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Paul Sigmund states that the growing religious pluralism in Latin America is one of several reasons why the trend toward democracy in the last two decades may endure. Nevertheless, Sigmund argues that religious pluralism, particularly the growth of Protestantism, has created a challenge that must be resolved. *Religious Freedom and Evangelization in Latin America* provides an indispensable resource for understanding the challenges confronting the continent, offering Catholic as well as Protestant perspectives, and trenchant analyses of the situation in different countries including Brazil, Argentina, Mexico, Nicaragua, and Cuba.

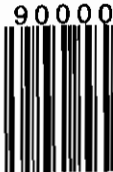
Sigmund is professor of politics at Princeton University. His previous works include *Liberation Theology at the Crossroads: Democracy*

Patricia Finnegan Curran
Mark Gallo, Emory Law School
Law and Religion Program, Emory University

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RELIGIOUS FREEDOM AND EVANGELIZATION IN LATIN AMERICA

The Challenge of
Religious Pluralism

Paul E. Sigmund
EDITOR

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cepting Christ as their savior, and cooperating with other religions in order to do so; increasing dialogue not only with governmental institutions, but also nongovernmental ones; and deepening the church's service to society, especially to the neediest. In addition, they committed the church to continue its efforts to educate the Cuban people to appreciate human life and the family and to oppose abortion and birth control. Finally, the prelates stated their determination to animate the laity to work with others of good will, in a spirit of reconciliation and solidarity, to find solutions to Cuba's diverse problems in accordance with Catholic social doctrine. Such work would be done in collaboration with those Cubans who have left the island but were committed to the common good of the nation.¹⁰¹ In concluding they returned to words that the pope spoke in Santiago in order to summarize their message: "History . . . teaches that without faith virtue disappears and life loses its transcendent meaning."¹⁰²

Clearly the Catholic and Protestant churches, as well as the Jewish community, are preoccupied with fortifying civil society prior to any transition and reducing the possibility that after Castro power might be seized by Cubans from outside the island. In order to avoid this the churches have been attempting to increase the preparation of lay leaders and encourage participation of civil society within Cuba. Given the continuing institutional weaknesses of the churches, this is a very great challenge. However, Cuban church people and religious institutions appear to be in a better position today to influence a transition than they were in 1959.

6.

EL SALVADOR

Andrew J. Stein

INTRODUCTION

El Salvador is a country that has experienced great changes in its political, legal, and religious environments over the past decade. In 1992, a peace treaty ended the brutal civil war (1980-92) that took over eighty thousand lives. This chapter will explain the ebb and flow of church-state conflict during the war, and will trace the historical roots of church-state relations since independence from Spain. Such a long view is needed to understand previous church-state unity and cooperation, and why that pattern became untenable by the 1970s and 1980s. Second, the analysis will address the relevant constitutional provisions and government protection of Catholicism as the official faith, and the consequences of this tradition for the religious freedom of indigenous and missionary religious groups today. Finally, the chapter will discuss how the church's focus on social justice and change affected the prospects for human rights, the rule of law, and democratization in El Salvador.

THE HISTORICAL CONTEXT OF CHURCH-STATE RELATIONS

An adequate understanding of how church-state relations have evolved must begin with their origins in El Salvador during the early independence period

This chapter is dedicated to the memory of the late Enrique Baloyra, who advised many junior scholars on research about El Salvador. The author is grateful for comments on earlier drafts of this chapter and that on Nicaragua from Paul Sigmund, the other contributors to this volume, Ricardo Córdova Macías, Carlos Guillermo Ramos, Alvaro Trigueros, and José Miguel Cruz. Field work done in 1997 for this chapter was supported in part by a Tennessee Technological University Faculty Research Committee Grant.

(1821-38) and the colonial legacy. Under Spanish rule, the *patronato* system prevailed, in which church-state unity made Catholicism the official religion, granted the church special rights (such as separate law codes and property), and allowed the monarchy to appoint bishops and control internal functions of the church.

El Salvador was, like the Chiapas province in Mexico, and the other future states of the Isthmus, under the colonial jurisdiction of the Audiencia de Guatemala, based in Guatemala City. In retrospect, it is not surprising that El Salvador had a strong movement for autonomy in local government and ecclesiastical matters, given its importance as a leading population center and indigo producer, far ahead of all others in Central America except for Guatemala itself. When *intendencia* status was granted in 1786, political autonomy was followed by demands for control over church governance, as well as the right to a separate Salvadoran bishop and diocese. El Salvador also experienced rebellions in 1811-12 that were precursors to complete separation from Spain, and revolved around calls to abolish special church rights known as *fueros*.¹

The period after independence from Spain in 1821 cannot be seen as a unified whole for El Salvador, but rather as distinct periods. The first of these involved not only the decision to separate from Spain, but also from Mexico, and then local versus regional demands under the United Provinces of Central America (1823-38). The second major period (1840-69) constituted the beginnings of a weak, independent state and the instability of frequent civil wars. After coffee became the key export crop (1870-90s), state institutions and laws were strengthened, and political stability was achieved, yet at a cost for the church.

During the initial period of independence, the new governments began a major reevaluation of the rights, privileges, and role of the Catholic Church. Certain sectors, often termed Conservatives (for their preference for protectionism in trade and maintenance of church privileges), began a decades-long clash with other elites termed Liberals. The latter were determined to rid their states of the remnants of Spanish colonialism, and influenced by European liberalism, advocated curtailing the church's political influence, property rights, and control over education, marriage, burials, and public records. Woodward has characterized the Conservatives' favoritism of the church "as a defender of their privileges and a vital element in both controlling and securing the support of the masses."²

At the time of independence itself, as had been the case in Mexico and elsewhere, the clergy was divided, at times on the basis of high clergy and low clergy, and whether they were Spanish born or native to the region, though the fault lines were more complex than this alone. In 1821, Father José Matías Delgado called for separation from Spain, Mexico, and Guatemala, and defended this position with arms until 1823. At that time Delgado became president of the Congress of the United Provinces of Central America, a body that began liberal reforms including the elimination of all titles of nobility and of

the clergy (henceforth all clergy, including bishops, were to be called simply *padre*). Guatemalan Archbishop Casás opposed the Central American federation in 1824-25, after the creation of the Diocese of San Salvador without his consent or that of the Vatican. The new government claimed for itself the right of royal patronage and supported Delgado when he declared himself bishop.³

By the 1840s, factionalism across and within member states of the federation brought it to an end. After El Salvador became a separate state, the following two decades were a period of increasing strife and Liberal-Conservative conflict that led to the expulsion of priests from El Salvador and open warfare. An indicator of the instability and weakness of the state, and the power of regional elite factions, is that the country had forty-two different presidents in the period from 1841 to 1861.⁴ A concordat was signed between the government of Liberal dictator Barrios and the Vatican in 1862, but violation of the terms by both sides led to its abrogation.⁵

Subsequent decades brought alternation in power by Liberals and Conservatives, depending on their relative ability to remove the other by force, and, in 1871, El Salvador came under stable Liberal rule. Church-state conflict would resume and peak in these final decades of the nineteenth century with the production of coffee for export. The formation of state institutions, capitalist notions of private property, and the dispossession of *ejidal* (municipality owned) and communal (Indian) lands characterized this period.⁶ This process helped to unify rival elites and Liberal-Conservative differences over confiscation of church property lessened greatly.⁷ Another aspect of the consolidation of land under coffee planters' control was the move to confiscate land belonging to indigenous tribes, thereby creating a dependent labor force. This was an extremely violent process that led to several popular uprisings in 1885-99 and their bloody suppression by landowners and government troops. The Jesuits were expelled from the country in 1872 for their alleged support of resistance to the loss of communal land, yet Rodolfo Cardenal notes that most of the clergy were supportive of these changes.⁸

As part of the wave of anticlericalism, the concordat was suspended in 1874, and the Salvadoran government ceased all economic obligations to the church (such as payment of salaries and the collection of tithes). The constitutions of 1880 and 1886 did not recognize an official state religion.⁹ In 1894 a law prohibiting divorce was passed, but despite church efforts, it failed to recognize Catholic religious marriage as the sole type. In addition, state officials offered little help to the church in its opposition to Masons and Protestants at this time.¹⁰

From the late 1870s until the 1980s, with very few exceptions, political power was transferred by coup or fixed elections, with local municipal control key to various factions' chances of governing. The church generally recognized these governments as the legitimate public authorities. According to Rodolfo Cardenal's copiously documented research, most church-state conflicts in the 1890-1931 period were on the local level. These disputes revolved

around taxation, confiscation of parish houses or adjacent land, and issuance of permits to celebrate Holy Week or the various patron saint festivals.¹¹ On the national level, aside from its lost property or government resources, the Catholic Church was restored in practice (if not in legal terms) to the favored official religion. The style of planter-dominated politics characterized by Ciro Cardoso as "oligarchic dictatorship" continued unabated until the Depression. The 1932 massacre of thousands of middle-class and worker radicals and reformers known as *la Matanza* put an end to demands for social reform or political democratization for more than three decades.¹²

During the tenure of Luis Chávez y González as Archbishop of San Salvador (1938-77), the Salvadoran church experimented with pastoral and other reforms that antedated those encouraged by Vatican II and CELAM. There were efforts to educate the general public in the social teachings of the church and their relation to such issues as the social function of private property, the role of the state, a fair minimum wage, the right to unionize, and rural peasant cooperatives.¹³ Though relations between church and state were mostly harmonious during Bishop Chávez's tenure,¹⁴ they had started to deteriorate badly by the late 1960s and early 1970s with expulsions of foreign clergy, murder of human rights workers, and church denunciations of government actions. At this time there were efforts to promote land reform, peasant rights, and to reorient the Catholic Church in favor of service to the poor.¹⁵ This led to increasing criticism from Salvadoran governments, distance between bishops and presidents, and eventually, open repression of the church for its assumption of what would be called at Puebla a "preferential option for the poor."

As was the case in Chile and Guatemala, in El Salvador in the early 1960s there appeared among the urban middle class (particularly in San Salvador) a strong Christian Democratic Party (Partido Demócrata Cristiano, PDC) to challenge the candidates of the military. The PDC repeatedly won municipal elections and increased its numbers in the legislature. This led to calls for land reform in 1970 and 1976 (until then a taboo for any politician), electoral fraud, and harsh government crackdowns after the elections of 1972 and 1977.¹⁶ As part of this debate, in 1973 and 1976, death threats and demands to leave the country had been issued against Father Ignacio Ellacuría and his fellow Jesuits for their teaching and critical publications at the Externado San José High School and Central American University (Universidad Centroamericana "José Simeón Cañas," UCA), and the UCA had been bombed repeatedly.¹⁷

1977-1981, GOVERNMENT REPRESSION AND MASS PROTEST: THE CHURCH FACES REVOLUTION

As Bishop Chávez retired in 1977, and his successor, Oscar Romero Galdámez, was installed as archbishop,¹⁸ the ferment of mass organizations and guerrilla movements such as the Popular Liberation Forces (Fuerzas Populares de Liberación, FPL), came to a head, as did the savagery of government repression that left several priests, nuns, and lay catechists among the dead.¹⁹ Ac-

ording to a 1978 report by the OAS's Inter-American Commission on Human Rights:

As a result of the activities that the Catholic Church is carrying on because it considers that they are an integral part of its mission . . . it is [the] object of systematic persecution by the authorities and organizations that enjoy the favor of the government.²⁰

ARCHBISHOP ROMERO, DENUNCIATION OF GOVERNMENT ABUSE AND PERSECUTION

So much has been written about Romero's period as archbishop of San Salvador that I will merely summarize some main points as they relate to church-state conflict and religious freedom. As his contemporaries have noted, it is useful to examine Bishop Romero during his period as the secretary of the Bishops' Conference of El Salvador (Conferencia Episcopal de El Salvador, CEDES) in 1967-70²¹; his time as one of two auxiliary bishops of the archdiocese in 1970-74; and the period 1974-77, when Romero was bishop of the Diocese of Santiago de María,²² in the eastern part of El Salvador. Romero's denunciations of and conflict with the Arturo Molina (1972-77) and Carlos Humberto Romero (1977-79) administrations, and the self-styled government of the Revolutionary Junta (Junta Revolucionaria de Gobierno, JRG, 1979-82), can be understood only in part as a consequence of the growing opposition movement, government actions, and the context of the time. After General Romero was overthrown, the JRG's coup in October 1979 was the final chance to usher in peaceful reforms and avert a civil war. However, the junta represented only a faction within the military; human rights violations continued as before, and the more independent civilians on the council soon resigned. Bishop Romero and the archdiocese had no better relations with this government than with its predecessor. Reprisals against rural organizing and urban demonstrations were as bloody as before, if not more so, as were threats and violence against church pastoral workers.²³ One aspect of Romero's public sermons that eventually led to his murder in 1980, allegedly by associates of the Nationalist Republican Alliance Party (Alianza Republicana Nacionalista, ARENA) founder Roberto D'Aubisson,²⁴ was the manner in which he denounced the excesses of the state and dominant classes, criticisms which made church-state relations ever more precarious. His final homily had called on soldiers to disobey unjust orders from their superiors if they were called upon to murder their fellow Salvadorans.

Equally important is an understanding of Romero's evolution in terms of his views on the institution's proper relation to government authorities and his interpretation of the causes of the conflict. During his time as an auxiliary bishop, Romero was highly suspicious of what he considered "politicized" priests and theological and political ideas current among the clergy. This included such things as liberation theology, and pastoral work that included

peasant training institutes.²⁵ However, despite Romero's concerns about obedience and unity in the church, his analysis of the conflict changed when he was in Santiago de María. Foreign clergy were expelled from the diocese without consulting Romero or religious superiors,²⁶ which he denounced publicly.

Romero's view on what was appropriate conduct by the clergy, and what was illicit, had evolved substantially. Widespread human rights violations, impunity, repression of dissent and freedom of assembly, and backtracking on promises of reform were reasons for a growing gulf between church and state. The outright persecution of the Catholic Church was also key. This included the murder of priests, nuns and lay catechists in the period 1977-79. Not all bishops or parish priests in San Salvador and the other dioceses (Santiago de María, San Miguel, Santa Ana, and San Vicente) had followed the pastoral and social commitment of Bishop Chávez and his auxiliary, Bishop Arturo Rivera y Damas. Some also opposed the open criticism and confrontation with the government that had occurred. As attacks on the church grew and the archdiocese's option for the poor intensified, the rift widened between Rivera and Romero on the one hand, and the remaining four prelates on the other hand (particularly Bishop Pedro Aparicio y Quintanilla in San Vicente and Auxiliary Bishop Marco René Revelo).

Crucial issues of Romero's last years (1977-80) were his views on communion and unity among bishops, priests, and the laity; the mission of the church and how to pursue it; and the consequences that disunity and pastoral action for the poor would have on church-state relations. Church unity had become ever more difficult, but Romero worked to reconcile clergy and laity, as well as splits across dioceses. The bishop rejected charges that the church had become Marxist and involved itself in political matters illegitimately. Partisan politics, he argued, was an inappropriate role for the church as an institution, but involvement in politics in pursuit of the common good was the church's right and obligation.

1980-1987, FROM CIVIL WAR WITH REFORMS AND ELECTIONS TO MILITARY STALEMATE

Independent of the church-state conflict and mutual distrust in El Salvador, several other factors made peaceful settlement of the nation's conflict in the mid-1980s unlikely. The main actors had ruled out any solution other than total military victory. The Alvaro Magaña-ARENA government in El Salvador (1982-84) had equated talks with the Farabundo Martí National Liberation Front and its civilian allies, the Democratic Revolutionary Front (Frente Farabundo Martí de Liberación Nacional and Frente Democrático Revolucionario, FMLN-FDR), as high treason, and death squads and government security forces backed this assertion by murdering and torturing those who dared to dialogue with the left. Once Christian Democratic President José Napoleón Duarte came to power (1985-89), the official argument was that El

Salvador was a democracy with elections, separation of powers, and social reforms despite the continuing impunity of security forces and death squads, and corruption in the judiciary. The left was portrayed as a hand of terrorists and obstructionists who did not accept the rule of law.

On the international level, despite multilateral peace efforts by the Contadora Group, the Reagan administration's insistence on a military "solution" to the Salvadoran civil war (shown in more than \$1 million in aid per day and the quadrupling of the armed forces) blocked efforts at a peaceful exit to the war.

Despite the differences between the Catholic hierarchy in the Archdiocese of San Salvador (and to a lesser extent, the Salvadoran Bishops' Conference) and the governments of Molina, Romero, the Junta, Magaña, and Duarte, the prelates were consistent in their public declarations with regard to the national situation and the conduct of the church. In the first place, following the themes of Bishop Romero, in the 1980-83 period the church claimed that negotiations and dialogue were the sole viable path, rejected violence, and advocated elections, structural change, and new values that would encourage reconciliation. The bishops called for unity within the church, obedience to superiors, and resisted political "instrumentalization" of church personnel or its mission.²⁷ The church's position in favor of dialogue became more consensual after the 1983 visit by Pope John Paul II, but the splits over different pastoral visions, readings of the war's causes, and the nature of the political system produced divergent understandings of which demands should be addressed, and whether to treat the FMLN-FDR as a legitimate side in future talks. Given this division within the church and the limited margins that the right, the military, and the United States provided Duarte, the talks held at La Palma in October 1984 stalled and amounted to nothing.²⁸

The disunity among the members of the Bishops' Conference persisted in 1984-86, but there were increasing efforts by Archbishop Rivera to be even-handed in dealing with all participants in the conflict, including the left. The conference issued a key document in 1985 around the time of elections²⁹ in which it praised the democratic process and criticized priests and nuns who were influenced by Marxism. In their portrayal of the two sides in the civil war, the bishops showed a very partisan reading of the Christian Democratic government of Duarte and the FMLN-FDR as polar opposites, the former as the "fruit of the democratic process," and the latter as "[those who] claim for themselves representation of the people that cannot be clearly certified, and . . . who use violence and sabotage as an essential weapon of their struggle."³⁰ Blame for the war was placed much more on international communism and the guerrillas than on government and military conduct or the injustices of Salvadoran society.³¹

Rivera supported elections like the other bishops, but given his contact with the archdiocesan human rights Legal Aid organization, Tutela Legal, he was well aware of their limitations. He called for an end to arms shipments and military aid (as Romero had done), rejected armed struggle and foreign inter-

vention (by the United States and socialist countries alike), and denounced the Christian Democratic government for a lack of good-faith negotiations and for the 1986 military offensive ("Operation Phoenix") designed by the Salvadoran army and U.S. advisors to destroy the FMLN.³²

THE 1988 NATIONAL DEBATE, 1989 FMLN OFFENSIVE, AND 1992 PEACE ACCORDS

By August 1987, the Iran-Contra scandal and the Arias peace plan had led to a context much more favorable to dialogue, resulting in the Esquipulas II peace process that included provisions for a cease fire, the formation of a National Reconciliation Commission, and peace talks. In this instance the church (meaning both the Archdiocese of San Salvador and the Jesuits at the Central American University—UCA) played a crucial supportive role. The church had gained increasing credibility as a mediating force by the late 1980s. Repeated public declarations by UCA Rector Ignacio Ellacuría, and public opinion surveys by Father Ignacio Martín-Baró's University Public Opinion Institute (Instituto Universitario de la Opinión Pública, IUDOP-UCA) showed over a period of years that an overwhelming majority of the public did not accept what Bishop Rivera termed "the official causes" of the war (international communism) or the military "victory" desired by the government, armed forces, and United States.³³

Archdiocesan church officials led by Bishop Rivera took the initiative in 1988 and organized a National Debate, going far beyond the minimum requirements of Esquipulas. The goal was to gather all of the representative forces of civil society to be "active agents of peace, and not passive subjects of war."³⁴ Church people involved were largely from the archdiocese, though the Vatican nuncio also played a key role, especially in preliminary meetings at his residence in San Salvador with the FMLN-FDR in October 1987.

The participants were to put forth an analysis of the contemporary situation, the principal causes of the war, an evaluation of proposed solutions to date (1979-88), an analysis of the Esquipulas II process as a framework for El Salvador, and each group's own proposals for a solution. A total of sixty-three groups were invited. Despite the rejection of Rivera's invitation by a few groups,³⁵ a broad spectrum of civil society was present, including the archdiocese; Tutela Legal; the UCA; the federation of Catholic schools; Protestant representatives from the Baptist, Episcopalian, and Lutheran churches (though Evangelical Protestants refused to take part); cooperatives; public sector unions; professional associations; social and humanitarian organizations; as well as most universities and cultural groups.³⁶ The church-sponsored forum helped to unify civil society in favor of a negotiated settlement to the war and major social and political reforms. As is evident in Table 1 below, organizations involved in the debate overwhelmingly rejected the notion that communist subversion caused the war, or that the most desirable outcome would be military

defeat of the FMLN (as advocated by successive governments, the armed forces, and the United States).³⁷

Table 6-1
Majority Planks in the National Debate of 1988

<i>Resolution Approved by Participants</i>	<i>% in Favor</i>
Main causes of war are structural injustice, maldistribution of land and wealth, government repression	100
Frequent involvement by the [Salvadoran] military in politics benefits the oligarchy and U.S.	95
Opposition to a military solution to the war as opposed to dialogue	97
Need for judicial reforms, civil liberties guarantees, and "effective popular participation in the dialogue process"	95
Churches should play important role in moral teaching, "humanization of different social sectors"	65

Source: ECA (August-September 1988), 735-48.

The issue positions summarized in Table 1 were among the central points discussed in negotiations that took place between the Alfredo Cristiani-ARENA government and FMLN-FDR in 1989-91. Many ideas regarding institutional reform were eventually reflected in the final documents of the peace accords signed in Mexico City in January 1992.³⁸

At this juncture it is important to note how the Catholic Church used its moral authority and autonomy from the government to "humanize" the war, and to promote alternatives to a military victory when other sectors of civil society were allowed a very precarious and narrow degree of freedom of expression and assembly. While the role of Bishop Rivera and the archdiocese has been noted, the role of the UCA (particularly Father Ignacio Ellacuría) in bringing the war to an end merits further attention. In as small a country as El Salvador, the significance of strong personalities and of talks between individual contacts was great. From 1984 to 1989 Ellacuría had engaged in hundreds of meetings with both sides in the conflict and representative key foreign actors like the United States, the UN, and the European Union.

During this time Ellacuría's views had evolved, and he tried to maintain a "critical distance" from both the government and the FMLN-FDR, despite allegations of his sympathy for the latter.³⁹ In combination with the FMLN leadership's recognition of a new global and national context, from May 1988 to May 1989 Ellacuría pressed Joaquín Villalobos and other guerrilla com-

manders to consider negotiations and elections. The UCA rector and his fellow Jesuits Segundo Montes and Javier Ibisate conducted similar talks with President Cristiani, Armando Calderón Sol, other ARENA leaders, and some military officers. However, the obstructionist faction of ARENA and much of the military opposed negotiations vigorously. Along with a few right-wing clergy, they accused the Jesuits of being Marxist subversives, and the UCA was bombed. Threats, violence, and assassinations by the right led to polarization and a response in kind from the FMLN.⁴⁰

Following the failure of another round of negotiations in September and October 1989, and the murders of labor leaders and others on the left, the FMLN launched its November offensive in San Salvador. It was in the midst of the fighting that the Atlacatl Battalion entered the Central American University (UCA) and executed Ellacuría, Martín-Baró, Montes, three fellow priests, their maid, and her daughter.⁴¹ Though the order had been issued at the highest levels of the military, a coverup tried to disguise the intellectual authors of the crime. All but two officers were exonerated for killing the priests, and the 1991 convictions were overturned by a sweeping amnesty law passed by an ARENA legislative majority in April 1993.⁴²

1992-1998, THE CHURCH, RELIGION, AND POLITICS IN PEACETIME

Peace came in 1992-93 with the return of former combatants, implementation of 1991 constitutional and electoral reforms, parcelling out land in FMLN areas, and the reduction in the size of the armed forces and purging of its worst violators of human rights. The six years after the Chapultepec accords marked a decreased role for the Catholic Church in national affairs. Although Lutheran Bishop Medardo Gómez and Archbishop Rivera served on the national reconciliation commission (COPAZ), the return of peace and of greater freedom of association for civil society have led to a changed context. Key to the transition were the 1994 elections, in which ARENA maintained its control over the presidency and legislative majority, and in which the FMLN participated as a legal political party for the first time.⁴³ By the March 1997 elections, the FMLN had improved on its previous performance so that it gained forty-eight municipalities, and nearly half of the national population was governed by it, including the capital.⁴⁴

Within the church substantial changes have also taken place, reducing its profile. First, with the end of the war, the entire ideological spectrum is represented within existing political institutions, unlike in the 1980s. As in other countries, democratization has meant a reorientation of the Church toward issues of public morality, pastoral attention, and Protestant growth. Moreover, in November 1994, Bishop Rivera died, and his replacement, Fernando Sáenz Lacalle (a former auxiliary bishop of Santa Ana and Opus Dei member), had a background and vision of the church's mission that signified a clear

break with that of Rivera, Romero, and Rivera in the archdiocese of San Salvador. The reasons notable in his dismissal from the national seminary of teachers with views different from his own, changes in *Orientación* (the Archdiocese's newspaper),⁴⁵ his refusal to use church forums or homilies to speak on political issues of the day,⁴⁶ and his conduct during the second visit of John Paul II in February 1996.⁴⁷ Above all, the change was clear in early 1997 in his acceptance of appointment as brigadier general and military vicar of the armed forces (from which he later resigned). His predecessor, Bishop Joaquin Ramos, was presumed to have been murdered by members of the army in 1991, and the military had been responsible for many of the murders of clergy and religious and lay catechists during the war.⁴⁸

OFFICIAL PROTECTION OF CATHOLICISM AND RELIGIOUS FREEDOM

In literal terms the 1983 Salvadoran constitution (heavily amended since 1991) does not speak of an official faith, but a historical recognition of the predominant role of the Catholic Church is evident. Chapter II, article 26, states that the Catholic Church is automatically granted legal status (*personalidad jurídica*), and that all other churches may apply for this status in accordance with existing laws. It also guarantees freedom of religion for the individual citizen in article 25. Particularly during the Cristiani government (1989-94), Protestant churches gained access to public officials to a degree not previously attained. The church's criticism was constant in 1990-92, given government failure to prosecute the guilty parties in the Jesuit murders, along with its continuing human rights violations, and slow progress in talks with the FMLN. Scarcely a month after the massacre at the UCA, the ARENA government courted Evangelicals when it held a public "Pilgrimage for Peace," with no Catholic clergy present (despite the fact that Catholicism was the religion of 70 percent of the citizenry).⁴⁹ Now that the open rift between incumbent governments and the Catholic Church has closed, it remains to be seen whether Protestant churches will be able to maintain the access they gained during the war.

PROTESTANT GROWTH, PROSELYTIZING, AND THE POLITICS OF RELIGION

The implications of the constitutional protection of the Catholic Church are ever greater given the rapid expansion of Protestantism, particularly since the 1980s. Church-supplied data indicates that between 1956 and 1970, 93-95 percent of the population was Catholic (albeit nominally), and in the decade 1970-80 less than 5 percent of the population was Protestant.⁵⁰ Salvadoran census data from 1992 did not include information on religion. The best available data are from public opinion surveys. Trends in religious affiliation are shown in Table 2, as follows:

Table 6-2
Salvadoran Survey Data on Religious Affiliation
 (numbers are percentage of total population)

Year	Firm/ sample	Catholic	Evangelical	Other	None
1988	IUDOP-UCA national	64.1	16.4	4.8	14.7
1991	Pittsburgh capital	72.3	16.1	4.9	6.6
1994	FLACSO special samples	57.0	15.8	3.1	23.4
1995	Pittsburgh national	69.5	29.3	0.5	0.7
1995	IUDOP-UCA national	56.7	17.8	2.3	23.2
1997	IUDOP-UCA		23.8		

SOURCE: IUDOP-UCA, survey of June 1988, "La religión para los salvadoreños," and "La religión para los salvadoreños en 1995," ECA S63 (September 1995): 851; University of Pittsburgh Central American Public Opinion Project, 1991-95; personal communications with author.⁵¹

Polling data is not without limitations. Philip Williams has estimated that 15-20 percent of the population is Protestant, but he notes that self-reporting by the Protestant churches often leads to overstated figures.⁵²

Protestants have made the greatest inroads among the young, poorly educated, and citizens of modest means, although there is some increase among the middle class, too. The denominations that have apparently grown the most are Pentecostals, not the historic denominations that tended to hold positions closer to those of socially activist Catholics—the Baptists, Lutherans, and Episcopalians. Also noteworthy has been the ability of Protestants to attract men in equal numbers to women, in sharp contrast to Catholics.⁵³

Political attitudes and participation vary between Protestants and Catholics, as Williams notes for Pentecostals, but whether one speaks of basic attitudinal patterns (ideology, partisanship, political tolerance), or concrete types of conventional participation (voting, contacting officials, community organizing) or protest action, religious denomination is not the most significant variable. The religious factor that is a more powerful predictor is religious belief. Respondents who tended to believe in literal interpretation of the Bible, for whom religion was very salient, and who had dogmatic views on doctrine displayed clear political tendencies. They voted more for parties to the right of center, rejected any kind of political protest as illegitimate, and showed high support for conventional participation.⁵⁴

Research has shown that the stereotype of Pentecostals as apolitical and withdrawn from public life is an oversimplification. Protestants do participate in politics, yet the fortunes of exclusively Protestant parties have been dismal.

From the early 1980s until 1997, the Christian Democratic Party moved from a consistent choice of at least 30-40 percent of the electorate to less than 10 percent of the vote. This vote share has not gone to explicitly confessional parties, but to ARENA on the right and the FMLN on the left. One scholar noted that the public "did not view evangelical-inspired parties as a viable alternative," as demonstrated by the National Solidarity Movement (Movimiento de Solidaridad Nacional, MSN) getting 1 percent of the vote in 1994.⁵⁵ The MSN had to appeal to the Supreme Court to maintain its legal status, since it only garnered 0.9 percent of the legislative vote and 1.05 percent for president in 1994.⁵⁶ With the increase of the minimal vote threshold to 3 percent in order to remain on the ballot for the next election, the MSN lost its legal recognition after the 1997 polls (obtaining 0.5 percent of the vote, and no deputies or municipalities).⁵⁷ The Unity Movement (Movimiento Unidad, MU), which has ties to the Assemblies of God, emerged in 1993 and portrayed itself as a centrist alternative. The MU did gain one seat in the Legislative Assembly the following year, and showed ambivalence about its coalition for 1997 with the FMLN and center-left Democratic Convergence (Convergencia Democrática, CD), while winning three mayoral races. In those localities where the MU ran alone, it gained one deputy and four local governments, a total of over 2 percent, not enough under current law to compete in the elections of 1999 or 2000.⁵⁸ While the MU gained over twenty thousand votes spread across more than half of the country's fourteen departments (and might have a future as a coalition party), the MSN obtained only eighty-one hundred votes, mostly in San Salvador.⁵⁹

CATHOLIC RESPONSES TO RELIGIOUS COMPETITION, ECUMENISM

Although there are still several members of the Salvadoran Catholic clergy who argue that the rapid increase of Protestants is due to a plot by the United States government (often citing the 1969 Rockefeller Report), or that it is caused by foreign missionaries "buying" the faith of desperate poor people, there is increasing recognition that part of the cause also lies with the Catholic Church itself. In two revealing documents, the Secretariat of Central American Catholic Bishops (Secretariado del Episcopado de América Central, SEDAC) notes that religious diversity is now a permanent feature of the religious landscape in the Isthmus. A 1995 study included a survey of Catholic pastoral agents and a second poll of recently converted Protestants to determine why they had left the Catholic religion in which they were raised. The main reasons were dislocation in their life (rural migrants to urban slums), unfamiliarity with Catholic doctrine, or dislike for restrictions on the priesthood, prohibitions against birth control and divorce, opposition to church involvement in political issues and its commitment to the poor and social justice, and finally, what some saw to be a cold style of worship.⁶⁰

As for ecumenical relations, Archbishop Romero had made overtures toward the historical Protestant churches such as the Baptists, Lutherans, and

Episcopalians, and he co-founded an interdenominational organization called *Diakonia*. This group met for both ecumenical dialogue before the war and humanitarian assistance in the face of the crisis. Rivera continued to work in conjunction with Protestants (primarily the same three denominations) in aid programs for refugees from war zones. However, the divisions between and within Protestant churches and the Bishops' Conference were a serious limitation on cooperation (differences that were exacerbated by the war).⁶¹ Archbishop Rivera's and Lutheran Bishop Gómez's role with the Peace Commission, COPAZ, suggests that at least in the archdiocese high-level contacts between churches continued into the early 1990s. This climate seems to have changed with the end of the war, the appointment of Archbishop Sáenz, and changes in the clergy. There is less visible effort and less contact at present.

RELIGIOUS FREEDOM, HUMAN RIGHTS, AND DEMOCRATIZATION

The conduct of Catholic bishops and priests during the periods of Chávez, Romero, and Rivera had a lasting impact on the country. First, they helped to legitimize the organization of poor Salvadorans to solve problems and address grievances (whether in Catholic Action groups, peasant cooperatives, or later unions and human rights organizations). Second, by constantly stressing a nonviolent solution to the war, the Catholic Church (particularly the Central American University) helped, along with the development of parties and (at times, flawed) elections,⁶² to add new legitimacy to solving conflicts by means other than fraud or force, which had been the norm in El Salvador since the 1970s.

Human rights and the rule of law were also strengthened greatly by the input of religious actors, though today such trends are still tenuous in El Salvador. The denunciation of massacres and political murder by the security forces, death squads, and guerrillas was accompanied by physical protection of dissidents and refugees. By the 1980s, the archdiocese's *Tutela Legal* (Legal Aid) helped compile data and evidence in prominent cases such as the Romero killing, the Mozote massacre,⁶³ and the assassination of the Jesuits at the UCA. This foundation was further developed by the UN Truth Commission and helped to establish norms for the government Procurator (Ombudsman) for the Defense of Human Rights (*Procuraduría para la Defensa de los Derechos Humanos*, PDDH), established as part of the peace accords in 1992. These rights include not only life, personal security, privacy, expression, association, and due process, but also (still imperfectly enforced) economic and social rights. Under current law these additional rights include health, work-place rights, education, and provisions for the protection of women and children's rights.⁶⁴ While it may be the case that the Legal Aid office has not yet assumed the lower profile that it should, now that an official agency exists to carry out its

original mission, it helped to create societal standards, legitimized citizen demands for such rights, and gave a forum for denunciation of human rights abuses. In the initial five years, the number of public complaints to the human rights prosecutor rose from 962 to 4,445.⁶⁵ Under Archbishop Sáenz, there is greater church cooperation with and dependence upon the state (and consequently less criticism of human rights, or the lack of compliance with the peace accords).⁶⁶

CONCLUSION

The end of the armed conflict (and the heavy cost it had for the Catholic Church when it became a critic of governments), a new generation of clergy that did not live through Vatican II, Medellín, and repressive dictatorships,⁶⁷ and the temptation to seek the patronage and favor of the state have led the Catholic Church closer to church-state union and away from being the "voice of the voiceless"⁶⁸ as before. In San Salvador two parish priests captured the new direction:

[Church-state ties] have changed totally, that is what is so troubling for the people, the true Church.

Cristiani and Rivera y Damas did not get along—in the area of human rights, the *Tutela* [Legal Aid] criticized the government, and [the archbishop] never went to government ceremonies. [Now] the hierarchy is very much in agreement with the government (of President Calderón Sol), and they lowered their voice on human rights.⁶⁹

What are the future prospects for Catholic-Protestant ecumenical dialogue, legal and practical religious freedom and pluralism, and church-state relations in El Salvador? There is a history of inter-church contact, but it seems that the present leadership of the archdiocese is uninterested in ecumenical efforts.

There is a large gulf between legal statutes and daily practice in terms of the separation of church and state in a nation with a limited historical tradition in this regard, and in religious freedom for non-Catholics. The future of this situation will depend on the outcome of the current efforts of bishops to gain state protection and *de facto* (if not *de jure*) favoritism of Catholicism over other religions. In the long run, this could backfire, both in terms of undercutting the prospects for ecumenism, and in terms of failing to heal deep and real divisions in the clergy and laity of the Salvadoran Catholic Church. Church-state relations under democracy are likely to be moderately contentious on individual public policy issues, but will probably not return to the polarization and open conflict of the 1970s and 1980s unless violence becomes commonplace again, and constitutional democracy breaks down. Recent surveys have

shown that the Catholic Church (along with the media, the Human Rights Ombudsman, and local government) continues to be held as much more trustworthy than any other governmental or societal institution.⁷⁰ That moral authority presents it with an opportunity to contribute further to religious freedom, the rule of law, and the emergence of democracy. It remains to be seen whether Catholic leaders make use of this opening.

THE NEW LEGISLATION ON RELIGIOUS FREEDOM IN MEXICO

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José Luis Soberanes Fernández

BACKGROUND

On January 28, 1992, the Official Record (*Diario Oficial*) of the Mexican Federation published a decree amending various principles of the Constitution of the Republic, relating to the fundamental right to religious freedom, religious associations, and ministers of religion. Later, on July 15 of the same year, the Official Record published the implementing legislation, *The Law of Religious Associations and Public Worship*. With this law, Mexico radically altered its legislation in these matters.¹

In the following pages, I will try briefly to evaluate this important step in Mexico's progress in the field of human rights. The amendments were not as sweeping as one would desire, but we also must consider that it is impossible to abandon a whole laicist and sometimes persecutory—rather than secular—tradition. In addition, this new legislation corrects some outmoded situations. On the other hand, I should add that the legislation has some significant defects—as a result of internal divisions within the Mexican political system itself—due to the number of people who were involved in its writing, and above all due to a lack of experience in this matter. However, I have to emphasize that the constitutional amendments and the law represent not one but many steps forward in the area of religious freedom in Mexico.

ANTECEDENTS

As noted above, a historical explanation remains fundamental in understand