of a fact situation that need to be tolerated reluctantly, but with the genuine belief that it is a fundamental human right rooted in human dignity itself.