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

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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

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[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 "problematisation",[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 conducted[10] 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

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