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The Complexities of the Mexican Secular State and the Rights of Women

Ana Amuchástegui

Universidad Autónoma Metropolitana-Xochimilco, Mexico

Guadalupe Cruz

Catholics for the Right to Decide, Mexico

Evelyn Aldaz

Independent Consultant

María Consuelo Mejía

Catholics for the Right to Decide, Mexico

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UNRISD, Palais des Nations, 1211 Geneva 10, Switzerland
phone 41 (0)22 9173020; fax 41 (0)22 9170650; info@unrisd.org, www.unrisd.org

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Heinrich-Böll-Stiftung e.V., Schumannstr. 8, 10117 Berlin, Germany
phone 49 (0)30 285340; fax 49 (0)30 28534109; info@boell.de, www.boell.de

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I. Introduction

Over the last decades, the subject of gender equity has been constructed as an unprecedented political battlefield in Mexico. While the feminist movement has put the issue of women's human rights on the table, conservative sectors allied with the Catholic Church have defended their conception of the family as central to society and to actions by the State.

The agenda of the conservative Catholic hierarchy, particularly since 1995, reflects an attempt to question women's sexual and reproductive rights, in response to efforts by a number of governmental sectors to implement a range of measures to bring the country into compliance with international commitments made by the government at the world conferences in Cairo and Beijing. Actions by these sectors, however, have gone against mainstream conservative trends within other governmental entities, including the current national executive branch. The political turbulence provoked by this controversy has manifested itself through intense public debate about the secular nature of the Mexican State in the present-day context. In Mexico, the secular State—with separation between church and State—forms the legal and political backdrop for the Catholic hierarchy's recent attempts to influence public policy on women's autonomy. This interaction between religion and politics, with regard to gender equity, intersects strikingly with the issue of women's sexual and reproductive rights. The present study describes and analyses the interplay between religion and politics in modern-day Mexico, with a particular focus on the struggle for gender equity.

In order to explore the complexities of this relationship, the present work offers a qualitative analysis of recent developments in Mexico with regard to public debate, changes in the law, and implementation of government policies involving the three dimensions of religion, politics and gender equity. Examples include the 2004 inclusion of the emergency contraceptive pill in public health services and the 2008 decriminalisation of abortion in Mexico City.

These particular events have been selected for the clarity with which they highlight the interaction between politics, religion and gender equity. In addition to a press-based analysis carried out as part of this study, interviews with thirteen political actors crucial to these events were also included.¹ Interpretation of the resulting material shows that women's sexuality and reproduction have been constructed as a field of biopolitical action, within the context of an intense ideological and democratic struggle to define the characteristics of today's secular State.

II. The complexities of the secular State: its history

To understand the events being considered here, one must place them within the historical context in which the relationship between religion, politics and gender equity has developed in Mexico, starting with the founding of the secular State. The liberals' ascension to power in 1855 led to changes and confrontations with the Church,² and even wars, culminating in the reform laws passed in 1859. The new legislation, along with the political, military and intellectual victories of the liberals, created a secular

¹ See Annex I: Interviewees.

² The liberals believed that a representative, federal and popular republic would overcome the Spanish colonial legacy, do away with the privileges of the clergy and eliminate the communal properties, making Mexico a country of small landowners.

atmosphere and transformed the popular mentality: being a citizen—as well as being married and buried by civil authorities—became increasingly important. There was an effort to promote tolerance and freedom of worship, establish the principle of equality before the law, and foster intellectual freedom and freedom of conscience (Juárez,³ 1860). Secular education was a cornerstone of the liberal vision. While society itself became secularised, the separation of church and State also marked the first step in the formation of the secular State, whose political institutions would now depend not on religious legitimacy, but rather on the sovereignty of the people (Blancarte, 2000: 24).

In the twentieth century, following the Mexican Revolution, the struggle for civil autonomy vis-à-vis religious power led to provisions in the 1917 Constitution denying religious groups legal status and relegating religion to the private realm. In establishing the right to a free secular education based on scientific knowledge, the revolutionaries reaffirmed the secularity of the State, attempting to attenuate the negative consequences of religious fanaticism and intolerance. Beliefs were consigned to the private sphere, while citizen education was left to the public sphere (Monsiváis, 2008: 130). The revolution led to the creation of the Institutional Revolutionary Party (Partido Revolucionario Institucional, or PRI), which would govern the country for the next 71 years.

During the national reconstruction of the 1920s, the slogan of the pronatalist policy of the post-revolutionary government bore the slogan, “To govern is to populate”—a notion reflected in the designation, in 1922, of May 10 as Mother’s Day. Thus began the worship of motherhood, which gradually became part of the symbolic fabric of the country’s religious, national and modernizing discourse, as exemplified by the icons of the Motherland and the Virgin of Guadalupe (Muñiz, 2002: 239).

Disapproval, by the Catholic Church, of the Constitution, the autonomy of the revolutionary State and secular education was so acute that it triggered the so-called Cristero War—an uprising against the government’s persecution of Catholics—from 1926 to 1929. The conflict ended with negotiations between Catholic authorities and the State, but left a residue of resentment and mistrust, and gave rise to a new relationship between political and religious powers.

In 1933, in the midst of the worldwide Depression, the conflict between the Church and the government of President Lázaro Cárdenas was focused on education. The Secretariat of Public Education agreed to cover the topics of sex and reproduction in school curricula, principally as a part of instruction on hygiene (Muñiz, 2002: 261). The National Parents’ Union and the Church responded by defending parents’ right to oversee their children’s sexual education. The intensity of the campaign ultimately provoked the resignation, in 1934, of the Secretary of Public Education. For the next three decades, sexual education programmes in the public schools were characterised by extreme discretion.

The year 1935 saw the creation of the United Front for Women’s Rights, which made political participation for women possible and fought for women’s suffrage. Some members demanded the decriminalisation of abortion, on the grounds that “lack of economic resources forces women to resort to it” and that criminalisation affected “the poorest classes of the population” (Cano, 1990: 268). This same period (1939) witnessed the formation of the National Action Party (Partido Acción Nacional, or

³ Benito Juárez (1806-1872), one of the most important liberals of the nineteenth century—a lawyer and politician of indigenous origin, and President of Mexico at a time of wars and foreign interventions (1858-1872).

PAN), made up of Catholic activists and intellectuals, which has been the governing party since 2000.

At the end of World War II, the country entered an era of relative economic and political stability (the period known as the “Mexican Miracle”), which lasted until 1970. During this phase, women gained the right (in 1948) to vote in municipal elections and then (in 1953) in federal elections.

III. Politics, social movements and women’s rights: the twentieth century

This relative stability led to profound transformations in Mexico. Economic modernisation moved forward, the State’s authority became stronger and educational services were expanded. At the same time, poverty, inequality and social discontent increased.

The student movement of 1968, which was brutally suppressed by the army, fought for democracy and political freedom, and revealed the authoritarianism of Mexico’s political system. It was fuelled by the participation of a rising middle class, and highlighted the presence of the numerous women who became supporters of Mexico’s feminist movement (Sánchez, 2002).

In the 1970s, the country fell under the shadow of repression. The government eventually implemented a “democratic opening”, consisting primarily of electoral reforms that created opportunities for parties of the left and of the right, lending legitimacy and strength to efforts to oppose the governing party, while at the same time fostering the development of a variety of social movements, including the women’s movement.

The struggle that women began in the 1970s, in Mexico City, was accompanied by social phenomena such as women’s mass entry in the labour market, a growing number of female university students, reforms favouring greater legal equality, and legal access to methods of contraception.⁴ The members of the first feminist groups were middle-class university students challenging their limited role in the public sphere, and protesting their exclusion from the political and counter-cultural movements of the time (Lau, 2000).

The Coalition of Feminist Women was formed in 1976. Its political activism centred around the issues of voluntary motherhood, sexual education and access to contraception, rejection of sexual violence and the right to free sexual choice (Lamas, 2006: 16). In 1979, the National Front for Women’s Liberation and Rights was established. It presented to the Chamber of Deputies, through the Mexican Communist Party, a legislative bill decriminalizing abortion. In response, the Catholic hierarchy and conservative groups undertook an aggressive campaign against the deputies who had advanced the proposal (Tamayo, 1999)—an effort that included the creation, by the Catholic Church and a number of conservative groups, of the National Pro-Life (or “Pro-Vida”) Committee. Pro-Vida has played a leading role in fighting feminist demands for sexual and reproductive rights.

During the 1980s, feminists established links with leftist groups, grassroots church groups and popular-sector women’s movements, putting forward demands that

⁴ It was not until 1973 that the legal prohibition on disseminating and using contraceptives was lifted.

brought together class and gender, resulting in an expansion of the already extensive women's movement, and giving it greater prominence in the society.

The 1985 earthquake that shook Mexico City put a spotlight on the conditions of extreme exploitation suffered by thousands of working women, who organised to gain recognition of their social and labour rights. This effort was joined by groups demanding access to decent services and housing. In associating itself with these movements, the feminist movement underwent a transformation in how it conceived of politics: it recognised the need to negotiate with the State, develop more effective forms of organisation, and join forces with other social movements (Lamas, 2006).

In 1988, Carlos Salinas de Gortari, the PRI presidential candidate, was accused of having won the election through electoral fraud, perpetrated against the leftist candidate Cuauhtémoc Cárdenas,⁵ who represented a broad social movement that encompassed a range of leftist forces, and who, for the first time, made women's demands a specific item on the electoral agenda (Lamas, 2006). As a result of this movement, the Democratic Revolution Party (Partido de la Revolución Democrática, or PRD) was founded in 1989, incorporating a variety of social and political forces, including feminist elements.

With a State weakened by an emboldened opposition, a Church reinvigorated by its international political presence and seeking to change what it regarded as a hostile political environment, and a president in search of legitimacy, the legislation on religion was modified in 1992, and the government's relations with the Vatican were re-established, while churches and religious groups regained their former legal status. This trend led to a strengthening of the Church's influence over the last several years.

The political crisis intensified in the final six-year term of the PRI government (1994-2000), with an armed indigenous uprising in the state of Chiapas and the onset of an economic crisis. In 1994, the Mexican government assumed commitments based on the principles of the Fourth International Conference on Population and Development, held in Cairo, and, in 1995, of the Fifth World Conference on Women in Beijing. It thereby recognised its obligation to promote, protect and guarantee the right of all persons to decide freely and responsibly on the number and spacing of their children, and to have access to the information, education and economic means to do so.

These global conferences helped the international women's movement consolidate its position as a party in the dialogue with the State, and the participation of Mexico's feminist groups in public and political life grew stronger as they pressured the government to honour its commitments.

In 2006, members of the feminist movement who, in 1999, had become part of the formal political system, participated in the presidential elections as members of the new Social Democratic Alternative party, which can be defined as a left wing party. The party put forth a feminist candidate, Patricia Mercado, forcing all of the parties to state their positions on controversial issues such as the decriminalisation of abortion and homosexual rights. This signalled a significant advance by the feminist movement in making its agenda part of the national debate. The demand to expand freedoms for women and sexual minorities demonstrated the critical potential of the feminist platform, and helped to establish a new framework for citizenship.

⁵ PAN accepted the fraud, but not the victory of Cárdenas—which it succeeded in having annulled through agreements that it immediately reached with Salinas. In this way PAN began to gain major concessions from the PRI governments.

IV. The political shift to the right, the “gender perspective” and women’s sexual and reproductive rights

At the close of the twentieth century, after a long struggle for democracy, a more complex, diverse, urban and (partially) informed Mexican society demanded political change. In the federal elections of 2000, the PAN candidate, Vicente Fox Quesada, gained the presidency, defeating the PRI, which had governed for 71 years.

As mentioned earlier, the National Action Party (PAN) has historically been allied with the Catholic hierarchy and with conservative groups. Now, even before assuming power, it began to equivocate regarding the secular nature of the State. As candidate, Vicente Fox hoisted the banner of the Virgen of Guadalupe, signing controversial commitments to respect “the right to life from conception to natural death”, along with commitments to allow the Church access to the communications media (Nuñez, 2000:1).

In the 2000 elections, the left, represented by the PRD, with historical links to the women’s movement, prevailed in only some of the states and in Mexico City, where it had held power since 1997. Since then, the feminist alliance with this party has been a key factor in changing legislation that discriminates against women.

The conferences of Cairo and Beijing legitimised the feminist discourse on “gender perspective” within the public sphere, and made it part of the broader political discourse (Lamas, 2006). It has been taken up by all of the parties, even PAN, and some activists have recast the concept, “based on the value of equality between the sexes, to adapt it to a party ideology that naturalises gender, defines the woman as a biological and social reproducer, and idealises the traditional family” (Tarrés, 2006: 292).

In 2001, the gender perspective was institutionalised with the creation of the National Women’s Institute (Instituto Nacional de las Mujeres, or INMUJERES), whose principal job is to “coordinate and harmonise action vis-à-vis government, with the understanding that both parties share the gender perspective and the need to institutionalise it at the federal level” (Tarrés, 2006: 294)⁶. However, this new institutional structure has separated gender equity policy from the promotion of social and economic rights, weakening the heterogeneous interaction of class and gender in Mexico, since the vision that predominates in the governing group is one that essentialises women on the basis of their reproductive function, and minimises ethnic, class and generational differences.

V. Methodological issues

As mentioned above, the interaction between religion and politics in today’s Mexico can be seen prominently in the intense debate around women’s reproductive rights, since the Catholic Church and its allies have chosen, through their views on this issue, to play a strong role on the country’s political stage. It is for this reason that the struggle for women’s reproductive rights was chosen as the focus of the present study.

A strategy employing an instrumental analysis of cases was designed (Stake, 1994) to address specific research questions. Under this approach, “a specific case is examined, in order to produce information on some particular issue... [and] the case

⁶ Thus[0], the creation of INMUJERES linked the renewal of democracy with gender equity and equal opportunity.

plays a supporting role in facilitating our understanding of something else” (p. 237).⁷ Of principal interest to this study are the inter-relationships between religion, gender equity and politics in Mexico, as reflected in the debate on women’s reproductive rights. Two emblematic cases were selected for the discussion: the approval of emergency contraception in State-run health services, and the decriminalisation of abortion in Mexico City.

These cases are illustrative of a current process of “problematism”,⁸ in which women’s autonomy—which is a fundamental condition for gender equity—is constructed as a *problem* that the State and society as a whole must address. Each of these cases provides special and specific information on the ways in which Church, State, political parties and civil society interact, and makes it possible to show such interaction *in actual operation*.

As indicated earlier, this recent problematisation of women’s sexuality and reproduction as arenas for legal regulation and political action has been triggered primarily by effects from the national and international women’s movements, since what is at stake here is the struggle for control of women’s bodies and lives. In light of this, the study described here included a review of periodical, bibliographic and documentary material to identify and map the key participants in the debate, and to analyse their discourse and political activity.

The discourse is not reduced here to *what the political actors have said*, but considers all social practice as inscribed in a language, and every language as a social practice implying a hegemonic intention. This process, however, is not limited to language, for it has a tangible effect on policy, legislation and political alliances.⁹ “Nodal points” were identified in the events, i.e., the strategies employed by various social actors to “dominate the field of discursivity to curb the flow of differences, to construct a centre” (Laclau and Mouffe, 2001: 112). Thus, concepts such as *citizenship*, *democracy* and *rights* are disputed, in this case in connection with women’s sexuality and reproduction. Once the political actors and their type of participation in the events had been identified, thirteen in-depth interviews were conducted¹⁰ on their experience of the events (Altamirano, 1994). This was followed by an analysis of the documentary and oral material, codifying it in an inductive manner and constructing categories that help in understanding the interaction of religion, politics and gender equity in each event (Strauss and Corbin, 2002). The categories were formulated as follows:

1. The battlefield: biopolitics, women’s bodies and sexuality
2. Construction and uses of the democratic discourse
3. The secular State: versions and definitions

⁷ The English translations of the texts quoted are those of the present authors.

⁸ “Problematism does not mean representation of a pre-existing object, nor the creation, through discourse, of an object that does not exist. It is the set of *discursive and non-discursive practices* that inserts something into the game of the true and the false and makes it the object of thought (in the form of moral reflection, scientific knowledge, political analysis, etc.)” (Foucault, 1981:231, emphasis ours).

⁹ “[A]ny distinction between what is usually called the linguistic and behavioural aspects of a social practice, is either an incorrect distinction or ought to find its place as a differentiation within the social production of meaning, which is structured under the form of discursive totalities” (Laclau and Mouffe, 2001: 107).

¹⁰ See Annex I: General data from the interviewees.

VI. The cases

1. The inclusion of emergency contraception in public health services

With PAN in power, government officials tried to impose a Catholic vision of morality on public policy. An example is former Secretary of Government Carlos Abascal, who in 2005 openly defended the position of the Catholic hierarchy, rejecting the inclusion of the emergency contraceptive pill in the Official Mexican Family Planning Services Standards.

This conflict dates back to 1998 and the last PRI government, when the Secretariat of Health initiated a public consultation in connection with updating the standards. After consulting with experts, the Secretariat presented an initiative that would incorporate emergency contraception in the standards. The Catholic hierarchy and conservative groups responded by rejecting the idea, describing it as abortion. The political risks of issuing the update shortly before the presidential election of 2000 led the authorities to postpone its publication.

With the assumption of power by PAN, the new Secretary of Health, Julio Frenk, again took up the task of updating the standards, and over 100 groups of experts and civil society organisations were consulted over a three-year period, including feminist NGOs and conservative groups linked to the Catholic Church, such as Pro-Vida. When the process was complete, the Secretariat of Health requested official publication of the standards (Pérez, 2004).

In 2004, when emergency contraception finally became public policy, conservative groups, the Catholic hierarchy and a number of PAN politicians appealed to the nation's Supreme Court, which some months later refused to hear the appeal. Officials from the Secretariat of Health worked intensely with the media—most of which favoured the measure—as well as with segments of the Chamber of Deputies, conservative groups and the Catholic hierarchy. A number of surveys documented the society's majority support for the measure, demonstrating the population's autonomy and independence from the opinions of the Catholic Church.

In 2005, emergency contraception became an official part of the Health Sector List of Essential Medications. The controversy was intensified by an aggressive campaign conducted by the Catholic Church, which threatened to excommunicate women who used the contraceptive, as well as those who provided it. In this context, feminist organisations, deputies on the left and some academics raised concerns about the head of Government for mixing his personal religious beliefs with his public functions, and for attacking the secular State (González, 2005). The controversy ended with the president supporting the Secretariat's public policies.

2. The decriminalisation of abortion in Mexico City

At the end of the Vicente Fox administration, the presidential elections of July 6, 2006 provoked intense social conflict as a result of the razor-thin margin of victory (0.65%) by Felipe Calderón (PAN) over Andrés Manuel López Obrador (PRD). The elections had a strong impact in Mexico City, due to the highly polarizing campaign, the fact that López Obrador headed the Mexico City (Federal District) government, and the PRD's victory in that city, where it retained an absolute majority in the Legislative Assembly of the Federal District (Asamblea Legislativa del Distrito Federal, or ALDF).

In 2007, with a unified proposal in ALDF to decriminalise abortion, the social debate exploded. The Archdiocese of Mexico threatened to excommunicate deputies voting in favour of the bill, while feminists and allied organisations demanded that PAN legislators respect their right to make decisions about their own motherhood, and that they debate on the basis of scientific, not religious, arguments. Meanwhile, the head of the Federal District government, Marcelo Ebrard, and the head of the District's Human Rights Commission, Emilio Álvarez Icaza, affirmed the secular nature of the State, while President Calderón called for the Assembly's "majority not to be steamrolled". Finally, the Mexican Episcopal Conference proposed a referendum, supported by the Archdiocese and the College of Catholic Bishops, but Pro-Vida and a number of other bishops opposed it.

On April 24, ALDF voted to pass the reforms modifying the Federal District's Penal Code, and established a new criminal definition of abortion: "the interruption of pregnancy after the twelfth week of gestation" (Article 144). Thus, there would be a penalty for abortion only "after twelve weeks of pregnancy" (Article 145).

The new legislation also guaranteed free, high-quality care for women. After the law was published, the National Human Rights Commission and the office of the Prosecutor General of the Republic asked the nation's Supreme Court to declare it unconstitutional, which it did (Castillo, 2007). This involvement of federal judicial institutions generated an unprecedented and intense process of reflection and analysis regarding the legislation.

In early 2008, the Supreme Court announced that there would be six public hearings, "so that groups, associations and any individuals can express to the justices their point of view on the matter". The President of the Supreme Court indicated that 'although representatives of religious denominations may participate... their interventions, to be effective, must be of a judicial nature'" (Aranda, 2008).

Between April and June, 69 papers were submitted by public servants, academics, defenders of human rights, senators, deputies, political parties, bioethics organisations and civil society, presenting arguments for and against the constitutionality of the legislation (SCJN, 2008). The Federal District's Secretariat of Health reported that as of May 15, 2008, of the 19,325 women who had sought counselling at the Federal District hospitals, only 8,183 had decided to have an abortion, and 85% of these were Catholic (Pineda, 2008).

On August 28, the justices of the Supreme Court finally declared the law decriminalizing abortion up to the twelfth week of gestation in the Federal District to be constitutional (SCJN, 2008).

The backlash by right-wing and conservative groups was quick and severe: immediately after the Supreme Court's ruling, a cascade of state congresses passed constitutional reforms in order to 'protect life from the moment of conception'. To this day 17 states of the country (out of a total of 32) have approved such legislation¹¹ with dreadful consequences for women: besides pushing them to unsafe and expensive procedures, some states have even started prosecuting women as a result of legal charges brought against them by medical staff of public hospitals (Balderas, 2009; Tagle, 2009).

These legal changes came about because of a situation that the feminist movement could not possibly have foreseen: the PRI, which historically was positioned more on the lay side of the political spectrum and had been relatively in favour of

¹¹ A list of states and contents of each state's reform:
<http://www.gire.org.mx/contenido.php?informacion=70>.

women's rights, allied itself with the PAN in order to push through these laws at the state level. In sharp contrast to its performance in Mexico City, the PRI promoted these legal changes mainly for electoral reasons, that is, to win the support of conservative sectors for the upcoming elections. The strategy seems to have paid off, at least for now: in the 2009 elections, of the six states that elected governors, PRI won five of them, and three of these had been previously ruled by PAN. This suggests that the PRI has chosen to strengthen its alliances with the most conservative sectors that are not satisfied with the performance of the recent PAN governments concerning economic and religious issues, public safety, social security and so on, to get electoral support for the 2012 presidential elections. By criminalising abortion in the states, the PRI is sending signals to these potential allies that it will meet its commitments to them.

VII. The battlefield: biopolitics and women's bodies and sexuality

In the material analysed, the woman's body appears as a field of political battle—as a biopolitical battlefield, to be precise—in that sexuality and its reproductive consequences are constructed as an area for the exercise of power.¹² Here we see the struggle over governing entities and persons in their dual demographic and subjective dimensions, i.e., the intention to govern the population as a demographic entity—even as an emblem of the nation—and to govern persons as “members” of that population (Foucault, 1981).

Sexuality erupts powerfully and continuously in the events described here, to such a degree that it succeeds in breaking the consensuses among some of the political actors, e.g., the consensus on the need for a secular State. Sexuality, then, constitutes the nucleus of a battle for conscience between Catholic morality and the modern ideologies of citizenship. The fight for the autonomy or heteronomy of women's bodies is situated in family and marriage, as the sole sphere of sexual expression in Catholic morality, while modernity constructs the freedom of the individual as one of its fundamental values.

Although the two discourses have coexisted in Mexican culture over the last two centuries, the modern discourses of individualism and sexual freedom began to gather force in the 1970s, and it is only with the events analysed here that *they claim the same social authority* as the Catholic discourse. In this new context, the very definition of sexuality, its management and control, are subject to debate, and it is in this context that we shall examine the arguments of the various actors in this fight.

1. Sexuality and procreation as an issue of public policy

One of the most significant examples of biopolitics in Mexico has been the debate on the modification of the Official Mexican Family Planning Standards, which shows how the various actors came into conflict based on their different constructions of the role of sexuality in public policy. Since they all interpret access to, and use of, the emergency contraceptive as an instrument of women's sexual and reproductive freedom and

¹² The concept of biopolitics coined by Foucault states that sexuality was the “*locus* where power had access (...) to the life of the body and the life of the species. [It represents] the entry of life into history, that is, the entry of phenomena peculiar to the life of the human species into the order of knowledge and power, into the sphere of political techniques” (Foucault, 1981: 176).

autonomy, this contraceptive became the arena for political battle. While those on the right constructed the use of this drug as a *moral* issue, and saw the State as the supposed operator of this morality, feminist groups linked it to the modern language of rights, within the framework of a democratic society.

For example, the head of the National Union of Parents, which is closely allied with the Catholic hierarchy, asserted that the new standards encouraged “new generations to believe that when they gave free rein to their sexual drive, everything would be fixed by taking a pill” (Pacheco, 2004). In the view of the Executive Director of the Mexican Foundation for Family Planning (Fundación Mexicana para la Planeación Familiar, A.C., or Mexfam) and María Consuelo Mejía, Director of Catholic Women for the Right to Decide, by contrast, the controversy over emergency contraception is a situation in which “what is at stake is the right to information about, and access to, health services, and the phenomenon of public servants permitting religious and moral concepts to enter public policymaking, which should not occur in a secular State” (González, 2005).

As part of this biopolitical struggle, the Church and conservative groups widely disseminated the notion that the emergency contraceptive was “abortive”. Cardinal Norberto Rivera Carrera even equated its effects with those of a lethal weapon, “because it kills innocent people” (Muñoz, 2005D). As was mentioned, the Church found an unconditional ally in then Secretary of Government, Carlos Abascal Carranza, who stated that his “commitment to life is non-negotiable” (Muñoz, 2005A). The Secretary of Health refuted the rhetoric on the abortive nature of the emergency contraceptive, adducing the “scientific evidence” and the democratic nature of the State, explaining that the decision was not “a caprice of functionaries”, but rather the result of a three-year consultation process (Muñoz, 2005B). Thus, two concepts regarding sexuality as an area for public policy confronted each other, one seeing the State as the guarantor of a particular morality, the other demanding of the State that it guarantees plurality and freedom for its citizens.

The sexuality held up by the conservative groups is, of course, governed by a heteronormative model, one of obligatory heterosexuality,¹³ which condemns and excludes any experience, practice or identity that exceeds the bounds of that definition. This normativity would be irrelevant to the present analysis if it were limited to religious action per se. However, these groups enter the public sphere seeking to ensure that the State is governed by a law that they consider divine, natural and moral, thereby attempting to dictate the conduct and consciences of the governed.

In the view of the Mexican Episcopal Conference, for example, the protection of life from the moment of conception to natural death, recognition of the natural structure of the family (the marriage-based union of man and woman) and the right of parents to educate their children are principles that are neither contingent nor negotiable, and that are based on “moral imperatives of absolute validity” (CEM, 2006).

In the view of the various progressive actors, this philosophy of Catholic morality as the natural order—and the natural order as consisting precisely of *that* morality—implies an anti-democratic approach to relations between citizens, for if

¹³ In Western societies—and Westernised ones such as that of Mexico—sexuality has historically be constructed as synonymous with vaginal intercourse, to such an extent that for Catholic sexual morality, conjugal reproductive heterosexuality is the very nature of sexuality: *natural* sexuality. During the latter part of the nineteenth and most of the twentieth century, medical learning and modern sexologists somehow reclaimed that construction by equating normality with genital heterosexuality (Amuchástegui and Rivas, 2008).

sexuality is the locus of control of persons (women in particular), then the plurality and richness of human sexual experience is denied, excluding an infinity of practices and identities. Thus, mobilisations of feminist groups seem to be inspired by “a form of political identity that consists of identifying with the political principles of modern pluralist democracy, i.e., that consists of the affirmation of freedom and equality for all” (Mouffe, 1999:120).

One consequence of the political activity described here was that the emergency contraceptive pill remained within the Health Secretariat’s basic formulary, representing the predominance of a modern conception in which sexuality is an area for the exercise of citizenship, rather than a *moral* area.

Another example of biopolitics, centring on the control of women’s bodies, was the process of decriminalizing abortion in the Federal District in 2008, when Mexico’s Supreme Court upheld that legislation. The response of conservative sectors since then has been overwhelming. As of September 2009, half of the country’s states had changed their local constitutions to reflect the State’s obligation to protect life “from the moment of conception” and, accordingly, to prevent the legal provision of services to interrupt pregnancy.

The movement to decriminalise abortion has succeeded in manifesting the political nature of sexuality and reproduction by questioning its definition as a natural essence and destiny, and by constructing both as an expression of existing power relations in today’s Mexico. This process has unleashed a national debate on women as the subjects of rights, in relation to their sexuality and reproduction.

2. The construction and uses of democracy

Another of the nodal points identified shows that each of the political actors attempts to define the democratic game, and their own participation in it, demonstrating that “there will always be contradictory interpretations of the democratic principles of equality and freedom, as well as of democratic citizenship” (Mouffe, 1999:96).

In this context, the country’s incipient democratisation has gradually forced the Church to submit to the rules of modern political combat. Although it has always participated in the fight for social and cultural hegemony, this new political environment has forced the Catholic hierarchy to manoeuvre through the democratic discourse. This historic transition represents a shift, from the Church’s traditional stance as bearer of the truth to a situation in which it allows—and requires— itself to be one more actor on the political stage. The PAN Senator Federico Döring stated in an interview:

“For me, the Church is one more non-governmental organisation, and if the Church has criticised legislators, it is as if an NGO had criticised me. The Church is a very large NGO, perhaps very powerful... but an NGO nevertheless.”

Hugo Valdemar, the Archdiocese spokesman, agrees, although he clearly indicates the limits of what the institution is willing to tolerate. To the Church,

supporting the law that gives women the freedom to decide *not* to be mothers constituted a transgression of the boundary between the tolerable¹⁴ and the inadmissible:

“The fact that the Church defends its moral principles when an issue that involves them is at stake does not mean that it wants to impose one moral law on all, since it obviously cannot do that, but the Church, like any institution, is within its rights in defending its own principles... The Church defends its values; that is the most natural thing, and, obviously, they cannot muzzle, isolate or threaten it.”

Given the fact that, as an institution, it cannot legally take political action, the Catholic hierarchy has been compelled to work through different secular groups and individuals. In this sense, this can be conceived of as an appropriately democratic practice, since the ecclesiastical institution and its allies—like all political actors—have been obliged to accept the fact that their claims are singular and limited. This, for an institution based on dogma, has meant relinquishing its position as an upholder of the absolute, and settling for being simply a representative of one more ideological position—a position as “relative” as any other. Even Armando Martínez, representing Catholic Attorneys, has said in an interview that “the Catholic hierarchy participates in the public sphere, but it is just one more citizen [sic]. It has no other type of talent, and to negotiate or conduct a dialogue with only the hierarchy is to give it an undesirable status, which it should not have.”

This has had paradoxical consequences for the institution of the Church itself, particularly with regard to issues of sexuality. Although conservative sectors now define themselves as players in the political game, they see Catholic sexual morality as universal and natural, constructing themselves as bearers of *the* truth and, accordingly, denying the essence of democracy as being a debate between different positions.

On the other hand, the Supreme Court practised the principle of plurality inherent in any democratic regime by opening public hearings on the decriminalisation of abortion and using its authority as arbiter to call on the different political forces to express their opinions, while reserving the final decision for itself. Those working against the reforms included the College of Catholic Attorneys of Mexico, the Pro-Vida Committee, academics from Catholic universities and, quite prominently, legislators and federal officials from PAN. What is interesting for the present discussion is that these advocates employ the language of democracy and plurality to demand that the judicial branch supports a single moral perspective that denies precisely the plurality of moral systems present in any scheme of democratic coexistence.

Senator María Teresa Ortuño, on behalf of the parliamentary caucus of PAN, argued:

“Who is the most vulnerable, the unborn? Who, if not the law, must guarantee him protection? That spirit must drive the legislature and judiciary. I emphatically affirm—TO YOU!—that public morality is the law. What the law permits, independent of each person’s beliefs or absence of beliefs, is what

¹⁴ For example, abortion in the case of rape, with respect to which Catholics had not been so belligerent.

governs the life of the community... Therein lies the difference between totalitarianism and democracy” (Ortuño, 2008:6).

Against this line of argument, the PRI leader Olimpia Flores called on the members of PAN to legislate in favour of women’s rights, and not to enforce a supposed “law of God”:

“We are speaking of an intrinsic right implied by belonging to a State, and to argue that [the reform] violates the law of God is blackmail... [T]he deputies must address the subject not as a sacred matter, but as a problem of public health” (Hernández, 2007).

3. The secular State: versions and definitions

To some extent, all of the actors studied here value the institutions of the secular State. However, there is a clear struggle for hegemony in defining the Church-State relationship. For example, Hugo Valdemar, Archdiocese spokesman, considers that “the division between Church and State that exists in most countries is very healthy. It seems to me it was very difficult for the Church to accept that division, but in the long run it, too, understands that it has been healthy, that it is the most appropriate way.” In the view of the Catholic hierarchy, nevertheless, secularity—in the words of the 2003 Congregation for the Doctrine of the Faith, in *Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life*—should “have its limit”:

“[Secularity], as the autonomy of the civil and political from the religious and ecclesiastical sphere—never from the moral one—is a value acquired and recognised by the Church, and is part of the patrimony that civilisation has produced. But it would be an error to confuse the proper autonomy that Catholics must assume in politics with upholding a principle that ignores the Church’s moral and social teaching. The intolerant secularism that denies not only the political and cultural relevance of the Christian faith, but even the possibility of a natural ethic, [jeopardises] not only the society and the harmony of peoples, but the very spiritual and cultural foundations of civilisation” (CDF, 2002).

In contrast, the President of the Federal District Human Rights Commission, Emilio Álvarez Icaza, stated that “the Catholic Church as an institution cannot impose morals or rules from the religious sphere. Catholics have every right to speak and to express themselves, but as citizens... the debate on the approval or rejection of the proposed modifications in the law [the decriminalisation of abortion] must be a secular one” (Llanos, 2007).

With respect to women’s reproductive rights, and in light of modern ideology regarding the role of the State, the events examined show that one of the fundamental values of the secular State is that of using scientific evidence as the basis for public policy. The Health Secretariat staff—Julio Frenk and Patricia Uribe—interviewed at the time emergency contraception was approved clearly indicated that they were inclined to this position. Relating a conversation with then-President Fox, and knowing his beliefs and political affiliation, Frenk recalls saying: “My position will be to make decisions on

the basis of scientific evidence, not ideological positions. What are your thoughts on that? Because I want to have the freedom to make technical decisions uninfluenced by ideological or party considerations.”

Given the setback the Church was dealing with because of the decriminalisation of abortion in Mexico City, it turned to any instrument within its reach to attempt to roll back the reform. According to María Luisa Sánchez, Director of the Information Group on Reproductive Choice (Grupo de Información en Reproducción Elegida, or GIRE) and promoter of the decriminalisation initiative:

“The belligerence of the members of the Catholic Church hierarchy was also very helpful in the end, because they largely isolated themselves by being aggressive and threatening. Their questioning and excommunicating of public servants actually empowered them—especially the Head of Government of the Federal District, Marcelo Ebrard—to put the Church hierarchy in its place, telling it: my obligation is to govern for all the citizens... ‘lay people’ means believers and non-believers.”

In the cases examined, one can see how some organisations on the right have employed the legal mechanisms of the secular State itself to weaken it, and have resorted to the instruments of the democratic secular system—which permits dissent and plurality—precisely to question their validity. For example, Pro-Vida, bishops, PAN legislators and the National Union of Parents argued, in the courts, against approval of the emergency contraceptive, although their appeals were ultimately rejected.

These examples show that the legal strategies of the most conservative sectors have failed when there are counterbalances between the executive, legislative and judicial branches, and when they share the principle of plurality. However, the recent reforms criminalizing abortion in 17 of Mexico’s states show that the Church has found another means of pushing its agenda since its defeat in the Federal District, through alliances between local PAN legislators and PRI deputies. In the view of those supporting the rights-based vision, this strategy has had success, due to the proximity of the 2012 elections. According to Patricia Mercado:

“[T]hose negotiations take place *behind the scenes*. The hierarchy certainly has a very strong lobby, one that is speaking with governors, saying—especially to those who are potential presidential candidates—‘Do you want to be President? Don’t touch this issue... Not only don’t touch it, but change the constitution of your state.’”

Notably, however, the public debate that has unfolded around the legislative proposals presented on one side or the other has actually strengthened the country’s democratic and secular life with regard to gender, since it has forced Mexican society to debate whether women are entitled to the right to control their bodies, their sexuality and reproduction. Prior to the events described here, the naturalisation of gender and of sex-based divisions made such debate unthinkable. Meanwhile, albeit haltingly and turbulently, women’s rights have become an entirely legitimate public issue.

ANNEX I: INTERVIEWEES

Name	Position and organisation
Patricia Uribe	General Director, National Centre for Gender Equity and Reproductive Health, of the Secretariat of Health.
Monsignor Raúl Vera	Bishop, Diocese of Saltillo, Coahuila.
Pilar Muriedas	Managing Director, <i>Salud Integral para la Mujer, A.C.</i> , and coordinator of <i>Territorios de Cultura para la Equidad, A.C.</i>
Patricia Mercado	Director, <i>Fundación Voz Alternativa y Liderazgo, Gestión y Nueva Política, A.C.</i> and former presidential candidate.
Monsignor Leopoldo González González	Auxiliary bishop of Guadalajara and Secretary General of the Conference of the Mexican Episcopate and the Latin American Episcopal Council.
Manuel Espino Barrientos	Former PAN leader, currently President of the Christian Democratic Organisation of America.
Deputy Elsa Conde	Federal Deputy for the Social Democratic Party.
Senator Federico Döring	Former Federal Deputy and Senator for PAN.
Armando Martínez	Founding President of the College of Catholic Attorneys of Mexico, A.C., and Rector of Universidad del Pedregal.
María Luisa Sánchez.	Director, <i>Grupo de Información en Reproducción Elegida, A.C.</i>
Víctor Hugo Círiga	Former Deputy, Legislative Assembly of the Federal District (ALDF); former President of the Governance Commission; former Senator of the Republic.
Priest Hugo Valdemar Romero	Director of Communication and spokesperson, Archdiocese of Mexico.
Julio Frenk	Former Secretary of Health, and Dean of Harvard School of Public Health.

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