

Sexual Politics and Religious Actors in Argentina

MARIO PECHENY*, DANIEL JONES AND LUCÍA ARIZA

Abstract

This article examines the role of religious actors in sexual politics in Argentina. Sexual politics has become a critical battlefield when it comes to the role of religion in the Argentinean liberal-democratic regime, while gender and sexuality have been the main political targets of religious institutions since the 1980s and 1990s. In this context, progressive legislation on gender, sexual, and reproductive rights was passed, including same-sex marriage and the recognition of transgender identities, despite the opposition of the Catholic Church. Paradoxically, abortion remains largely illegal, allowed only in exceptional circumstances.

Keywords

Argentina; gender; Francis; abortion; gay marriage; transgender.

Author affiliations

Mario Pecheny is Professor of Sociology of Health and of Political Science at the University of Buenos Aires, and Researcher of the CONICET.

Daniel Jones is Assistant Professor of Philosophy and Methods of Social Sciences at the University of Buenos Aires, and Researcher of the CONICET.

Lucía Ariza is Post-doctoral Fellow at the University of Buenos Aires.

Introduction

This paper examines sexual politics in relation to the role of religious actors. In Argentina, as in other Latin American countries, sexual politics have become one of the critical battlefields when it comes to the status of religion in a liberal-democratic regime. At the same time, gender and sexuality have been the main political targets of religious institutions since the 1980s. In this context,

*Correspondence: Institute Gino Germani, J.E. Uriburu 950, 6th fl., 1181, Buenos Aires, Argentina. E-mail: pecheny.mario@gmail.com.

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and despite the official opposition of the Catholic Church, progressive legislation on gender, sexual, and reproductive rights was passed, including same-sex marriage.

Following a qualitative methodological strategy, this text is based on the analysis of secondary sources. The corpus includes articles from three Argentine newspapers (*Clarín*, *La Nación*, and *Página 12*) published between 2003 and 2014. The corpus also includes official statements and other documents produced by religious organizations, mainly the Argentine Episcopal Conference and Evangelical churches and federations, available at their websites and confessional media, between 2003 and 2014.¹

While the election of an Argentine Pope in 2013 brought world attention to the recent political and religious history in the country, sexual politics in Argentina were already an interesting study case before Francis' appointment as the Catholic pontiff in Rome. Argentina, a middle-income Latin American nation with an overwhelming Catholic population, has implemented policies promoting gender, reproductive, and sexual rights: it has gender quotas and one of the most progressive legislations in the world on marriage, adoption, and transgender identity. In 2007, a woman (Cristina Fernández), was elected President, and re-elected in 2011.

Since 2010, same-sex couples have identical rights and obligations as heterosexual couples (Clerico and Aldao 2010). Since 2012, transgender individuals have the right to modify their name and civil ID according to their self-perceived gender identity, and have free-of-charge and universal access to hormone and surgical treatments, with no further requirement than the will of the individual. At the same time, however, abortion continues to be criminalized in Argentina (Petracci and Pecheny 2007).

Throughout Latin America, churches and religious leaders have been the main opponents to the discussion, recognition, and implementation of gender, sexual, and reproductive rights and policies. Intellectually, they have opposed any cultural and political notion of sexuality and gender as social constructions, questioned what they call a 'gender ideology', and insisted on the natural character of sexuality, sexual identity, and family (Figari 2010; Universidad Austral 2010).

Compared to Evangelicals in Brazil or Christian Democrats in Chile, no confessional political parties or religious caucus in Congress exist in Argentina. Religious actors intervene mainly through the Catholic Episcopal Conference's lobby over individual politicians and through sporadic mobilizations of Catholic activists and civil society organizations. Since the 2000s, conservative Evangelicals have also opposed sexual and reproductive rights, in alliance with Catholics (Jones and Carbonelli 2012).

A closer analysis shows that religious actors in Argentina have not monolithically been adverse to sexual and reproductive rights (Vaggione 2005). Progressive groups within Catholic and Evangelical churches have taken alternative positions, and have supported sexual education (Jones et al. 2010), equal marriage, and the liberalization of abortion (Foster and Miguens 2015; Jones et al. 2013). In 2010, amidst the discussion on the Marriage Reform Bill, some Catholic

¹ Some sections of this paper draw on previous texts by Daniel Jones co-authored with Juan Marco Vaggione, Paloma Dulbecco and Marcos Carbonelli, and by Mario Pecheny co-authored with Rafael de la Dehesa (see References).

priests and Evangelical churches were in favor of gay and lesbian rights, and some Catholic legislators used religious arguments and ‘family values’ (such as the protection of children) to justify their support to the legal amendment (Vaggione and Jones 2015).

The number of legal changes, as well as the ubiquitous gaps between Catholic prescriptions and individual practices, are indicative of the political failure and the Catholic Church hierarchy’s loss of socio-cultural influence on gender, sexual, reproductive, and family matters (Mallimaci 2013). The only, yet critical, Catholic success is the efficient blockage of the legalization of abortion (Pecheny 2014).

Sexual Politics

In Argentina, sexual politics refer to an array of different issues: the status of women, reproduction (contraception, assisted fertilization), conjugality and LGBT rights, abortion, sex work, and trafficking. These issues have successively occupied the agenda of social movements and political institutions (Pecheny 2014). Since the transition to democracy in 1983, rights-based claims and movements have emerged and diversified: women’s movements in the 1980s; gay and lesbian, and HIV/AIDS movements in the 1990s; transgender and intersex movements in the 2000s; and sex workers and anti-trafficking movements in the 2010s.

The liberal discourse of rights, for decades unpopular in a region that had alternated Left, Populist, and authoritarian governments, re-emerged as an oppositional political discourse during and after the 1976–1983 dictatorship. Since transition to democracy, the language of rights has become the *lingua franca* that different social and political actors have used in order to frame their claims and identities. Claims for women’s, gender, reproductive, and sexual rights have allowed the politicization of issues usually constructed as natural and necessary (that is, that cannot be otherwise), in line with principles of equality, freedom, autonomy, non-violence, and social and erotic justice (Pecheny and de la Dehesa 2012, 2014).

For conservative religious actors, one of the main threats in sexual politics is the institutional recognition of the separation between sexuality and reproduction. Secularization means here that sexuality is recognized as valuable, independently of the potential reproductive result of it, that is, children and families. It also implies that procreation might be or might not be achieved through sexual intercourse.² Since the 1960s, modern contraception has become widespread in Argentina (Felitti 2012) and sexual values and behaviors, particularly within heterosexuality, were modernized in urban middle classes (Cosse 2010). The state took note of these social processes. Since the democratic transition in 1983, laws and policies have rapidly and increasingly recognized reproductive and non-reproductive rights as well as sexual rights.

From the 1980s onwards, issues of sexuality and reproduction were no longer framed merely as demographic or sanitary control issues, as in the 1960s or

² For a critical analysis of secularization theory and the role of religious beliefs in contemporary sexual politics, see Vaggione and Jones (2015).

1970s. Progressive sexual rights activists, policy-makers, and conservative religious actors share a common ground: they all agree that sexual, reproductive, and gender matters should be framed as ethical issues, within a human rights framework. For example, the legalization of abortion and the recognition of homosexual couples are never framed as matters of demographics (population growth control) or health (HIV transmission reduction) respectively. Rather, conflicts around those issues are framed as clashes of rights (Pecheny 2001).

Abortion has been criminalized by the Penal Code since 1921. It re-appeared on the political agenda, as a human rights as well as women's rights issue, in 1994, when a Convention discussed the reform of the Federal Constitution (Bergallo 2011). President Menem, aiming to reinforce his alliance with the Catholic Church, proposed a constitutional article regarding the protection of life since conception, but the resistance of the women present in the Convention and the prompt mobilization of feminist movements prevented such inclusion (Brown 2014).

In recent years, several initiatives to decriminalize abortion have been presented to the Congress, but so far none has been debated. The actors capable of marshalling a true legal reform in this regard have so far gauged negatively the benefits of doing so. This might point to the nuances entailed in championing sexual and reproductive rights which are considered to challenge deeply felt understandings of the value and vulnerability of human life, from its conception – a terrain where religious and secular actors may share some ground. In contrast, political activism in favor of same-sex marriage was able to successfully articulate a discourse in defense of family, love, and marriage – institutions that were more difficult to mobilize within the demands for abortion.

As for sexual diversity, in 1996 the Constitution of the City of Buenos Aires sanctioned the right to not be discriminated on the basis of sexual orientation, and declared the right to 'be different'. And in 2002 the City of Buenos Aires passed a Civil Union law. After this legal victory, LGBT actors began to mobilize, with moderate optimism, for the legal recognition of same-sex couples at the federal level. In 2010, after a broad public debate characterized by the opposition of the Catholic Church, same-sex marriage legislation was passed in Argentina, on the grounds of liberal principles of equal rights, secularization, social justice, and romantic love.

These debates were characterized by intense controversies between the Executive Power and the Catholic hierarchy: President Cristina Kirchner and the former President Néstor Kirchner supported marriage reform, despite the opposition of the Catholic Church led by Jorge Bergoglio, then Archbishop of Buenos Aires (Hiller 2010; Pecheny and Corrales 2010). Some analysts thought that an endorsement of LGBT rights would have electoral costs. This was not the case. In the 2011 presidential campaign the incumbent Cristina Fernández invoked same-sex marriage as one of the main accomplishments of her first term. She was re-elected with 54% of votes. In 2015, all presidential candidates have expressed their commitment to keep the law.

Religious Actors and Sexual Rights

In Argentina, 76.5% of the population identifies as Catholic, 9% as Evangelical, and 11% as Agnostic or Atheist (Mallimaci 2013). But most Catholics in Argentina

do not share Catholic recommendations about contraception, condom use, or pre-marital sex. According to a survey conducted in 2008, 94% of self-declared Catholics agree with the statement: 'a person might use contraceptives and still be a good believer' (Mallimaci 2013: 189). In particular, almost all Catholic women (18–44 years old) agree with the following statements: 'schools should inform about all contraceptive methods' (94.8%); 'hospitals, clinics and health centers should offer contraceptive methods free of charge' (98.8%); and 'a person might use contraceptives and still be a good believer' (97.2%) (Mallimaci 2013: 190). The historical and widespread use of contraceptives, the use of condoms, and the high number of abortions (approximately 460,000 each year, that is one abortion for every three pregnancies), also show that the population does not practice the indications of the Catholic Church (Pantelides et al. 2007).

The Catholic Church and its political and religious allies have opposed any measure that recognizes individual autonomy in relation to sexuality and reproduction. In 1987, it opposed divorce, but the law was passed (Pecheny 2010). In the 1990s and 2000s, laws on contraception and reproductive health were voted in many provinces and at the national level. Since 1994, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other human rights conventions acquired constitutional status in Argentina. Since 2010, gays and lesbians can marry and adopt children, since 2012 transgender rights are legally recognized, and since 2014 a reformed Civil Code recognizes 'new' forms of families and filiation, as well as universal access to fertility techniques.

Religious actors have consistently led the opposition to these measures, with a growing use of a secular discourse: while few have mentioned the Bible, most public statements on the matter made use of different forms of scientific and juridical knowledge, frequently formulated in the language of human rights and quoting documents recognized by the international community. For example, to oppose legal abortion, Catholic advocates talk about the right to life and the Convention on the Rights of the Child (in the 1990s, Argentina specified that it considers a 'child' to exist from the moment of conception) or the Inter-American Convention on Human Rights.

According to sexual rights activists and observers, the Catholic Church represents the greatest barrier to the enactment of laws and public policies promoting sexual rights in Argentina and the whole Latin American region (Pecheny and de la Dehesa 2014). Its political weight is a legacy of the Iberian colonial enterprises (Casanova 1994). Although the liberal elites eliminated the official status of Catholicism in many new republics after the 19th century independence wars, Catholicism's privileged role in public life is still legally consecrated in several countries. Once the official state religion (until 1994), Catholicism still has a privileged status in Argentina.³

The Church's influence continues to play a powerful role in public life. Its participation has been significantly reshaped both by transformations within the Church itself and by the changing national and international contexts in which it acts. Its presence in formal politics has coincided with the more conservative

³ Article 2, in the Constitution reformed in 1994, refers to the support of the Catholic cult by the State.

line from the Vatican advanced by Pope John Paul II and Pope Benedict XVI (between 1978 and 2013).

Today, an important percentage of the Latin American population self-identifies as Evangelical, a fact that has contributed to the latter also attaining a significant political weight (Oro and Ureta 2007). The growth of Evangelical churches in the past 50 years has transformed the Latin American religious field.⁴ Beyond its much larger size and broader base in poor and working class communities, this emerging presence differs from earlier Protestant communities in two respects. First, this growth has been concentrated in newer evangelical and charismatic denominations (mostly Pentecostal), rather than in the Protestant denominations present in the region since 19th century immigration, while newer formations assume more conservative positions on sexual issues. Second, while early Protestant groups often supported secular projects to counter the influence of the Catholic Church (for instance, in education), contemporary Evangelical churches have assumed a more active role in party and community-based politics, although again, this varies across countries and denominations (Freston 2008; Jones et al. 2010).

Catholic and Evangelical religious activism can be seen as a 'reactive politicization' responding to the advances made by gender, sexual, and reproductive rights movements since the 1970s (Vaggione 2011a). Insofar as religious activists are forced to debate in plural public spheres, even the most conservative have adopted discourses framed in terms of human rights and (pseudo) scientific evidence, setting their political positions in a secular language.

These discourses are articulated with critiques of neo-colonialism. They profess the existence of an international movement spearheaded by feminists seeking to impose neo-Malthusian population policies and alien cultural values, including 'gender ideology' as well as 'Western/Northern' LGBT identities. The shift from scriptural argumentation toward secular language reflects significant changes within the churches. This transformation is notable in the Catholic Church's embrace of freedom of conscience, and of human rights more generally, in its encyclical *Dignitatis Humanae*, issued at the Second Vatican Council (1962–1965). But as Vaggione (2011a) suggests, the move politically reflects a 'strategic secularism' as religious activists have adapted to the hegemonic terms of debates in order to find greater resonance in public opinion and open spaces that might otherwise be closed to them.

The secular turn in religious activism poses a dilemma for sexual rights activists, whose most common response to the conservative religious mobilization has been a stalwart defense of the secular state (Vaggione 2011b). Feminist and sexual diversity movements still consider the influence of religion on politics as one of the main bastions of heteronormativity as a power system. This idea sustains the ideological compatibility between these movements and the secularization movement that promotes the retreat of religions from the political sphere (Vaggione and Jones 2015). More recent calls to trouble sexual and

⁴ Although the predominance of the Catholic Church persists (Mallimaci and Giménez Béliveau 2007: 48–49), Evangelicals are the first religious minority in the region: 6.4% of the population in Paraguay, 9.6% in Ecuador, 10% in Colombia, 10.1% in Venezuela, 12.5% in Peru, 13.7% in Bolivia, 15.5% in Chile and 23% in Brazil (Jones et al. 2014, based on Pew Research Centre 2012).

gender binaries implicit in the secular divide and to recognize the diversity of religious expressions point out an alternative strategy of engagement rather than the sole defense of the secular state. The same-sex marriage debate in Argentina offers one example in which this path proved effective, as activists aligned with a network of historic Protestant churches (Methodist, Lutheran, and Reformed), Catholic priests, and Jewish rabbis supportive of the reform in order to counter the opposition spearheaded by the hierarchy of the Catholic Church and conservative Evangelical federations and leaders. According to Vaggione and Jones (2015),

the movement for sexual diversity perceived that religious pluralism could be strategically used to promote sexual and reproductive rights. The movement encouraged the voices of Jewish, Evangelical and Catholic actors, discordant of what is usually expected from religious leaders, trying to break the image of a monolithic religious front hostile to equal marriage. Thus, the LGBT movement transcended the religious/secular dichotomy and tried to seek political allies in the religious field.

As conservative sectors are shifting strategies in ways that affirm alternative secular projects, sexual rights activists must likewise respond looking for allies in the religious field.

Same-Sex Marriage⁵

This section examines the Catholic and Evangelical participation in the process of legal recognition of same-sex couples in Argentina. One notable religious leader against same-sex marriage was Jorge Bergoglio, now Pope Francis. Religious leaders spoke loudly against LGBT rights, but the analysis of the process also shows how religious pluralism allows, in some cases, to consider religion as a political force in favor of sexual rights.

The process involved the discussion and vote in the Chamber of Deputies in May 2010 and in the Senate in July 2010, in the middle of a broad and passionate public debate (Clerico and Aldao 2010; Hiller 2011). One central aspect that can be identified as a specificity of the process in Argentina and as a factor of its success was the demand for equality.

In contrast to abortion, equal marriage gained legitimacy through a rhetoric that appealed to 'values': liberty and equality, social justice, non-discrimination, but also the defense of families (the rights of children of lesbian mothers or gay fathers, for example) and the defense of romantic love (Pecheny 2014). The right to love and the right to have a family proved to be a powerful *affirmative* argument, not incompatible with the defense of traditions and institutions. Gays and lesbians, in other words, claimed to be accepted within traditional institutions, such as marriage, love, and family.

In 2010, after the Deputies voted the Marriage Reform Bill, Cardinal Bergoglio, then President of the Argentine Episcopal Conference, addressed a letter to the Carmelite nuns. The letter's religious tone contrasted with previous

⁵ Some of the arguments and data of this section draw on Jones and Vaggione (2012), and Vaggione and Jones (2015).

declarations from the Catholic hierarchy. In the letter, Bergoglio stated that the Bill was a tool of the 'destructive pretension of God's plan': 'Here also is the Demon's envy, by which sin entered the world, and which slyly aims to destroy God's image: man and woman, who receive the commandment of growing up, multiplying and dominating the Earth' (Bergoglio 2010). The media widely reproduced the letter, as proof of the Catholic Church's radical opposition to the recognition of same-sex couples.

Yet despite this restrictive positioning regarding homosexuality, which has been ubiquitous in the Vatican and the Argentine Catholic Church's hierarchy, the domestic Catholic field proved to be more heterogeneous. Although most powerful Catholic leaders mobilized against the Bill, two groups of priests, opposing the official instructions, publicly called to endorse it. The Third-World Movement Enrique Angelelli Priest Group (2010), which works with deprived sectors in the Province of Córdoba, published a document entitled 'Contributions to the debate on the legislative modifications to the Civil Marriage Act'. Another group of priest from the Province of Buenos Aires issued a document supporting the Bill (Blanco et al. 2010). Those documents aimed to show that the Catholic Church is not a monolithic institution with regard to sexuality and sexual rights. Both documents provided mainly religious arguments, contending that the official position of the Catholic Church did not necessarily coincide with the message of Jesus' Gospel. Both documents also distanced themselves from the use of Natural Law by the Catholic hierarchy.

Evangelical churches in Argentina constitute a power field with two poles that are at odds: the Historic liberationist and the Biblical conservative (Wynarczyk 2009). This cleavage was reflected in opposite perspectives on same-sex marriage. For the Biblical conservatives, mainly Baptists and Pentecostals, granting the right to marriage to homosexual couples is seen to deepen the social and legal distance from Christian morals, presented as clear, eternal, and invariable, and founded in the inerrancy of the Bible.⁶ Such reasoning is close to the Catholic idea of Natural Law, which coincides with so-called Christian values and has to be recognized by positive right. Widening access to marriage would imply establishing 'a new social order distanced from the Christian basis'. Biblical conservatives take on the prophetic mission of 'gaining spiritual authority over the authorities' (ACIERA 2010), that is, to act as guardians of the civil juridical order, in order to ensure it reflects Christian values.

Historic liberationist churches, such as the Methodist, Reformed, and Lutheran churches, supported the right to marriage for homosexual couples. They valued 'positively any initiative tending to repair the injustice and discrimination suffered by the minorities in our society' (IERP-IELU 2010), and celebrated this right for preserving the liberty and dignity of all human beings, making possible their coexistence in a plural society (IEMA 2010b). They believed legislation should

⁶ This moral postulates an 'original and naturally constituted family' (ACIERA 2009), the heterosexual monogamous couple joint in marriage and with kids, which justifies the rejection of legal initiatives that fall outside this model. Belief in the Bible as a totally inspired text with no error is a common denominator of the conservative biblical pole and a 'key difference with the gaze that the historic liberationists apply to the hermeneutics of the Bible, historically located in parallel to the empathy with Modernity and illustrated reason' (Wynarczyk 2009: 47).

be based on the principles of non-discrimination and pluralism, in contrast to 'absolute' religious positions that attempt to impose themselves over the rest of the society (IEMA 2010a). The public support of same-sex marriage by many of these historical liberationist churches in turn launched a debate inside the Evangelic field.

This debate allows us to observe specific articulations between religion and politics. Pluralism has characterized both the Catholic and Evangelic fields (Jones and Vaggione 2012). Among priests, pluralism appears in the form of religious and political dissidence: they dissent religiously, insofar as they contradict the Catholic Church's teachings by proposing divergent interpretations from those promoted by the hierarchy, and by using arguments drawn from the Gospel or the Catholic tradition in order to justify their support for same-sex marriage. They also dissent politically when they do not recognize the authority of the ecclesial hierarchy in defining the only Catholic position on the public debate.

Catholics and Evangelicals positioned themselves on both sides of the confrontation surrounding the reform of the Marriage Law, while religious discourses justified both the expansion of the legal space for legal and cultural freedom and sexual diversity, as well as its foreclosing. In alliance with progressive religious leaders and groups (like the local branch of the Catholics for Choice or some Jewish organizations), religious pluralism was used by LGBT movements to support their demand for same-sex marriage, breaking the image of a religious front monolithically hostile to gender and sexual rights.

In June 2010, according to a local survey 81.0% (76.7% among self-declared religious individuals) agreed that homosexuals and heterosexuals should enjoy exactly the same rights (Analogías 2010). AmericasBarometer (Lodola and Corral 2010) placed Argentina just after Canada in popular support to gay marriage in the Americas: 57.5%.

Much has been said about the fact that a Catholic country like Argentina has approved equal marriage. The point is worth making because in recent years the Catholic Church has become more obsessed with blocking same-sex marriage worldwide. In Argentina the Church launched a crusade against the bill, even releasing kids from schools so that they could pressure parents to go protest against the law. Yet a critical characteristic of Argentina is not so much that it is predominantly Catholic, but rather that church attendance is low – approximately 22% of the population attends church services weekly. Moreover, the Evangelical population is relatively tiny (only 9%, including Reformed, Lutherans, Methodists, and all Pentecostal traditions).

This is perhaps the most important structural difference with the United States and Mexico, where church attendance is high (approximately 45%) and Evangelicalism is growing. It also separates Argentina from Brazil, where church attendance is medium (36%) and Evangelicalism is more numerous (approximately 15%), and from Central America, where Evangelicalism is widespread (from 18% in Costa Rica to 40% in Guatemala). Low church attendance and a small Evangelical constituency help to predict pro-LGBT legislation because it reveals the extent of societal secularism as well as the mobilization weakness of the churches. Argentina is distinctive on both counts (Corrales et al. 2011).

Consistently, according to public opinion studies, religious citizens (in almost the same proportion as non-religious) have supported equal marriage (Lodola and Corral 2010), in spite of the official position of the Catholic Church.

Another aspect is essential here: separation of church and party matters as much as separation of church and state. It is not enough to have separation of church and state, as do most countries in the region (Pecheny and De la Dehesa 2011). It is vital to have separation of church and political parties. Although the church's officialdom is powerful in Argentina, the country has not had a strong confessional party for the past 100 years. There is no strong Christian Democratic party as in Chile and Venezuela, nor a party with strong connections with Opus Dei as the ruling parties in Colombia and Mexico (De la Dehesa 2010). There is no party with strong connections with Evangelical groups as the Republicans in the United States (and arguably, the Labor Party in Brazil and most parties in Central America and the Anglo-Caribbean). This is one reason that so many legislators in Argentina, from all parties, risked voting against the pulpit.

Hence, the cleavage between supporters and detractors of equal marriage does not coincide with the cleavage between secular and religious citizens. The unexpected alliance between LGBT and feminist movements with progressive religious actors breaks the image of a dichotomy between secular progressive forces versus religious conservative institutions, and forces us to nuance our analysis of the dynamics of sexual politics.

Since its approval, no religious nor political actor has tried to repel the law on constitutional or political grounds, and the population increasingly accepts the legal recognition of same-sex couples and LGBT rights in general (Pecheny 2014). In the presidential election of 2015, all candidates expressed their support to equal marriage, including those who had voted against the law in 2010, like current vice-president Gabriela Michetti from the right-wing party PRO.

In 2016, 'equal marriage', as it is popularly known in Argentina, is widely accepted and practiced. Since 2010, more than 10,000 couples of gays and lesbians got married in Argentina (Pecheny 2014), and several hundreds of children have been legally registered with two mums or two daddies.

Abortion⁷

In Argentina, abortion is, with a few exceptions, criminalized. Since 1921, article 86 of the Penal Code considers abortion illegal. It is not punishable only if it is performed when the life or health of the woman is at risk, and if the pregnancy is the result of 'rape or an affront to the modesty of an idiot or mentally ill woman'. Even in those cases, in practice abortion has been largely inaccessible. In March 2012, the Supreme Court issued a ruling specifying that decriminalization includes pregnancy resulting from any kind of rape, and rejected the need of a judicial order to perform the abortion in the case of rape. It also stated that each jurisdiction should have a protocol for those situations (rape, health risks) in which abortions are not punishable. Most abortions, however, are still performed clandestinely: approximately 460,000 clandestine abortions are performed each year in Argentina (Pantelides et al. 2007).

Mobilizations in order to make the interruption of pregnancy legally available within the public health system have failed until now (Bergallo 2011;

⁷ Some of the arguments and data of this section draw on Jones and Dulbecco (2014).

Pecheny 2014). In the Latin American region, very few countries (like Uruguay, in certain conditions) have decriminalized abortion. The claim for legalization has become the main issue in sexual politics in Argentina (Pecheny 2014).

In this section, we focus on the actions of the Argentine Catholic Church hierarchy in relation to abortion during the period it was led by cardinal Jorge Bergoglio, who was Archbishop of Buenos Aires between 1998 and 2013. Bergoglio's presidency of the Argentine Episcopal Conference between October 2005 and October 2011 coincided with Néstor Kirchner (2003–2007) and Cristina Fernandez de Kirchner (2007–2011; 2011–2015) ruling the country. In that period, relations between the Catholic Church and the national government were tense, even hostile (Mallimaci and Esquivel 2014), as we have seen with the conflict around same-sex marriage. Along those years, abortion was positioned in the media and legislative agenda thanks to the political incidence of the women's movement, academics, and some members of the judiciary, and even of the Ministry of Health during the administration of Néstor Kirchner, Ginés González García, who expressed his views favorable to adopt a public health approach rather than a punitive approach (Bergallo 2011).

Relations between the Kirchners and the Catholic Church were tense until Bergoglio became Pope Francis in 2013. In 2005, a letter from Bishop Antonio Baseotto to the Minister of Health Ginés González García was made public. Baseotto condemned the Minister of Health's support of the decriminalization of abortion. He suggested throwing Gonzalez García into the river (Rio de la Plata) with a rock attached to his neck. Baseotto subsequently said his commentary was only a parable.

The Episcopal Conference's and individual bishops' regular public statements against the right to abortion, as well as their messages 'in defense of life' during religious ceremonies, produced political effects in the public debate, trying to foreclose the discussion of legislation. These declarations also aim to reaffirm the Catholic authority on issues of sexuality and reproduction on the one side, while delineating a way of relating the ecclesiastic hierarchy to the state on the other.

The hegemonic wing of the Argentine Catholic Church has been a Romanized and anti-liberal apparatus (Mallimaci 2000), which since the mid-1980s launched its onslaught against any attempt at liberalizing and questioning of the role naturally assigned to women as protectors of the species and masters of the home. The first clash occurred with the discussion and approval of divorce, in 1986–1987 (Pecheny 2010), and continued around issues of contraception, sex education, assisted fertilization, and same-sex marriage.

The Church understood any questioning of the 'natural order' as a challenge to the reproduction of society and to its own position of privileged moral authority. The Catholic insistence on the unity of the family and the view of feminism as the enemy appeared with higher virulence from the nineties onwards (Brown 2014: 276).

Based on the idea that an alliance with Catholic authorities provides political gains, most political leaders accepted and even encouraged the legitimacy of the Catholic presence in the political society and in the legislative process (Mallimaci and Esquivel 2014). The relationship between the government and the Catholic hierarchy, however, had good and bad moments. In the 1990s, with President Carlos Menem, who proposed the inclusion of the right to life in

the Constitution, the government and the Catholic Church were mainly allies. (Interestingly, it was also in the 1990s that reproductive rights developed most rapidly in Argentina, as shown in Petracci and Ramos 2006). In the 2000s, with Néstor Kirchner and Cristina Kirchner, a perceivable change in the Executive Power resulted in the loss of the Church's relative capacity to exercise pressure on the national government and its policies. Confrontation reached its climax during the same-sex marriage debate in 2010. Since 2013, an unexpected friendly dynamics has been established between the figures of Francis and Cristina Kirchner, and between Francis and almost all the political leaders in the country.

But when Bergoglio was Archbishop, the Kirchners' administrations kept a tense relationship with the local Catholic Church, with whom it was forced to negotiate on many occasions (Brown 2014: 264). Many governmental initiatives were understood to imply a confrontation with the Church, such as the public criticism regarding the collaboration of the Church with the Armed Forces during the period of state terrorism, the change of venue of the *Te Deum* ceremony,⁸ the inclusion of non-Catholic religious views in that ceremony, the replacement of social welfare religious activities with social policies led and implemented by state institutions, and many sexual and reproductive rights measures (Mallimaci and Esquivel 2014).

Although the Kirchners' governments promoted progress in matters of sexual and reproductive rights, these did not include abortion. Indeed, these governments related to the question of abortion in ambiguous ways. On the one hand, the Minister of Health Ginés González García, in office between 2003 and 2007, promoted research on abortion-related maternal mortality and included the health consequences of clandestine abortion in the public agenda. He engaged the Health Ministers of Provinces in the subscription of a Commitment to Reduce Maternal Deaths, while underpinning the need to decriminalize abortion. In 2005, he endorsed the National Campaign for Legal, Safe, and Free Abortion, and promoted guidelines to improve post-abortion medical assistance (Brown 2014: 263). On the other hand, Néstor and Cristina Kirchner, and their legislative majority, have blocked any attempt to discuss the decriminalization of abortion in Congress (even though a large number of pro-government Deputies and Senators subscribed to a Bill for legal abortion, presented by some 70 legislators from different parties).

Catholic authorities reject both that women practice abortions and particularly that they have the right to do so. They expressed this view through

⁸ The *Te Deum* is an act of homage of the Catholic Church to the patriotic date of the 25th of May. All Presidents have historically been present at this ceremony. Néstor Kirchner attended the traditional *Te Deum* at the Metropolitan Cathedral between 2003 and 2006, during which Archbishop Bergoglio launched hard homilies referring to 'shady deals of power' (*La Nación*, April 25, 2004), 'to power emerging from trust, not from manipulation, scare tactics and arrogance', and calling 'not to seek the applause from the masses' (*La Nación*, April 26, 2006). In 2007, perceiving such statements as an attack on his government, Kirchner travelled to Mendoza arguing the need to federalize the patriotic celebration. From 2008 to 2013 and already in office as president of the Nation, Cristina continued her husband's decision not to attend the ceremony at the Metropolitan Cathedral, where the Catholic hierarchy continued performing the *Te Deum*.

statements, public letters, and homilies. As Jones and Dulbecco (2014) analyzed, between 2005 and 2011, the Catholic hierarchy implemented two main tactics in relation to abortion. The first one consists in the spreading of messages regarding the 'defense of life' in religious ceremonies with wide media coverage. The second tactic consists in both the Conference and individual bishops making public declarations regarding abortion as a relevant topic for the Episcopacy's political agenda.

The Episcopacy reaffirms its rejection of abortion 'in favor of life' through religious language and the use of Biblical or Catholic saints' stories. Annual celebrations of San Ramón Nonato and of the Child-To-Be-Born, as well as other regular religious activities (the massive pilgrimage to Luján or Christmas Mass), where the slogan of the 'defense of the right to life' is reinstated, are not mere reactions to state powers' initiatives. They are regular attempts at constructing a culture of the defense of the right to life as a collection of values and symbols. These actions reaffirm the rejection of abortion in any circumstance, as well as those types of contraception considered abortive by Catholicism (for example, emergency contraception), making this rejection public, independently of the fluctuations in the media and the political agenda.

Such tactic entrenches a view on life with the language of human rights. The rights discourse has been used in the abortion debate to sustain both the woman's right to interrupt her pregnancy and to defend the right to life of the foetus or unborn child. Values of life hold a particular significance in Argentina, where a bloody military dictatorship kidnapped and stole the identity of hundreds of babies (Felitti 2014). Catholic groups argue that a culture of life, which taps into values shared by the entire population after the torture and 'disappeared' of the 1970s, is being challenged by a culture of death. This culture of death is said to begin with the modern liberalization of moral, sexual, love or erotic norms. It is also seen as driven by individualism, relativism, and the instability of family, community, and social relations. The 'life' that is upheld is an extramundane, sacred, ideal life. Human life exists since conception and until the natural death; therefore, no one can affect its course. According to this view, abortion and euthanasia interfere with the natural course of life, and are unacceptable on any ground (Brown 2014: 285–286).

The second tactic consists in Catholic public declarations regarding abortion as a relevant topic for the Episcopacy's agenda. Their aim is to stop any progress with regard to the right to abortion through legalization, decriminalization and/or regulation of non-punishable cases, as well as by judicial cases demanding voluntary interruption contemplated in the Penal Code. This tactic is operationalized through public reaffirmations of the doctrinal and programmatic position of rejection of abortion on the part of the Catholic hierarchy, and through public pressure on highly ranked public servants (especially legislators). It has not been uncommon for bishops to send letters to Deputies and Senators that state the Catholic rejection of legislative projects, passed legislation, and public policies or judicial ruling that acknowledges or widens abortion legislation. The tone of such declarations and the context in which they are made are not predominantly religious. Beyond abortion practice and abortion rights, all these actions by the Catholic Church hierarchy also aim to maintain the Church as an authoritative actor with pre-eminence in gender, sexual, and reproductive matters (Jones and Dulbecco 2014).

The main channels used by the Church to exert its influence on matters of abortion are the lobbying of the political elite and the battling of cases in court, rather than the cultural or ideological influence over women's and couples' practices. Women who interrupt their pregnancies in Argentina come from many different religious backgrounds. According to a study carried out among women and men who had undergone the experience of abortion, the fact that 'abortion' is associated with 'sin' does not intervene in people's decision to interrupt a pregnancy. Nor is abortion linked to an ideological rejection of motherhood, but rather conceived as a necessity or pragmatic choice at a certain point in life, usually carried out unwillingly.

The illegal character of abortion has a minor influence on the decision whether to interrupt or carry on with a pregnancy. The fact that abortion is illegal is not something that stops women or couples to decide in favor of terminating a pregnancy. The ban on abortion does not seem to have a dissuasive character. Yet the illegality of abortion forces its realization in clandestine conditions. This necessarily entails unequal access, determined mainly by the woman or couple's economic resources. In spite of the lack of accessibility through the health system, abortion is not inaccessible: those women who want to have an abortion usually have it. And criminalization has not been enforced. Studies show no record of legal complications nor excommunications. Often minor obstacles to finish an incomplete abortion in the public health system are the only situations reported as having a concrete negative impact on women or couples' lives. Besides, a sense of 'gender injustice' or 'gender asymmetry' does have a place in women and men's testimonies on having had an abortion. Women and men coincide in that it is women who bear the bodily and subjective costs of the intervention, and who run the risk of suffering legal punishment. The feeling of being deprived of rights because of the prohibition to choose is not uncommon.

Control over women's bodies, sexuality, and subjectivity through the criminalization of abortion is central to maintaining the heteronormative edifice, the hierarchies of gender, that is the patriarchal system. That is why, in sexual politics, abortion is one of the most important pending issues of democratization and citizenship in Latin America.

Argentina, in thirty years, has reformed, in a gender-equality direction, its legislation on marriage and divorce, filiation and rights of children, reproductive health and rights (regular contraception, emergency and surgical contraception, universal and free-of-charge access to fertility techniques), LGBT rights (equal marriage, LGBT adoption, transgender identity recognition, free access to transgender-related treatments), gender-based violence, HIV/AIDS treatments (universal, free-of-charge access to HAART), sex trafficking, sex education (including sexual diversity), gender quotas for political representation, and ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and other conventions related to women's rights. Moreover, different measures have been taken on pre- and post-abortion counselling, guidelines to prevent maternal mortality, and to treat complications of abortion within the public health system. In these years, Argentina has elected twice a woman for president, and once a woman for vice-president.

There is no simple explanation as to why abortion is still criminalized while other sexual and reproductive rights are widely recognized, and while the practice is not particularly stigmatized as a sin or a crime, like in other contexts. A

possible explanation relates to gender inequalities and the status of women in society and politics (Bergallo 2011). In terms of political mobilization, feminist movements have not been capable of unitary action and broader alliances (including potentially friendly religious actors). In terms of rhetoric, abortion is still considered, even by most secular citizens, as a 'lesser evil'; in spite of a long history of political struggles and argumentation, unlike same-sex marriage, the right to abortion has not yet been integrated to affirmative language, like the defense of women's dignity, of families, and of life (Pecheny 2011). On the contrary, the defense of life, both sacred and secular, still plays a critical role in blocking the full legitimacy of the right to interrupt a pregnancy.

In 2015, the new President Mauricio Macri (from the centre-right alliance Cambiemos), like Cristina Kirchner, declared his government will not promote legal reform in relation to abortion, but would accept freedom of action in Congress. Against the official position of the Catholic Church, as on the occasion of same-sex marriage, some religious actors have stated their support for liberalization. The Argentine Methodist Church and the Evangelic Church of Rio de la Plata, for example, have encouraged public debate on the status of abortion (Jones et al. 2013). Activists from Catholics for Choice-Argentina are part of the National Campaign for Legal Abortion (Foster and Miguens 2015), and human rights organizations historically integrated by religious leaders, like the Centre of Legal and Social Studies (CELS) and Amnesty-Argentina, have publicly stated their support for legal reform.

Gender Ideology

For the time being, the expression 'gender ideology' has not occupied a central space in Argentinean oppositional discourses to same-sex marriage and to the right to abortion. It has had, nevertheless, a certain presence in the rejection of the implementation of sexual education in schools, following the passing of national and provincial legislation in 2006.

La Plata's Archbishop Héctor Aguer, who represents the more conservative sectors of the Catholic Church and Episcopacy in Argentina, contended in a public television program in 2009 that:

Let's think about (...) [the subject] Sexual Education (...) I wonder if parents know what their children are taught at school. They should get informed and seriously engaged [with the subject], since [a] gender ideology has been imposed in this subject in an almost indisputable manner. According to this perspective, sexuality is not inscribed in the nature of a person; it is not a biological, psychological, affective and spiritual reality, but a historical and socio-cultural construction. You are a man or a woman not because you were born man or woman, but because this is the result of a culture that models the gender of persons. A split between sex and gender is proposed in order to allow for (...) different sexual options; all of them would be equally valid. (Aguer 2009)

The expression 'gender ideology' is mainly used in academic publications by intellectuals from ultra-conservative Catholic sectors. One of them is Jorge Scala, a lawyer and member of the Catholic organization *Portal de Belén*, which promotes legal initiatives to block the implementation of legislation that recognizes sexual and reproductive rights. Scala has argued extensively against

'gender ideology', especially in *Gender Ideology or Gender as a Power Tool* from where we quote:

What is wrongly called gender 'theory' – 'approach', 'gaze', etc. – is in fact an ideology. It is probably the most radical ideology in history, insofar as, if it is successful, it would destroy the human being in its most inner center and it would simultaneously destroy society (...). As every ideology, it does not seek truth or the welfare of people, but only to conquer the will, to conquer it with an spurious end (...) Due to its intellectual limitations, this ideological body could not aspire to go beyond esoteric circles were it not for the manipulation of language, which is used to achieve a true 'brainwash', in a sectarian style, but with global dimensions (...). Being false and anti-natural, gender ideology (...) can only be instituted in a totalitarian manner. (Scala 2010: 7–9 y 13)

Another Catholic lawyer has explored 'the ideological roots of the gender perspective' (De Martini 2013). In an article in the legal *Journal of the Argentine Catholic Pontifical University* De Martini picks up several of Scala's ideas and contends that gender ideology is the main instrument used by feminism in its 'cultural outpost':

If we go back to Butler's book, we find a good summary of gender ideology: a) gender is a cultural construction; b) it is radically independent from sex (there is not a causal relation between sex and gender); c) gender is an artifice, that is, a construction of man (...) Its ideologists seek to put themselves in relevant positions in order to produce the revolution: formal education, the media (...) and every other position from where culture can be acted upon and modified (...) This revolutionary manipulation of language manifests itself: a) emptying the content (...) of common use words (that is marriage, family); b) using words with a positive social connotation to hide the attempt to give a positive sense to immoral acts ('right to choose' to refer to abortion; 'sexual and reproductive health' to mask contraception, sterilization and abortion, etc.); c) the creation of new expressions: sexual option, types of family, homophobia, homosexual marriage, gender equality, parenthood (...) These visions of a new world (...) have achieved, and will go on to achieve, important accomplishments: contraceptives, abortion, assisted conception, experimentation with human beings; sex change following the sole will of the interested person; marriage among people of the same sex. (...) It is a relativist ideology, subjectivist, which praises unlimited freedom (...) Not only does it deny the existence of a moral norm but it also attacks every moral precept derived from human nature and from God's law. (De Martini 2013: 84–89)

The expression 'gender ideology' appears mainly in academic papers by Catholic lawyers oriented to offer arguments for legal proceedings and political debates. Yet we do not find the expression in public interventions of those who conduct the rejection of sexual and reproductive rights, this is, the Catholic Church hierarchy. The exception is Archbishop Héctor Aguer, who has used it indistinctively with 'gender perspective' and 'gender theory'. Aguer recently referred to 'gender theory' in its refusal of Buenos Aires's Province Law 14.744, which establishes the compulsory character of integral sexual education in every level of the system:

The ideological despise of the body appears in the different expressions of gender theory (...) It is an anthropological hypothesis that diminishes the decisive worth of biological differences between men and women. It holds, in fact, that

femininity and masculinity are induced cultural constructions, socially determined by education (...) Considering the development and application of gender theory, its consequences and its failed experiments, it is necessary to call things by themselves. (Aguer 2016)

In sum, the expression 'gender ideology' occupies a relatively marginal place in the discursive field framed by the religious actors who oppose sexual and reproductive rights. Theirs are usually isolated voices, coming mainly from intellectuals who are part of a minority ultra-conservative stream within the Argentine Catholic Church, and whose public interventions do not have major repercussions on public discourse by the ecclesial hierarchy or on wider societal debates.

Conclusions

This article analyses sexual politics in Argentina in relation to the participation of religious actors. Since the 1980s, the hierarchy of the Catholic Church has lost the battles around several gender-related issues: parental authority, divorce, contraception, condom use, sexuality before and outside marriage, LGBT rights, sexual education, access to fertility techniques, etc. The approval of same-sex marriage in 2010, including the rights of LGBT couples to adopt children and to access fertility techniques, is an important but not isolated case in which the democratic institutions legislate against the public hostility of Catholic and other religious authorities. In all of these processes, religious voices, sometimes isolated, have been allies of progressive forces. In 2013, the election of an Argentine Pope created a new climate of cordial relations between the Catholic Church, the government, and domestic political party leadership. However, in 2014, a new Civil Code, approved in Congress, recognizes different forms of procreation, filiation and families, also against the views expressed by local Catholic authorities. In 2016, the new authorities (like the Governor of the Province of Buenos Aires) reiterated that, if abortion were discussed in Congress, they would let each legislator vote according to his or her consciousness.

Despite the prevailing vision among sexual activists that the authorities of the Catholic Church (or even the religious actors, or religion *tout court*) are the main obstacle to gender and sexual rights, we have shown that religious actors act heterogeneously. As Esquivel suggested (2010), since its formation, the Argentine state has not been fully secularized but neither is it confessional. Sexual politics dynamics show that what is at stake in the political positioning of religious actors – sometimes monolithically, sometimes in conflict – is the very possibility and legitimacy for these actors to speak publicly on political issues. Who can talk in the name of God, of faith, of doctrines or traditions, and in what sense? The recognition of a plurality of religious positions, favorable to gender, sexual, and reproductive rights, helps the social and political (and analytical) recognition of a plurality of religious meanings, and of religious institutions.

Abortion, which is not only framed as a sexual and reproductive rights issue, but involves more broadly a discussion on the definition of 'life' and the citizenship status of women in society, is one of the few questions which remains relatively unchanged during this period. The Catholic hierarchy has particular stakes in this question, and has been successful in maintaining the status quo.

We have advanced a few hypotheses as to why this might be the case. The fact that the Penal Code that regulates abortion remains unchanged since 1921 suggests that, in contrast to questions of contraception, marriage or LGBT rights, the hierarchy of the Catholic Church has not suffered a serious setback when it comes to abortion. Moreover, political actors (political parties, State bureaucracies, high-rank officials) in Argentina have been equally or more responsible than religious hierarchies for maintaining the status quo of criminalization.

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