

## Scoping Exercise- Argentina

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### Introduction

The present Scoping Exercise intends to describe the contributions made to the sphere of (non-) religion from sociological, legal, anthropological, philosophical and political perspectives. To carry the study out, systematic reviews were conducted, introducing keywords in both search engines and specialist publications that are well known by researchers in Argentina. Nine experts in various fields received specific consultations, providing new references and contributing to the debate around the thematic and conceptual scope of (non-) religion in Argentine academia.

### Executive Summary

- 1) Quantitative data on (non-) religion in Argentina is scarce and unsystematic. The few data from probabilistic surveys available indicate that, following a majority who identify themselves as Catholic, the percentage of those unaffiliated, those who identify themselves as "nones" or have no religious identification is the most socially widespread. This percentage has grown considerably over the last two decades.
- 2) No social or academic consensus has been reached on the labelling of this segment of the population. Terms in circulation include "non-religious", "nones", "indifferent" and "unaffiliated". Notions such as "secular" or "spiritual but not religious" have not yet permeated into the social imaginary.
- 3) Qualitative studies have identified at least four positions among the non-religious, differentiating those who explicitly declare themselves as "atheists", from "unaffiliated believers", "spiritual seekers", and those labelled as "indifferent" (Rabbia, 2017). Each of these positions presents its own peculiarities and reflects the heterogeneity of non-religious segments not only in Argentina but also in other countries.
- 4) Though social secularization in Argentina is relatively spread (especially in urban areas), it has not been accompanied by an advance in state laicism.
- 5) The relation between the Church and the State is complex and has been through different stages or "thresholds" of laicization. At present, Argentina is considered to have a "subsidiary laicism" (Esquivel, 2010), which implies the coexistence of national policies which have a higher degree of state autonomy from religious institutions with other policies, which require the active involvement of religious mechanisms and representatives, from the Catholic Church in particular.
- 6) There are some civil society organizations that work toward achieving laicism at a state level. Most of them mobilize support through social media platforms, under the frame of the National Campaign for Church-State Separation.
- 7) Over the last decades, debates around sexual and reproductive rights, including those on equal marriage and the legalization of abortion, have provided political opportunities to activate the demands made by the organizations that promote laicism.

- 8) Feminist and LGBTQI movements are central actors in the contemporary defense of political secular spaces and identities in Argentina.
- 9) In the realm of legal studies, debates have mainly focused on the historic interpretations of Article 2 of the National Constitution, which states that the Argentine State "supports the Roman Catholic religion". More recently, there have been various debates around the ways in which the State regulates non-religious beliefs and on the issue of conscious objection in relation to reproductive health and access to abortion.
- 10) Since the end of the 19<sup>th</sup> century, the Argentine education system has been lay and public. Therefore, education has been frequently associated with secularist discourses. Nevertheless, in practice, this Church-State separation is not always respected.
- 11) In the field of health, most discussions focus on the effective incorporation of a spiritual dimension within a holistic approach to health, which encompasses sexual and reproductive health, alternative therapies and bioethical components.
- 12) Issues such as the relation between (non-) religion and migrations and among (non-) religion, art and popular culture have not been explored in depth.

### 1. Quantitative data on non-religious identifications

Quantitative data on (non-) religion in Argentina are scarce and infrequent. Social studies on (non-) religion and the analyses of secularization trends have mostly relied on qualitative approaches. For example, only the national censuses of 1947 and 1960 included questions on religious identification. In both these censuses, those claiming no religious identification barely reached 1.5% of the whole population. Catholics were assumed to be a hegemonic majority (93.6% in 1847 and 90% in 1960), but the question was not included in the censuses to come for a variety of reasons, lack of interest being the most prominent.

Over the last decade, interest in quantitative data on religious and non-religious identifications has increased, and several cross-national, national and local studies have been conducted. Although Argentina is still considered a “predominantly Catholic” country (PEW Research Center, 2014; Somma, Bargsted & Valenzuela, 2017), quantitative data show a decrease in the number of Catholic identifications, which can be accounted for by two major trends in religious affiliation: first, a sustained growth in the percentage of Protestants, most of them Evangelicals - even when this growth has not been as dramatic as in other countries in the region -, and second, the rise in the number of “people without any religious identification” or *nones* (Somma et al., 2017).<sup>1</sup>

***Cross-national Studies:*** In addition to the Report on Religion in Latin America, published by the PEW Research Center (2014), information is also drawn from the World Value Survey (WVS) and *Corporación Latinobarómetro* (CL), which have addressed various questions about religion in every survey wave through probabilistic national samples.

Argentina’s participation in the WVS has remained uninterrupted since 1984. In 2013, of those surveyed, 17% reported they did not hold any “religious denomination”, a percentage that increased from the 13% reported in 1984. The survey also explores self-perception as a religious person: 22% said they were “not a religious person”, while 5% self-identified as “a convinced atheist” (WVS, 2015).

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<sup>1</sup> Though we are using “protestant” and “evangelical”, these are contested labels.

Since 1995, CL has been regularly studying issues such as (non-) religious self-identification, religious commitment and trust in the Catholic Church, among other topics. In 2018, 18.9% of the people surveyed claimed to have no religion (“none”), while 1.5% identified themselves as “atheist”; 0.2% said they were “agnostic”, and 0.6% self-identified as a “believer, not affiliated to any Church”. At the same time, 32.9% stated they did not have any religious commitment (Corporación Latinobarometro, 2019).

**Table 1. Synthesis of data available on (non-) religious identification in Argentina, based on cross-national and national studies, as well as on local samples. Data are presented in percentages (%).**

	Cross-National Studies <sup>a</sup>			National Studies			Local Studies			
	WVS 2013	PEW 2014	CL <sup>b</sup> 2018	ENCRA 2008	EDSA 2011	ENCRA 2019	Quilmes <sup>d</sup> Esquivel 2001	Córdoba <sup>e</sup>	Salta <sup>f</sup>	Neuquén <sup>g</sup> Brussino et al 2014/15
Catholic	70	71	65.1	76.5	74.3	62.9	77.5	64.3	75.1	42.8
<b>Unaffiliated</b>	<b>17</b>	<b>11</b>	<b>21.2</b>	<b>11.3</b>	<b>14.8</b>	<b>18.9</b>	<b>10.2</b>	<b>26.2</b>	<b>11.1</b>	<b>37.1</b>
Protestant	12 <sup>c</sup>	15	11.5	9	8.7	15.3	10.2	7.9	10.8	14.7
Other		3	2.2	3.2	2.3	2.9	1.6	1.6	3	5.4

Note: Data sources are provided in the text. Data categorization is not always directly comparable. Percentages are presented for descriptive purposes only. <sup>a</sup>For WVS and CL, only the latest data available are reported. <sup>b</sup>To ensure comparability, nones, believers without religious identification, agnostics and atheists are included under one aggregated category (“unaffiliated”). <sup>c</sup> The data available show no clear differentiation among the categories in point b. <sup>d</sup>The city of Quilmes is located near Buenos Aires and has a population of just over 500,000. <sup>e</sup>Córdoba is the second largest city in the country, with a population of 1.5 million. <sup>f</sup>Salta is the most important city in the Northwest region of the country, with a population of 620,000. <sup>g</sup>Neuquén is one of the most important cities in the Patagonia region and has a population of 250,000. Note: figures correspond to the numbers of inhabitants at the time of data collection.

**National Studies:** There are only four main sources of quantitative data based on probabilistic national samples: 1) two waves of the National Survey from the study *Religion and Social Stratification in Argentina* (ENCRA, 2008 and 2019) conducted by an interdisciplinary research team from the National Council of Science and Technology (CONICET); 2) data from the Social Debt Barometer (EDSA, 2011) conducted by a research team from Universidad Católica Argentina (UCA), 3) a study conducted by CITEC/Universidad Siglo 21 in 2010, and 4) a survey from Poliarquia-Argentina. The last two surveys are not available to the public but have been included in some other studies.

All these studies reported that most Argentines (9 of 10) believe in God or a supreme entity and that attendance to religious services and other religious involvement are relatively low or infrequent, in particular among Catholics. Even when Catholicism is still dominant, non-religious identifications have been on the rise: today, at least 18.9% of the population do not identify themselves as part of any religion, including an heterogeneous group of believers without any religious affiliation, agnostics and atheists (Mallimaci, Giménez Béliveau, Esquivel & Irrazábal, 2019; Mallimaci, 2013; Mallimaci, Esquivel & Giménez Beliveau, 2015; Suárez & López Fidanza, 2013; Flores, 2017). In 2019, 6% of those identified as atheists and 3.2% as agnostics (Mallimaci, et al., 2019).

There is no consensus on the denomination of the “unaffiliated” segment of the population. ENCRA (2008) labelled them “indifferent”, ENCRA (2019) preferred the term “without religion” (“*sin religion*”), and EDSA (2011) referred to them as “people without a religion”, even when some data reports differentiated “believers without any religious identification” from “atheists” and “agnostics” (Esquivel, 2013; Mallimaci

& Esquivel, 2015; Suárez & López Fidanza, 2013). In general, the unaffiliated tend to be younger than those who do have a religious identification. They also tend to be of a higher socioeconomic status, have a higher degree of formal education and live in larger cities than those who are affiliated to a religion (See next section). Those labelled "atheists" and "agnostics" are mostly men, while women constitute the majority in the "unaffiliated believers" category. Unaffiliated believers tend to believe in God, Jesus Christ or in "energy", and might even perform some religious and spiritual practices - especially in their homes -, mostly praying or reading books or brochures on spiritual topics.

Regarding their social attitudes, as other surveys point out, those "without a religious affiliation" tend to defend the autonomy of the individual and to adopt more progressive positions on issues such as legal abortion, sexual education and the use of contraception than those adopted by religious people (Esquivel, 2013).

The conceptual boundaries that separate those with a religious affiliation from those without it seem to be porous and mobile in Argentina. A considerable segment of the population with a religious affiliation - particularly Catholics - displays beliefs, practices and attitudes which are very similar to those of the "unaffiliated believers" and seems to present highly secularized social attitudes. For example, Gimenez Believeau, Irrazabal and Ortiz (2013) identified a segment of "disaffiliated" Catholics. This group, while identify themselves as Catholics, state that they do not attend religious services, nor do they relate to God, marking a clear distance from the religious institution, which is comparable to that of the proper "unaffiliated believers".

**Local Samples:** Unaffiliated segments tend to be larger in large cities than in medium or small ones. Each region, in turn, has its own particularities. The unaffiliated have a strong presence both in Patagonia, in the South of the country, and in the city of Buenos Aires, while religious measures are higher in the North of the country. Given this context, some of the data included in this study have been retrieved from probabilistic samples of surveys conducted in some cities of the country.

For example, in a survey conducted in the city of Quilmes, a municipality with a population of just over 500,000, 10.9% of the people surveyed said that they had no religion at the time of the survey (Esquivel, García, Hadida & Houdin, 2002). In Córdoba, the second largest city of the country, with a population of 1.5 million, surveys show that, over the last two decades, there has been a sustained growth in the number of unaffiliated people, reaching more than 25% of the population (Rabbia, 2014 & Brussino, Hüg & Rabbia, 2003). This growth can be associated, in part, with the significant decrease in Catholic baptisms compared to the total number of births in the city: while in 2003 almost 90% of those born alive were baptized, in 2006 that figure had already dropped to 80%. In 2010, it came down to 67% and has been more or less stable since then (Morello & Rabbia, 2019).

The database used in a study on political culture conducted in Córdoba, Neuquén and Salta between 2014 and 2015 (Brussino, 2015) provides insight on (non-) religious identification, religious self-importance, attendance to religious services and beliefs in God, and allow for the detection of differences among these large cities, which represent various regions of the country in terms of the presence of non-religious people and their social and political attitudes (See Table 1).

## **2. Qualitative Characterization of the Unaffiliated**

Few studies have explored the unaffiliated population using qualitative methodologies.

Based on autobiographical narratives collected through in-depth interviews within the framework of the project *Transformation of Lived Religion in Latin American Urban Settings*, Rabbia (2017) explored the processes of non-religious self-identification and the spiritual narratives of people without a religious identification from Córdoba, Argentina. The study identified four different positions regarding non-religious identifications: 1) people who explicitly declare themselves to be “atheists” (atheism is presented in those cases as a critical stance on religion in general and religiosity in particular, and it is not merely the absence of a belief in God); 2) “unaffiliated believers” (people who believe in God and do some religious and spiritual practices, most of them inherited from their previous Catholic or Protestant socialization); 3) “spiritual seekers” (who tend to believe in several things, such as God, Energy, Angels, Aura and past lives, among others, and who do a greater number of spiritual practices); and 4) those labelled “indifferent” (people who do not show any interest in religious beliefs and practices).

These positions are built upon a marked conceptual distinction between "religion" and "spirituality" made by the interviewees themselves. In their words, “religion” is associated with regulations, rituals and traditional religious institutions and leaders. It is a term charged with negative connotations. “Spirituality”, on the other hand, is associated with personal journeys, freedom and choice and has positive connotations (Rabbia, 2017; Rabbia & Gatica, 2017). The study suggests that, in several of the cases, the main reason behind these respondents’ detachment from religion has been their questioning of their respective religious institutions.

Gimenez Beliveau (2013) has also analyzed autobiographical narratives of “disaffiliated” Catholics, who seem to remain outside the Catholic institutions, and it appears there is a permanent tension between that which was abandoned and that which still remains of their religious socialization.

Mancini (2011), in turn, analyzes the transition and "faith abandonment" processes of militant atheists who come from religious backgrounds. The author identifies different stages that allow for the discussion of notions such as that of "conversion" - quite controversial among the interviewees- and of the processes involved in the transformation of identity, perspectives which do not provide a clear conceptualization of the ultimate and most substantial criticism made to every religion: the fact that the interviewed self-identify as atheists.

### **3. State Laicism, Secularization and Laicist Advocacy**

Several studies exploring secularization and State laicism have been conducted in Argentina. Secularization is usually understood as a broad social process, generally associated with the decline of religious beliefs and practices, as well as with the rise of social democratization, as consequence of the advances of modernity. Laicism, in turn, refers to the relationship between the State and religion, which also encompasses the links with cultural, educational and scientific institutions (Esquivel, 2008; García Bossio, 2018; Vaggione & Morán Faúndes, 2017). It should be noted that the processes of social secularization and state laicism are not necessarily concurrent (Esquivel, 2016; Gaytán Alcalá, 2018).

**Social Secularization:** Various analyses suggest that, in Argentina, secularization processes of different degrees are in coexistence. Authors such as Mallimaci (2008) resort to the term "multiple secularizations" to describe this landscape. It is evident that the beliefs and attitudes of Argentines on various issues, including science, medicine, sexuality and family, are increasingly secularized. Though they tend to fluctuate when economic crises strike, social values of post-materialism and self-realization hold a significant place in Argentine society, both in the middle and the upper urban socio-economic segments of

the population and among younger generations (Carballo, 2015). It is also noteworthy that, despite economic and institutional crises, Argentine society shows a significant attachment to democracy (Corporación Latinobarómetro, 2018). This attachment coexists with certain spiritual and mystic practices and beliefs that still permeate the daily lives of many people in the region. In this context, the notion of "enchanted modernity" has been proposed (Morello, Romero, Da Costa, & Rabbia, 2017), and this notion, in turn, points to a reality which coexists with multiple secularization processes.

**State Laicism:** In academic discourse, the French concept of *laïcité* is used as a benchmark to evaluate the scope of state secularization processes in Argentina. In practice, however, these processes prove quite different from those present in the French model.

Given the historical and social predominance of the Catholic Church, state secularization has often been associated with anti-clerical discourses and movements, as well as with historical processes where there have been advances and setbacks around various "thresholds of secularization", concept used by DiStefano (2011a; 2011b) in order to explain this process: that is, various stages in which the State absorbed institutions and functions that were previously ascribed to the Catholic Church.

The colonial era marked the beginning of the first threshold of laicism, which gained more prominence after the country declared its independence in 1816. The second threshold spanned from the mid-19<sup>th</sup> century to the beginning of the 20<sup>th</sup> century. In the Constituent Assembly of 1853, there were two defined positions on the relation between the State and the Church, namely a liberal position and a conservative one. Most of the motions of the liberal sector were adopted by the Assembly and, although the main proposals of the conservative sector were rejected, the demand that the president and vice president should profess Catholic religion was accepted (Maisley, 2016). In turn, Article 2 was included in the National Constitution, which establishes that the Argentine State supports the Catholic religion ("el gobierno federal sostiene el culto católico apostólico romano"). Since then, this article has been the subject of numerous interpretations and conflicts (see section 4). Maisley (2016) claims that the liberal positions adopted in the Constituent Assembly of 1853 were later reaffirmed when the National Congress passed the "lay acts": in 1884, the Civil Registry was created and a Common, Public and Lay Education System was adopted. In 1888/9, a legal reform established the civil marriage (until that moment it was performed by the Catholic Church and recognized by the state). These measures confirmed not only the separation of the State and the Church but also a tendency towards the equal status of all religions. These laicist laws were proposed and promoted by sectors of the liberal elites and by groups of freethinkers, freemasons, anarchists, socialists, communists and also some liberals (Ceriani & Mancini, 2011; Rainieri, 2018; Larregle, 1989). This threshold of laicism was characterized by the prevalence of anti-religious ideals and the promotion of science, but it started to lose momentum in the 1930s, when the Catholic Church and the armed forces forged an alliance resulting in cycles of political instability, which lasted at least until the 1950s (Di Stefano, 2011b; Zanca, 2006). The Catholic clergy presented itself as the depository of national values, crafting a national identity of substitution, enabling a third route against liberalism and an expanding communism (Mallimaci, Cucchetti & Donatello, 2006).

The third threshold of laicism emerges in 1983 as a result of the country's return to democracy, in a context of growing religious plurality. This moment includes the constitutional reform of 1994<sup>2</sup> and the increasing visibility of social movements as constant opponents to the official position of the Catholic Church - especially those focusing on feminism, sexual diversity and human rights. In these processes, which have

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<sup>2</sup> This constitutional amendment took out the requirement of the President to be catholic, though leave the requirement of the national state to "support" Catholicism.

not been homogeneous throughout the country, the State has oftentimes maintained legitimate cross-transfers with religious sectors, in particular the Catholic Church, within a context of recurrent socio-economic crises (Mallimaci, 2008).

***Secularization and Perceived Laicism:*** The "myth of a lay Argentina" (Mallimaci, 2015) has permeated various discourses and disputed spaces since the end of the 19<sup>th</sup> century, especially in the fields of education and public health. Nonetheless, it should be noted that these discourses are embedded in a context where the Catholic Church enjoys a privileged status, granted by the Argentine legal system, even when it consecrates freedom of worship (See section 4).

Esquivel (2016) has fostered the development of an operational strategy to analyze state laicization in Argentina. The author takes into consideration various indicators, focusing on three dimensions, namely, legal regulation, public policies and political culture. It is particularly in the dimension of public policy implementation and in some political culture indicators that the presence of religious actors and worship elements - especially Catholic - becomes evident. Argentine laicism has, therefore, been characterized as "subsidiary laicism" (Esquivel, 2010, 2012; Mosqueira & Prieto, 2015). This implies the coexistence of national policies, which have a greater degree of civil and state autonomy than religious institutions, with others whose implementation might require - depending on each provincial jurisdiction - the involvement of religious referents and mechanisms, particularly of the Catholic Church. Some works have begun to analyze specific processes of state laicization, focusing on different state levels or themes, such as the debates around the teaching of religion in public schools (Navarro & Sánchez, 215), sexual education (Esquivel, 2013) and the problematic relation with the Military Bishopric (Esquivel, 2007).

A relevant aspect in this regard is the political appropriation of the figure of Pope Francis. During Nestor and Cristina Kirchner (2003-2015) presidencies, Cardinal Bergoglio (current Pope) did play an important role as an oppositional leader; even more, when leading the rejection of same-sex marriage (finally approved in 2010). During those years, there was a tendency to label Bergoglio as a conservative religious leader, at least among some political progressive sectors. Since being Pope, Francis has had a number of gestures, particularly related to partisan politics, social inequality and the environment, which have (partially) reverted that perception. At present, support for Francis in Argentina comes from some sectors of the left and from progressist groups standing in favor of laicism, while the questioning of Francis' actions comes from conservative sectors (Morello, 2019; Semán, Viotti & García Somoza, 2018)

***Laicist Advocacy:*** During the last decade, laicist groups have embarked on a new wave of political contestation. With a rhetoric close to "new atheism" or "militant atheism", these groups have promoted a "cleansing" of religious symbols in public spaces (Mancini, 2014). They have questioned the State funding the Catholic Church and have forged various alliances under the campaign for the separation of the State and the Church, turning to such measures as collective apostasy, the launching of the Atheist Bus Campaign and the questioning of homeopathy and other "pseudo-sciences" through different collective actions. They have also supported the demands of feminist and sexual diversity movements (Mancini, 2010; Rabbia, 2018).

The main organization bringing these demands together is the Argentine Coalition for a Lay State (CAEL, by its initials in Spanish), made up of various groups and referents throughout the country<sup>3</sup>. Also important is the role of both ArgAtea, a civil, atheist association in Argentina, and the groups of freethinkers, which

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<sup>3</sup> CAEL website: <https://coalicionlaica.org.ar/cael/>

have organized several national conferences on atheism and freethinking in the last decade<sup>4</sup>. The Argentine Skeptic Circle (CEA, by its initials in Spanish) has organized numerous advocacy actions to question pseudosciences and non-scientific beliefs, including religious positions on various social debates, such as the legalization of abortion<sup>5</sup>. It should be noted that much of the laicist advocacy circulates through social networks and digital forums, and that it activates spontaneously at times when traditional religious institutions are strongly challenged (Rabbia, 2018). So far, they haven't reached great political successes, although their proposals and actions seem more aimed at the society in general than at political decision makers.

***Sexual and Reproductive Rights as Activation Points of Laicism:*** The recent debates around the recognition of different sexual and reproductive rights are some of the events that have had a strong impact on laicist advocacy (Felitti & Prieto, 2018) (See section 5, subtitle 1). Sexuality education, the use of contraceptives, the legalization of equal marriage, abortion and the recognition of a self-perceived gender identity are some of the points of conflict between religious-based conservatism and the feminist and sexual diversity movements, including their laicist allies.

The actors who stand in favor and against these initiatives do not always respond to the religious vs. secular dichotomy. On the one hand, religion-based conservative actors at times resort to discourses and strategies resulting in the "strategic secularization" of their demands (Vaggione, 2005). On the other hand, actors who identify themselves as religious sometimes participate in laicist initiatives, as is the case of Catholics for Choice (CDD, by its initials in Spanish) - who are members of CAEL - and of some priests and pastors that stand as clear expressions of religious dissidence (Felitti & Prieto, 2018; Rabbia & Iosa, 2011).

Lastly, another line of inquiry explores the emergence of a neo-conservative movement with a religious matrix that has become part of the contemporary political landscape as a reaction to feminist and LGBTIQI movements in Argentina. As in most countries in the region, the notion of "gender ideology" has turned into a concept which brings both religious and secular sectors together in the fight for a traditional family model (Vaggione, 2016).

#### **4. Laws, Regulatory Context and Jurisprudence**

In the realm of legal studies, there are two main research areas that relate to the debate around (non-) religion. One focuses on the relationship between the State and the Catholic Church (connected to section 3), and the other provides a doctrine and jurisprudence-based analysis of the ways in which (non-) religious beliefs are regulated with respect to specific topics.

***Relation between the State and the Catholic Church:*** The legal studies that explore the institutional relations between the State and the Catholic Church (Alegre, 2016; Maisley, 2016) focus on Article 2 of the National Constitution, which establishes, as previously said, that "the federal government supports the Roman Catholic religion." These studies explore the connection between Article 2 with other constitutional norms that relate to (non-) religion, including freedom of worship (article 14, *libertad de cultos*), and with other norms pertaining to civil law which regulate the status of religious communities, marriage and divorce.

Since it was first included in the Constitution in 1853, interpretations of Article 2 have fluctuated. Nevertheless, the idea that the Catholic Church should receive financial support has remained, and it should

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<sup>4</sup> ArgAtea website: <https://laicismo.org/argatea-asociacion-civil-de-ateos-en-argentina/>

<sup>5</sup> CEA website: <https://circuloesceptico.com.ar>

be noted that this article was not amended in the constitutional reform of 1994. Alegre (2016) argues that there are two positions on the scope of Article 2, namely, one which is “conservative” and understands its financial support as a “requirement for the State to align with the Catholic religion”, and one which is “laicist” and understands its financial support as a financial requirement only. The later has been the prevailing interpretation<sup>6</sup>.

During the period of democratic transition initiated in 1983, the Supreme Court resolved other judicial cases of relevance to this matter. In 1986, the Supreme Court ruled that divorced persons could remarry (*Sejean, Juan v. Zacks de Sejean, Ana María* case). One of the votes established that religious freedom included the freedom not to profess any religion. This case was also one in which the Supreme Court took a position on the “question of the neutrality of the liberal State in religious matters” (p. 39, Saba, 2014). In 1987, as a consequence of this ruling, the National Congress passed the Divorce Law. In 1989, the Supreme Court ruled that the divorce norm adopted by the National Congress was constitutional and in force (*Villacampa, Ignacio v. María Angélica Almos de Villacampa* case).

It is worth pointing out that the privileged position of the Catholic Church is also regulated by private law (Civil Code) (Arlettaz, 2016). The Catholic Church is considered as a legal person of public law (“persona de derecho público”) while the rest of religious denominations to be legally recognized should registered under, and be authorized by, the National Registry of Religions in order to qualify for tax exemptions (for example). In this context, several bills proposing changes to the status granted to minority religions have been discussed, but none has been passed yet (Mallimaci, 2015; García Bossio, 2016). This situation, that combine freedom of worship (*libertad de culto*) with special privileges for the Catholic Church, has been defined by some specialists as a multi-confessional state, yet not an egalitarian one (Arlettaz, 2019)

**Regulation of Non-Religious Beliefs:** A number of studies focus on the legal and jurisprudential changes to the regulation of non-religious beliefs. One area of debate is connected to the issue of conscientious objection, understood as the right not to follow/not to comply a legal obligation due to intimate convictions when this breach does not affect other people’s rights or the common good (Arlettaz, 2012).

In 1989, the Supreme Court ruled on mandatory military service, and it recognized the right to conscientious objection based on religious or ethical grounds (case *Portillo, Alfredo v. National State*). The issue of conscientious objection remains relevant in other fields, such as the realm of medical practices. One of the most significant cases in this field was that of *Bahamondez, Marcelo* (1993), in which the Supreme Court ruled in favor of a Jehovah's Witness who refused to undergo medical practices contrary to his religious beliefs.

Conscientious objection also remains relevant within the context of health institutions (Arlettaz, 2015; Ariza Navarrete 2018, 2019), particularly in relation to issues related to gender, sexuality and reproduction (Alegre, 2009; Navarro Floria, 2010; Cavallo and Ramón Michel, 2013, Alegre et al. 2016, Faerman & Tenenbaum, 2019). On reproduction, it is worth mentioning the 2012 case on non-punishable abortion (*F., A.L. s/Medida Autosatisfactiva*, in Spanish) in which the Supreme Court ruled that, in a situation where health services ought to perform a non-punishable abortion, health professionals have the right to raise an individual conscientious objection only. This case did not allow for institutional conscientious objection and

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<sup>6</sup> In 2018, the national state paid 130 million of pesos (almost 3 million US\$) to the Catholic Church under the concept of salary to bishops, seminarians and frontier priests. In November 2018, the Catholic Church signed an agreement with the national state to gradually stop receiving financial support. The state also grant the budget for the preservation of churches as historical monuments, social actions organized by Catholic groups, and the support for religious schools.

also considered that public policies allowing to conscious objection should not prevent women from accessing legal abortion.<sup>7</sup>

There are two jurisprudential cases in which the influence of the Catholic Church on the morals and the culture prevailed over the freedom of association and expression. The first is the case of the *Argentine Homosexual Community v. Resolution by the General Inspection of Justice (Comunidad Homosexual Argentina contra Resolución Inspección General de Justicia*, in Spanish) (1991), in which the Supreme Court denied legal status to the Argentine Homosexual Community. One of the judges argued that the defense of homosexuality offended morality and the common good<sup>8</sup>. This case shows how, from specific approaches, the concepts of morality and common good can be used to defend the Catholic matrix, evidencing an overlap of the realms of law, morality and Catholicism (imbrication according to Vaggione, 2018). The second case is *Ekmekdjian v. Sofovich* (1992), in which the Supreme Court curtailed freedom of expression when colliding with religious feelings; the Supreme Court decided that the expressions about the Virgin Mary and Jesus Christ that a television program participant had used constituted a tort to the freedom of worship of the plaintiff (Rivera, 2019). It is worth noting that, in this case, the religious beliefs that are defended are those of the catholic majority.

In other cases, however, the Supreme Court ruled in favor of the principle of separation of the State and the Catholic Church. One of the most significant cases was that of 2002, in which the Court favorably resolved the request of the Association for Civil Rights (*Asociación por los Derechos Civiles*, in Spanish) to remove the image of a Virgin from the courthouse (Saba 2013).

## 5. Health

The realms of health and health policy have also been fields of analysis and debates around the presence (or absence) of religious beliefs. It is worth noting that there are various studies which explore the dimension of “spirituality”, a component of the holistic definition of health proposed by the World Health Organization (Chuengsatiansup, 2013).

The works on health are included in this scoping though they are not directly related to the issue of non-religion, they do question some of its dimensions.

**Sexual and Reproductive Health:** The analysis of the relationship among religion, (non-) religion and the attitudes towards reproductive and sexual rights suggests that there is a tendency for non-religious people, particularly atheists and indifferents, to show more support, than their religious counterparts, for the legalization of abortion, the use of the morning-after pill and assisted fertilization, among other topics (Rabbia & Sgró Ruata, 2014; Petracci, 2011). Other works consider, from socio-anthropological and ethnographic perspectives, the role of spirituality both in the reproductive process, including pregnancy and puerperium (Remorini, Palermo & Schvartzman, 2018), and in the process of grieving for an unborn child (Felitti & Irrazábal, 2018).

**Bioethics:** A number of studies analyze the disputes surrounding the ethical or moral positionings present in bioethical discourse and committees which are part of health institutions. These studies have delved into discussions around euthanasia or the Death with Dignity Act (Alonso, 2016; Belli & Maglio, 2013; Monteiro & Silva Junior, 2019), non-reproductive practices, such as abortion (Irrazábal, 2010) or surgical sterilization (Cecchetto, Urbandt & Bostiancic, 2007), and professional secrecy and intimacy in medical

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<sup>7</sup> As in other Latin American countries, institutional objection is still a demand by certain conservative sectors.

<sup>8</sup> The legal status was anyway given by a President decree in response to international pressure.

treatment settings (Galati, 2017; Iglesias Diez, 2019), among other issues. Not all of these studies explore the topic of (non-) religion or nonreligious positions. There is also an extensive identification of the role that bioethical sectors play as public impact strategies used in conservative activism in Argentina (Irrazábal, 2010, 2015, 2012; Carbonelli & Irrazabal, 2010).

***Spirituality and Health:*** At the end of the 19<sup>th</sup> century, liberal elites and hygienist discourses turned health into a public issue, which stood in conflict not only with the discourses and ideas of the Catholic Church, but also with popular worldviews. In this context, the first studies have delved into the socio-historical processes of medicalization in Argentine society (Silvia & Liscia, 2005), which involved the coexistence of folk healing practices and home remedies (Armus, 2016; Rivero, Carbonetti & Rodríguez, 2017) with a growing scientific medical hegemony.

In the last few years, intercultural health studies have resumed, emerging as a way to link spirituality and biomedical knowledge together with the analysis of those culture-based health practices which overcome the Western secular versus religious dichotomy while redefining the concepts of health-disease (Aizenberg & Baeza, 2017; Baeza, 2014; Goldberg, 2014; Hirsch, 2004). Indigenous peoples' understanding of health involves human beings living harmoniously with nature, with themselves and with others, in the search for a comprehensive wellbeing, which reflects a balance between the individual (physical, mental, spiritual and emotional dimensions) and the collective (political, economic, cultural and social dimensions) (PAHO, 2003; Aizenberg, 2018). Within this area of research, some studies focus on magical-spiritual practices and the use of pharmacopoeia and traditional medicine in health practices and understandings amongst indigenous populations (Hurell, 1999; Drovetta, 2009; Palermo, Schwartzman, & Remorini, 2018; Campos-Navarro & Scarpa, 2013; Idoyaga Molina, 1999).

Over the last few years, there emerged a vibrant field of studies focusing on alternative therapies and their relationship with wellbeing. Many of these medical practices are tied to the development of the New Age movements within the local context (Carozzi, 1999; 2001). Many authors believe that new spiritualities entail a “broadened religious field”, which is not only competing against those offering the salvation goods but also against the professionals involved in psychosomatic healing and the hegemonic conceptions of health and the individual (Semán & Viotti, 2015; Papalini 2017). There is extensive literature along these lines which focuses on the New Age movement and draws associations with other social movements, including entrepreneurship, environmentalism and feminism (Vargas & Viotti, 2013; Papalini, 2017; Felliti, 2018).

Other works explore the intersection between religion and spirituality in public health institutions. Some of the analyses have focused on the following issues: the role of state agents associated with “wellbeing” (García Bossio & Castro, 2018), how wellbeing permeates alternative and “holistic” therapies and has become a component of mental health therapies in public hospitals (Saizar & Korman, 2012; Saizar, Sarudiansky & Korman, 2013), and the institutionalization of “non-Catholic” spiritualities in public institutions (Irrazabal, 2018). These and other works provide an account of the fuzzy lines that divide the fields of health, wellbeing, religion and spirituality, and can be of help in reconsidering the inclusion of non-religion in the local context.

## **6. Other Topics**

The following section pinpoints some brief topics which have not been as thoroughly discussed within the field of (non-) religion in Argentina as the ones included in the previous sections.

**Education:** In 1884, in the context of the second threshold of state laicization (see section 3), Act 1420 on free, obligatory, lay, common education was passed, but it was later repealed in 2015. The National Education Act was passed in 2006. This act did not include any articles specifically related to the lay character of the Argentine public education system. Nonetheless, discourses of state laicism have often been linked to the public education system, even when this system coexists with faith-based educational institutions with semi-public or private management at all levels of education.

Each provincial jurisdiction has had its own particularities in this regard, with seven provincial constitutions promoting religious education in one way or another, even if this is not put into practice (Esquivel, 2014). In cases in which religion is taught in public schools, its teaching has been more directly associated with the instruction of Catholic catechism, which has been a point of contention among other religions groups, including Jewish and Evangelicals.

In some provinces, religious education has been contested by laicist advocacy groups. A significant event on this matter was the 2017 Supreme Court decision, which ruled that the Education Act of the province of Salta - which established that religious education was a part of the compulsory curriculum - be deemed unconstitutional. Among other reasons, the Court maintained that the religious education, endorsed by the Catholic religion authority constituted discriminatory treatment against the girls and boys who did not belong to this dominant religious group. At the same time, the Court argued that the legislation enabled systematic patterns of unequal treatment of non-believers and minority groups.

Another recent topic of public debate has been the implementation of comprehensive sex education - which was adopted in 2007- in public schools. Conservative advocacy groups have adhered to the transnational campaign “Don’t Mess with My Children” (*Con mis hijos no te metas*, in Spanish) to challenge the contents of sex education on the grounds that they promote a “gender ideology”. This position has been widely and publicly supported by the religious hierarchies of the Catholic Church and by some Evangelical groups (Esquivel, 2013; Dulbecco & Jones, 2018; Felitti, 2018).

**Migration:** The issue of migration in relation with (non-) religion has not been explored in depth in the Argentine academia. There are only a few works which focus mainly on the continuity of - and, in some cases, on the breaking with - religious practices, beliefs and identifications among Latin American migrants in a variety of contexts within the country (Barelli, 2012, 2015; Pereira Arenas, 2019). There is a line of research which explores the role of religious organizations, particularly Catholic and Evangelical, in the reception of those displaced as a consequence of international conflicts, including those who enter Argentina under the Syria Program (*Programa Siria*, in Spanish) (Montenegro, 2018).

**Popular Culture and Art:** Even though laicist and anti-religious discourses can regularly be found in the media or in art exhibitions in the country, material forms of popular culture and art exploring (non-) religion have barely been studied in Argentina. Ceriani (2017) analyzes the art of León Ferrari, a prominent visual artist who has been accused on numerous occasions of producing “blasphemous” art. Years before an ultra-Catholic group attacked one of Ferrari's art exhibitions, and a similar situation had taken place in Córdoba, where an art exhibition was under attack by a group of Lefebvrists. Last year, the Ministry of Culture of the city of Buenos Aires faced a fierce backlash by Catholic sectors because he participated in a contemporary art exhibition which included a performance where a cake in the shape of Jesus was eaten.

Zanca (2012), in turn, focuses on the anti-clerical preaching of caricatured nuns and priests in the *El Peludo* newspaper in the 1920s. DiStefano (2010) claims that humor and profane caricatures have been a central element in Argentine anticlericalism. Caricatures, soap operas and movies, *graffiti*, and memes

(characteristic of digital culture), among many other cultural products, can contain powerful non-religious messages which would be worth examining further.

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