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**Religion, Politics and Sex:  
Contesting Catholic Teaching and  
Transnational Reproductive Health Norms  
in the Contemporary Philippines**

**By**

**Jonathan Tseung-Hao Chow**

A dissertation submitted in partial satisfaction of the requirements of the degree of  
Doctor of Philosophy  
in  
Political Science  
in the  
Graduate Division  
of the  
University of California, Berkeley

Committee in charge:

Professor Ron E. Hassner, Chair  
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Professor Edwin M. Epstein  
Professor Steven Weber

Fall 2011

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## **Abstract**

### **Religion, Politics and Sex: Contesting Catholic Teaching and Transnational Reproductive Health Norms in the Contemporary Philippines**

**By**

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How does religion shape transnational norms and the ways in which they are contested or adopted? Although constructivist international relations theory has made significant strides in understanding the role of norms in shaping political outcomes, there has been little research into how religion affects norm dynamics. This dissertation seeks to address this gap by developing a theory of “religious norms”, which I define as standards of proper behavior that arise from actors’ religious beliefs. I argue that while religious norms bear many similarities to secular norms, they differ in that believers understand them to emanate from the highest authority of all, that of the sacred. This can lead religious adherents to treat religious norms as having overriding importance, especially when they perceive them to be under attack from competing norms. When this happens, religious adherents can frame the religious norm as highly salient, constitutive of the faith and under threat, a process that I call “defensive sacralization”. Defensive sacralization seeks to mobilize believers in opposition to competing norms and to preserve the integrity of religious norms. At the same time, it can stifle theological debate, harden the boundaries of the faith, and raise the costs of accommodating competing norms, leading to increased polarization through a “ratcheting” effect that I call the “sacralization trap”.

I study the nature of religious norms, defensive sacralization and the sacralization trap by attempting to explain why the Philippines, which has signed international legal documents affirming reproductive health (including access to contraception) as a human right, has repeatedly failed to pass legislation that would implement these international obligations. I argue that this failure can be attributed to two main factors: first, the domestic political power of the Roman Catholic Church in the Philippines, which enables it to wield an informal veto in issue areas relating to sexual morality; and second, the Church’s defensive sacralization of its teachings against contraception, which it perceives to be under threat from transnational reproductive health norms. Through field interviews in the Philippines with activists, theologians, clergy, government officials and scholars, I show how defensive sacralization has

sidelined Catholic theologians who believe that the Church may legitimately accommodate the Philippine state's adoption of a national reproductive health policy. By drawing on the history of the Catholic Church's moral theology on contraception and its response to reproductive health norms at major international conferences, I demonstrate how the Church's defensive sacralization in the Philippines is rooted in a broader transnational normative struggle even as it is conditioned by the Philippines' unique local sociopolitical environment.

More broadly, religious norms, defensive sacralization and the sacralization trap provide a new conceptual vocabulary to describe some of the distinctive ways in which religion shapes political processes and outcomes. By apply constructivist international relations theory to the study of religion in politics, this dissertation seeks to begin building a conceptual bridge between the two disciplines.

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## **Dedication**

This dissertation is dedicated to one of my heroes, Father Eugene Trainor, whom I first met over two decades ago when he was an assistant priest at Saint Isidore's Parish in my hometown of Stow, Massachusetts. Father Trainor's joyous and stirring homilies opened countless hearts and minds to God's Word and remain among my earliest memories of the Catholic Church. Through innumerable correspondences and lunchtime conversations over the years, I have come to know Father Trainor as a compassionate spiritual mentor, a formidable intellectual sparring partner and above all, one of my dearest friends. Father Trainor cultivated in me a love for the Church, its rich history and theological traditions, and taught me that faith in God can only be strengthened by sincere and rigorous questioning. With his unshakeable conviction that nothing could separate humanity from the love of Christ, Father Trainor taught me to believe that all things in time will work to God's plan.



## List of Abbreviations

BOM	Billings Ovulation Method
CBCP	Catholic Bishops' Conference of the Philippines
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFC	Couples for Christ
COMELEC	Commission on Elections (Philippines)
DOH	Department of Health (Philippines)
DV	The Bible (Douay Version)
ECFL	Episcopal Commission on Family and Life
EDSA	Epifania de los Santos Avenue (Philippines)
HB	House Bill (Philippines)
ICPD	International Conference on Population and Development (1994)
IUD	Intra-uterine device
LGBT	Lesbian, gay, bisexual and transgendered
LGU	Local governing unit (Philippines)
MDG	United Nations Millennium Development Goal
NAE	National Association of Evangelicals (United States)
NAMFREL	National Citizens' Movement for Free Elections (Philippines)
NCCP	National Council of Churches of the Philippines
NEDA	National Economic Development Authority (Philippines)
NFP	Natural family planning
NSCB	National Statistics Coordination Board (Philippines)
POPCOM	Population Commission (Philippines)
PPPP	Philippine Population Program Plan
RH	Reproductive health
SDM	Standard Days Method
UN	United Nations
UNFPA	United Nations Fund for Population Activities/United Nations Population Fund
USAID	United States Agency for International Development

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At the University of California, Berkeley, I was surrounded with brilliant colleagues and professors who gave generously of their time, insight and friendship. I could not have asked for a better advisor than Ron Hassner. Patient, knowledgeable and a gifted mentor whose enthusiasm for the study of religion and international relations was infectious, Ron guided me through the ins and outs of the dissertation-writing process and never hesitated to let me bounce ideas off of him. Over the last seven years, I have also come to know Ron, his wife Laura and their family as dear friends who made my journey through graduate school immeasurably brighter.

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August 8, 2011  
Stow, Massachusetts

## Chapter One Religion, Politics and Sex

“I divide the human race into two orders. The one consists of those who live according to man, and the other of those who live according to God. Speaking allegorically, I also call these two orders two Cities: that is, two societies of men, one of whom is predestined to reign in eternity with God, and the other of which will undergo eternal punishment with the devil.”

St. Augustine of Hippo  
*The City of God*<sup>1</sup>

“What is deemed proper table conversation today? Almost anything except highly controversial (religion, politics) or squeamish topics...”

Amy Vanderbilt  
*New Complete Book of Etiquette:  
The Guide to Gracious Living*<sup>2</sup>

On a hot and muggy Friday afternoon in Manila in late July 2008, some 12,000 people gathered on the campus of the University of Santo Tomas in the shadow of its stone mission-style buildings. They had come to this place, a pontifical university established by the Holy See and the oldest institution of higher learning in Asia, to attend a “Rally for Life” organized by the Catholic Bishops’ Conference of the Philippines (CBCP). Participants attended a Mass and prayed together with fifteen bishops, including Manila Archbishop Gaudencio Cardinal Rosales, Episcopal Commission on Family and Life Chair Archbishop Paciano Aniceto, and the Vatican’s Apostolic Nuncio, Archbishop Edward Adams.<sup>3</sup> The occasion for the rally was the fortieth anniversary of *Humanae Vitae*, the 1965 encyclical by Pope Paul VI which declared artificial contraception immoral, forbade its use by Catholics and placed the Catholic Church on a collision course with emerging sexual mores.

Supporters of *Humanae Vitae* saw it as a prophetic warning against the transformation of sex from a sacred act of marital procreation into a banal act of hedonism and, more to the point, the devaluation of human life itself—particularly the lives of unborn children. But the Rally for Life also had a more immediate purpose. In the halls of the Philippine Congress, a new bill was being considered that would establish a national reproductive health program. House Bill 5043, the “Reproductive Health Bill” (or the “RH Bill” for short), would establish a national reproductive health policy, mandate the provision of contraceptives and other family planning services in both national and local government hospitals, provide improved emergency obstetric care, and require that all schools teach an “age-appropriate” reproductive health curriculum for students in the fifth grade up through high school. This would have marked a

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<sup>1</sup> St. Augustine, *The City of God Against the Pagans*, ed. R.W. Dyson, Cambridge Texts in the History of Political Thought (Cambridge: Cambridge University Press, 1998). 634.

<sup>2</sup> Amy Vanderbilt, *New Complete Book of Etiquette: The Guide to Gracious Living* (New York: Doubleday, 1967). 233.

<sup>3</sup> The Apostolic Nuncio serves as the Holy See’s chief diplomatic representative in a foreign country, analogous to an ambassador.



significant shift for Philippine policy since local governments bore primary responsibility for making and implementing family planning and reproductive health legislation, leading to dramatic differences in the availability of reproductive health services from province to province and city to city.

The RH Bill lent an extra air of urgency to the rally. Participants listened to clergy and laity passionately affirm the sanctity of life and the integrity of the family. Archbishop Angel Lagdameo, the president of the CBCP, warned that artificial contraception posed a grave threat to the institution of marriage and the Filipino family. He exhorted the participants to uphold “the dignity, the value and inviolability of human life...at all cost” and warned that “if the Filipino family is destroyed, the Philippine society will likewise be destroyed.”<sup>4</sup> Dr. Brian Clowes, a researcher for Human Life International—a U.S.-based pro-life advocacy organization with a strong presence in the Philippines—warned that the bill was not truly a Filipino bill but instead written under the guidance of foreign governments seeking to keep developing countries’ populations low and exploit their natural resources.<sup>5</sup> Arguing that the passage of the bill would pave the way for legalized abortion in the Philippines, he urged the participants, “Tell the population controllers to get and repeat the four short words: hands off the Philippines”.<sup>6</sup>

The Reproductive Health Bill, then, seemed to be not only a threat to fundamental Catholic beliefs, but also a façade for sinister imperialist efforts to undermine core elements of Filipino identity and society. For Archbishop Lagdameo, Dr. Clowes and their allies, the fight over the Reproductive Health Bill was not merely about sexual practices or gynecology but indeed a struggle over the very souls of the Filipino people. For political scientists, though, the collision between the idea of reproductive health as a human right and Roman Catholic beliefs about sexual morality represents a fundamental conflict about *norms*, collective understandings of proper behavior for actors with a given identity.<sup>7</sup>

### **A Puzzle of Stalled Norm Emergence**

The case of reproductive health in the Philippines poses an interesting puzzle for scholars of norms. The Philippines is a country that, on the surface, should be a textbook case of a high demand for reproductive health legislation. It has a large and growing population (particularly in the cities), grinding poverty, relatively high maternal and infant mortality ratios, and high unemployment and underemployment. As of July 2010, it ranked as the world’s twelfth most populous country with 97.9 million people and a population growth rate of 1.96%, at which the population would nearly double in size every fifty years. Unemployment averaged 10.39%

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<sup>4</sup>Angel D. Lagdameo, “Celebration of Family and Life,” *Veritas - Archdiocese of Jaro*, July 25, 2008, <http://jaroveritas.wordpress.com/2008/07/25/celebration-of-family-and-life/>.

<sup>5</sup> “Thousands in Philippines Protest Population Control Bill,” *Catholic News Agency*, July 29, 2008, <http://www.catholicnewsagency.com/new.php?n=13381>.

<sup>6</sup> “Pro-Life Advocate Says Lagman Bill Is 'Imported',” *GMA News*, July 29, 2008, <http://www.gmanews.tv/story/109971/Pro-life-advocate-says-Lagman-bill-is-imported>.

<sup>7</sup> Ronald L. Jepperson, Alexander Wendt, and Peter J. Katzenstein, “Norms, Identity, and Culture in National Security,” in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996), 33-75.

between 1995 and 2004.<sup>8</sup> Underemployment, defined as people aged 15 years and over who desired to work more hours, averaged 20% between 1995 and 2008.<sup>9</sup>

In addition to these factors, the Philippines also continues to face high levels of fertility and infant and maternal mortality. The total fertility rate for Filipino women, defined as the average number of children a woman is likely to have during her fertile years (standardized as 15-49 years old) according to the age-specific fertility rates for a given year,<sup>10</sup> stood at 4.3 in 1990, 3.5 in 2000, and 3.1 in 2008.<sup>11</sup> The infant mortality rate for the Philippines in 2009 was 26 deaths per 1,000 live births.<sup>12</sup> The maternal mortality rate in 2005 was 230 deaths per 100,000 live births.<sup>13</sup> By comparison, in 2009 the total fertility rate in Vietnam was 2 children, the infant mortality rate was 19 deaths per 1,000 live births, and the maternal mortality rate was 56 deaths per 100,000 live births.<sup>14</sup> This was despite Vietnam's per capita GDP (PPP) in 2009 being *lower* than the Philippines' (\$1000 versus \$1790 in constant 2005 international dollars).<sup>15</sup> There also appears to be significant domestic support for a national reproductive health law. An October 2008 poll by Pulse Asia found that 82 percent of Filipinos believed that the government should provide couples with modern family planning methods and teach couples how to use them. It also found that 69 percent of Filipinos agreed that women and couples should have the right to use whichever family planning method they chose.<sup>16</sup> Last but not least, the Philippines has ratified the 1994 Program of Action for the International Conference on Population and Development (ICPD), which declares that access to reproductive health services is a matter of human rights. All of this would seem to make the country appear to be a most-likely case for the kind of rapid norm adoption that Martha Finnemore and Kathryn Sikkink have called a "norm cascade".<sup>17</sup>

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<sup>8</sup> Bureau of Labor and Employment Statistics, Republic of the Philippines. "Table 5.2: Unemployed Persons by Region, Age Group and Highest Grade Completed, Philippines: 2006-2009", *Yearbook of Labor Statistics 2010* (Manila: Bureau of Labor and Employment Statistics, 2011), <http://www.bles.dole.gov.ph/PUBLICATIONS/2010%20YLS/STATISTICAL%20TABLES/PDF/CHAP5/Tab5-2.pdf>. Starting in April 2005, the Philippines began using a new definition of unemployment such that pre-2005 and post-2005 figures are not comparable.

<sup>9</sup> Calculated from Bureau of Labor and Employment Statistics, Republic of the Philippines. "Table 4.1B: Underemployed and Visibly Underemployed Persons and Percent of Total Employed, Philippines: 1987-2009," *Yearbook of Labor Statistics 2010* (Manila: Bureau of Labor and Employment Statistics, 2011), <http://www.bles.dole.gov.ph/PUBLICATIONS/2010%20YLS/STATISTICAL%20TABLES/PDF/CHAP4/Tab4-1B.pdf>.

<sup>10</sup> Total fertility rate assumes that a woman today will follow every age bracket's age-specific fertility rate *for the given year* throughout her entire reproductive life from beginning to end. Because age-specific fertility rates change every year, total fertility rate does not actually measure the fertility of any actual population of women. Rather, it is a snapshot of how many children women are having, on average, at a single point in time.

<sup>11</sup> World Health Organization. "World Health Statistics 2010", (2010), 162-63.

<sup>12</sup> World Bank, "World Development Indicators Database," (World Bank Group, 2011).

<sup>13</sup> "Maternal Mortality in 2005: Estimates Developed by WHO, UNICEF, UNFPA and the World Bank", (2007), [http://www.who.int/whosis/mme\\_2005.pdf](http://www.who.int/whosis/mme_2005.pdf), 26.

<sup>14</sup> "MDG 4: Child Mortality, Infant Mortality Rate" and "MDG 5: Maternal Health; Maternal Mortality Ratio" in World Health Organization, "Global Health Observatory Data Repository," (2011).

<sup>15</sup> World Bank, "World Development Indicators Database."

<sup>16</sup> Pulse Asia, "Pulse Asia's October 2008 Nationwide Survey on Reproductive Health and the Reproductive Health Bill " <http://pulseasia.com.ph/pulseasia/story.asp?id=664>.

<sup>17</sup> Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 54, no. 4 (1998).

But here is where the puzzle comes in. Despite the economic indicators, the evidence of high mortality rates for both mothers and infants, and popular support for a national reproductive health law, the implementation of reproductive health norms has been stalled for years. Efforts to pass new legislation have met with determined resistance from the politically powerful Catholic Church and its allies in independent lay organizations and the government. Attempts to forge a compromise between the Church and supporters of reproductive health norms have generally failed as well, resulting in a highly polarized debate. Given all this, I ask two questions in this dissertation. First, how has the Catholic Church been able to slow or prevent the entry of reproductive health norms into Philippine society despite the multiple transnational and domestic pressures pushing for their implementation? Second, why has the Catholic Church been unwilling to accept even small compromises on reproductive health norms?

To the first question, I answer that because the Catholic Church in the Philippines wields enormous moral authority and the ability to mobilize mass opposition to the government (an ability it has exercised on multiple occasions), policymakers have preferred to accommodate rather than confront it and risk their own legitimacy. But this only explains the capability of the Church to act and not the motivation behind its refusal to compromise.

To the second question, then, I answer that the Church has constructed its teaching against contraception as a threatened *religious norm*—a standard of proper behavior for actors that arises from their religious beliefs. Religious norms resemble other norms in that they guide behavior and help define the parameters of an actor’s identity. However, they differ in that believers understand religious norms to be expressions of sacred authority, meaning that they can override other norms that emerge from mundane authority. While religious norms do not override other norms all the time, I argue that this can happen when believers construct them as integral to the faith and at the same time under threat, a process that I call *defensive sacralization*. The Church’s defensive sacralization of its teachings against contraception has made it extremely difficult for other actors—especially clergy or religious<sup>18</sup>—to seek a middle ground between respecting the Church’s moral teachings and addressing the serious problems caused by the lack of access to reproductive health services. The result has been a stalemate over the implementation of reproductive health norms.

### **The Power of the Church**

The Roman Catholic Church occupies a central position in Philippine politics by virtue of its role in helping to overthrow the dictatorship of Ferdinand Marcos in 1986 and its subsequent role as a moral guardian. In a society rife with poverty and political corruption, the Church remains the most trusted and arguably most pervasive social institution, running not only churches but also schools, hospitals, media outlets and various other social services. Violeda Umali emphasizes the broad cultural and social capital that the Church possesses by virtue of its linkages with legislators as well as with pro-reproductive health advocates who are nevertheless allied with

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<sup>18</sup> “Religious” here does not refer to all Catholic believers but rather to those who have professed vows to an intended religious community (e.g. the Jesuits, the Franciscans). Ordinary Catholic believers who have not professed vows are referred to as “laity”.

the Church on other issues.<sup>19</sup> Because of the Church's centrality, it can significantly boost the legitimacy of the government's policies with its support. Conversely, the Church can also pose an intimidating obstacle to the government when the latter's policies collide with the Church's interests.

Winning the Church's support—or at least its acquiescence—is critical for any would-be “norm entrepreneur” seeking to alter moral norms in Philippine society. This does not mean that the Church is all-powerful, however. At various points in the country's modern history, the government and other societal actors have defied the Church on issues such as the death penalty, the legalization of gambling, land reform, and even contraception. Nevertheless, if the Church seems to behave like any other lobby group, it can be a formidable one even if it does not always prevail. Politicians are concerned with the Church's ability to mobilize large groups of followers to “name and shame” them, as well as the political embarrassment that could result from being denounced from the pulpit. In particular, the Church's crucial role in helping to delegitimize and then overthrow the presidential administrations of Ferdinand Marcos in 1986 and Joseph Estrada in 2001 has meant that politicians accord it a significant measure of respect and generally try to avoid antagonizing it.

### **Defensive Sacralization**

While focusing on the Church's political power or social capital can yield useful insights into the policymaking process and help explain variation in the Church's ability to succeed in blocking competing norms, it does not explain *why* the Church has been so unwilling to even entertain the possibility of compromise. For example, Umali notes that the Church will never compromise on artificial contraception and will consequently block any population or reproductive health bill that includes it.<sup>20</sup> This raises a fundamental question for scholars of norms: why does the Catholic Church understand its teaching against artificial contraception to be immutable? More generally, what leads actors to regard some religious norms as absolutely crucial and to be defended at virtually all cost?

I argue that the Catholic Church's resistance to reproductive health norms stems from religious leaders who frame the teachings against artificial contraception as *sacred, vital to the faith, and under threat*.<sup>21</sup> I call this process *defensive sacralization*. The employment of defensive sacralization here depends upon religious leaders interpreting Catholic teachings against contraception, linking them to other moral norms (such as the teaching against abortion), and perceiving a threat. Yet, Catholicism is not monolithic, even if it is popularly depicted as such. Lively internal debates simmer behind the façade of the “one holy, catholic”

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<sup>19</sup> Violeda A. Umali, “The Politics of Population Policy-Making in the Philippines: Insights from the Population and Reproductive Health Legislative Proposals” (Doctoral dissertation, University of Vienna, 2010), 216.

<sup>20</sup> *Ibid.*, 223.

<sup>21</sup> I use Erving Goffman's definition of frames as “schemata of interpretation” that allow people “to locate, perceive, identify, and label” the reality around them. Frames help people make sense of the world around them by fitting their experiences into a coherent cognitive structure or narrative. Simply put, frames are the cognitive constructs that people use to understand what objects and events *mean*. Erving Goffman, *Frame Analysis: An Essay on the Organization of Experience* (New York: Harper Colophon, 1974). 21. See also David A. Snow and Robert D. Benford, “Framing Processes and Social Movements: An Overview and Assessment,” *Annual Review of Sociology* 26 (2000): 614.

(i.e. universal) “and apostolic Church”. The Church opposes contraception and threats to the life of the unborn, but even religious authorities wrestle with the details of how to put this teaching into practice.

*Preservationists, accommodationists and the sacralization trap*

For those in the Church who see reproductive health norms as an unacceptable assault on innocent human life and the sovereignty of God and a threat to the very integrity of the faith, there is no question as to what must be done—fight. For such “preservationists”—defined as those actors who seek to preserve a religious norm from change—, defensive sacralization is the first step in turning back the tide of what they see as hedonism, materialism, and secularism. Through defensive sacralization, preservationists attempt to sound the alarm and rouse people from their complacency. Combating reproductive health norms and delegitimizing those willing to accommodate them becomes a top priority for preservationists.

Others in the Church adopt a more circumspect view. While they may agree with the general exhortation to protect innocent life and oppose a hedonistic “contraceptive mentality”, their understandings of Church doctrine do not lead them to reject all aspects of reproductive health norms. These “accommodationists” are concerned that wholesale defensive sacralization against reproductive health norms may alienate ordinary Catholics and isolate the Church from discussions about how to implement reproductive health norms.<sup>22</sup> Instead, they advocate that the Church should focus on eliminating what, according to its teachings, are the most egregious aspects of reproductive health norms, such as the distribution of abortifacient contraceptives.

However, defensive sacralization can polarize debates over the relationship between religious norms and competing norms, thereby making it more difficult for both accommodationists and preservationists to compromise. Preservationists appeal to the authority of the sacred to claim that a religious norm is integral to the religion. Thus, any accommodation to competing norms constitutes a challenge to sacred authority. Moreover, even if preservationists later believe that accommodation of competing norms is possible or even desirable, they risk undermining their own credibility as religious interpreters by doing so since they would be contradicting their prior invocation of sacred authority. Thus, defensive sacralization represents a kind of “doubling down” on religious norms. Preservationists may

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<sup>22</sup> It is common parlance to use the terms “conservatives” and “moderates” or “liberals” when referring to different religious positions, but such terms are often subjective and poorly defined. “Preservationists” and “accommodationists” better capture the main characteristic that I am interested in, which is the actors’ attitudes toward specific religious norms.

I should also note that it is not my intent to reify the concepts of preservationist or accommodationist. These are ideal types. There is often a spectrum of views along the preservationist-accommodationist continuum, but when disputes over religious norms are highly polarized, it is easy to identify who the preservationists and accommodationists are. It is also important to note that identifying an actor as a preservationist or accommodationist requires one to define what that religious norm is in the first place. Different religious actors may disagree over what the religious norm actually is and thus who is “really” preservationist or accommodationist. It is up to the scholar to determine what the religious norm is and then to apply the proper categories.

very well employ defensive sacralization because they genuinely believe in the need to defend religious norms, but doing so also raises the cost of backing down later.

Defensive sacralization can also place accommodationists in the awkward position of appearing to argue that the religious norms in question are not quite as sacred, immutable, or threatened as preservationists make them out to be. This, in turn, can make them appear to dismiss the seriousness of the threat, disrespect sacred beliefs, undermine religious unity, and question preservationists' religious authority. Accommodationists who disagree with defensive sacralization may be forced to choose among keeping silent about defensive sacralization, being delegitimized as an interpreter of religious teachings or, in extreme circumstances, being excluded from the religious community altogether.

When defensive sacralization "locks in" polarized positions on religious norms, I refer to this as the *sacralization trap*. It is a trap because such polarization can lead to stalemate rather than resolution over the relationship between religious and competing norms. The sacralization trap helps explain why it can be so difficult for reformers to change defensively sacralized religious norms, even when trying to work within the framework of religious beliefs. By drawing lines in the sand and declaring certain norms to be absolutely untouchable, defensive sacralization raises the costs of deviation for *both* accommodationists and preservationists, reducing the likelihood that they will be able to settle a dispute between religious and competing norms through negotiations or compromise.

The debate between preservationists and accommodationists within the Church is vitally important to understanding how transnational reproductive health norms are internalized because it shapes the direction of Church policy in the broader reproductive health debate. Because the Church has defensively sacralized religious norms against contraception, it will not simply abandon its position for the reasons typically associated with norm change (e.g. peer pressure or the desire to appear legitimate). Thus, accommodationists, particularly those who wield religious authority, play an important role in breaking the deadlock by articulating ideas that legitimize the Catholic acceptance of reproductive health norms, if only partially. Still, in the face of defensive sacralization, accommodationists tread a very difficult path, one that threatens to erode the very legitimacy that allows them to create a middle ground for compromise.

### **What the Philippine RH Debate Means for International Relations**

The case of the Catholic Church's opposition to reproductive health legislation in the Philippines offers several important insights into constructivist international relations theory. First, this study provides data on how transnational norms are internalized by domestic society, an area that has attracted constructivist scholars like Joshua Busby, Jeffrey Checkel, Andrew Cortell, James Davis, Martha Finnemore, Thomas Risse, Steven Ropp, and Kathryn Sikkink. Although reproductive health norms are articulated in instruments of international law and framed as universal, it is national governments who must implement them at the domestic level. When interest groups are determined to modify the norms or block them altogether, the result is

often a process of contestation over how much influence transnational norms should have over local interests.<sup>23</sup>

Second, by looking at conflicts between these transnational norms and *religious* norms, this study seeks to understand conflicts over competing universal claims. Among other rights, the 1948 Universal Declaration of Human Rights proclaims:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.<sup>24</sup>

Other instruments, signed and ratified by states, articulate principles regarding how states should protect children, workers, women, prisoners of war, and more. Like the Universal Declaration of Human Rights, these documents proclaim that their principles express universal ideals. But attempting to universalize these principles has frequently led to collision with competing ideas that also claim universal status, including religious teachings. To give just a few examples: In South Africa, the Dutch Reformed Church supported apartheid from before 1948, when the policy was first enacted, and did not desegregate until 1986 despite mounting criticism from abroad as well as from within its own ranks. In some societies that profess to follow *shari'a*—Islamic religious law—punishments considered cruel by international human rights standards (such as stoning or the amputation of limbs) have remained legal and converting away from Islam can be punishable by death. The attacks of 9/11 were conducted by suicide bombers who believed that they were living out the precepts of the Qur'an. Hundreds of other jihadists from Iraq to Israel, and from the Palestinian territories to Pakistan have also adopted suicide bombing as a religious norm even as some Muslim religious leaders have condemned it. In Uganda, Christian beliefs have been used to justify the harassment and murder of suspected homosexuals and promote the passage of a bill that would make homosexuality a capital offense. Understanding how reproductive health norms and Catholic teachings are contested within the Catholic Church can give us clues to how religious norms like these are contested, preserved and/or changed.

Third, by revealing the internal debates over reproductive health norms within Roman Catholicism, my study offers an illustration of the internal diversity present in many other religious movements. The idea of religious authorities leading unswervingly obedient believers in lockstep through unified doctrines represents a warped caricature of how religious ideas shape behavior. Unfortunately, this stereotype is relentlessly reproduced in popular discourse about religion. Religious actors frequently and vigorously debate religious norms and how best to respond to competing norms, even in a relatively centralized and hierarchical religion such as Roman Catholicism. Recognizing and understanding these internal debates and the different beliefs and interpretations that drive them helps us, in turn, to understand religious actors' political behavior.

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<sup>23</sup> See, for instance: Amitav Acharya, "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism," *International Organization* 58 (2004).

<sup>24</sup> United Nations, "Universal Declaration of Human Rights," (1948), Art. 18.

I claim that religious norms differ from other kinds of norms because of their ability to take on an overriding quality for believers. The motivations and interests of religious actors, the kinds of strategies they employ to achieve those goals, and the concessions they are willing to make can be overridden by their beliefs that they must adhere to certain religious norms. This, in turn, can have palpable effects on the adoption of transnational norms. While the concept of “religious norms” has been employed in various scholarly works, to my knowledge there has been no attempt to formally define them or differentiate them from non-religious norms.<sup>25</sup> By exploring how religious norms can shape the domestic appropriation of transnational norms, I seek to build a bridge between constructivist international relations theory and the study of religion.

International politics do not stop at the doors of national legislatures. The proliferation of inexpensive rapid communications technology has allowed numerous non-state and sub-state actors to more directly engage in matters of international politics. The idea of a transnational civil society whose norms shape the domestic behavior of sovereign states also blurs the boundary between international and domestic politics, and between the universal and the local. Religious institutions, whether transnational, domestic, or both, can be particularly important in limiting or extending the reach of transnational norms because their own teachings are also proposed as universal. Rather than build artificially high walls between international and domestic politics, this dissertation finds that a story about the former is incomplete without paying attention to the latter.

### **Notes on Sources**

In order to understand how the Catholic Church’s opposition shapes the implementation of reproductive health norms in the Philippines, I draw on a variety of sources. First, between January and June of 2008 and in January and February of 2009 I traveled to the Philippines where I conducted 61 in-depth, semi-structured interviews in the Metro Manila area with clergy, theologians, academics, officials, NGO representatives and lay activists involved in the reproductive health debate in the Philippines. The purpose of the interviews was to understand how actors with different religious and political orientations toward reproductive health norms justified their respective positions, what techniques and strategies they used to promote their positions, the extent to which their religious beliefs shaped their political outlook, and the conditions under which they foresaw any possibility of cooperation between opponents and supporters of reproductive health norms.

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<sup>25</sup> See, for instance: Luther G. Baker Jr., “Changing Religious Norms and Family Values,” *Journal of Marriage and Family* 27, no. 1 (1965); Donald Granberg, “Conformity to Religious Norms Regarding Abortion,” *Sociological Quarterly* 32, no. 2 (1991). Christopher Marsh and Daniel P. Payne, “The Globalization of Human Rights and the Socialization of Human Rights Norms,” *Brigham Young University Law Review* 2007, no. 3 (2007); Charles S. Liebman, “Extremism as a Religious Norm,” *Journal for the Scientific Study of Religion* 22, no. 1 (1983).

See also Eva Bellin, “Faith in Politics: New Trends in the Study of Religion and Politics,” *World Politics* 60, no. 2 (2008): 341. Bellin, referring to Fox and Sandler’s 2004 book, *Bringing Religion into International Politics*, criticizes Fox and Sandler for failing to distinguish religious norms from non-religious norms but does not provide a formal definition of religious norms.



In order to gain a fuller picture of the normative contest, I also supplement these interviews with various documentary sources regarding the debates over population management and reproductive health in the Philippines, including proposed legislation, statements by politicians, NGOs and activists, op-eds, and debates at critical international conferences. In addition, I examine key religious documents articulating the Catholic Church's positions on sexual morality and contraception in order to understand how the theology behind them developed. These include papal encyclicals and official pronouncements by the Church, scriptural references, and theological commentary on both of them. I use these to show how religious actors on both sides of the debate have appropriated different theological arguments to support their positions.

The struggle over reproductive health norms in the Philippines constitutes an important case because the stakes for the pro- and anti-reproductive health norm camps are so high, as indicated by the large amount of political resources being committed by both sides to promoting their respective positions. Because of the centrality of teachings against contraception to the Church and the potentially significant impact of reproductive health norms on Philippine society, we would expect the Church to respond with defensive sacralization, providing an opportunity to explore its dynamics.

### **Methodological Considerations**

Studying the interplay of religion and transnational norms of civil society raises a host of epistemological and ontological issues, particularly for scholars of international relations. Historically, religion has been largely ignored by international relations theory. This is not terribly surprising when we consider that international relations theory in the United States (and American political science more broadly) remains dominated by a positivist, materialist methodology that emphasizes falsifiable hypotheses and clear causal relationships between independent and dependent variables.<sup>26</sup> For such theories, what matter more are the material facts of a situation rather than the meanings that actors ascribe to those material realities.<sup>27</sup>

On the other hand, sociological studies of religion adopt a very different position, often focusing on how societal actors *interpret* material structures. Sociologists of religion frequently adopt a subjective, non-positivist epistemology that reflects the importance that individual *beliefs* play in shaping people's individual and social acts. Here, material facts may have very different meanings from context to context, potentially making cases incommensurable with one another. To understand the relationship between religion and how individuals and groups behave, we need an approach that takes into account actors' various *understandings* of the relationship between religion and politics. We also need a way to describe the processes by which religious interpretations are developed, (re)produced, modified and rooted within

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<sup>26</sup> See Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton: Princeton University Press, 1994); Charles C. Ragin, *Fuzzy-Set Social Science* (Chicago: University of Chicago Press, 2000). 33-34.

<sup>27</sup> Jonathan Fox and Shmuel Sandler attribute this relative neglect in part to a post-Enlightenment secular bias. International relations, which they suggest is "the most Western-centric of the social science disciplines", has largely treated religion as irrelevant and tends to favor behavioralist and quantitative methodologies, both of which encounter difficulties when analyzing religion. Jonathan Fox and Shmuel Sandler, *Bringing Religion Into International Relations* (New York: Palgrave Macmillan, 2004). 9-10.

society. This suggests two approaches with differing ontological and epistemological assumptions: interpretivism and constructivism.

### *Interpretivism*

An interpretivist approach to religion attempts to take religion at face value, as it were. An interpretivist methodology focuses on *what* people believe and on understanding the systems of meaning that constitute religious beliefs and practices. The object of this approach is to be able to see religion from the perspective of a believer rather than to search for social explanations of why religious beliefs and practices take the forms they do. The exemplar of interpretivist methodology is Clifford Geertz, whose use of “thick description” sought to show the complex tapestry of understandings within a society by providing detailed explanations of symbols—whether in the form of stories, rituals, sacred objects or human actions—and what they mean within the context of a given culture.

The advantage of an interpretivist approach is that it enables the observer to understand the internal structure of a cultural system. The main disadvantage is that it sacrifices theoretical generalizability for rich understanding about the specific structures of meaning that apply to individual cases. It is not possible, for instance, to understand the Roman Catholic concept of the “communion of saints” and the associated practice of asking the dead to pray for the living without first taking as given the belief that there exists something called an eternal soul which continues to live on after the death of the body. Such a belief does not lend itself to external validation.

I attempt to get around this epistemological “blind spot” by going beyond static description to explicitly demonstrate the links between religious understandings and political outcomes.<sup>28</sup> I begin with “thick description” in order to reveal the meanings that religious adherents ascribe to religious norms and their underlying beliefs. This involves examining religious microfoundations such as theology, structures of religious organization, symbols, ceremonies and how religious adherents understand them. It then involves highlighting the connections between those religious microfoundations and adherents’ actions and understandings regarding political matters, showing, for instance, how the moral teachings of a religion impose restrictions on the kinds of policies an adherent can legitimately support. In this way, I hope to mitigate the problems of essentialization and oversimplification.

In the case of Catholic opposition to reproductive health norms in the Philippines, such an approach would draw our attention to several areas. First, we would be interested in the theology underpinning the Roman Catholic Church’s opposition to reproductive health norms. What are the principles that Catholic theologians and other religious authorities utilize to justify opposition? Are there debates within that theological tradition and if so, how do they shape religious views of reproductive health norms, if at all?

Second, we would be interested in how power is organized in the Catholic Church. For instance, how much influence does the Vatican have over the debate reproductive health debate in the Philippines? Who is authorized to make pronouncements on theological issues in

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<sup>28</sup> This methodology closely parallels the “thick religion” methodology employed by Ron Hassner. See Ron E. Hassner, *War on Sacred Grounds* (Ithaca and London: Cornell University Press, 2009). 177.

the Catholic Church? How does the Church manage dissent from among its own believers? What is the relationship between the Church and the Philippine government?

Third, we can consider the lived faith of ordinary believers. For example, what do individual Filipino Catholics think about the implementation of reproductive health norms? Do they consider religious teachings when deciding whether or not to use contraceptives? In the empirical case here, these attitudes include not only the “person on the street” but also the policymakers who must decide whether or not to implement norms that contradict religious teachings. Examining these religious microfoundations can provide us with a way of understanding not only why Catholic actors view reproductive health norms as a threat but also of explaining argument and dissent within the Catholic Church over those same norms.

### *Constructivism*

An interpretivist approach allows us to gain a sense of what religious adherents believe and how those beliefs shape their understanding of the world around them. But by reifying religious beliefs, interpretivism also overlooks the question of how the meanings that comprise it come to be in the first place and how they are repeated and preserved over time.<sup>29</sup> To understand the religious obstacles to implementing reproductive health norms, it is necessary to go beyond the “face value” of religious meanings and examine how such meanings are contested, shaped and otherwise manipulated. Thus, in addition to an interpretivist method, I also employ a social constructivist approach.

As a relatively young theoretical approach, constructivism’s boundaries are still undefined, embracing both statist and non-statist ontologies, as well as both positivist and post-positivist epistemologies and a diverse array of methodologies ranging from process-tracing to interpretivism. While these approaches differ and at times even oppose each other, constructivists generally share two assumptions: 1.) meaning matters, and 2.) agents and structures are mutually constituted.

Most constructivists agree that material facts do not signify anything in themselves; instead, agents imbue material facts with *social meanings* that grant material structures a certain significance. In religions, individuals and organizations with the authority to interpret sacred texts can wield great influence over believers. When religious authorities bless ritual objects, designate certain places as pilgrimage sites, induct or excommunicate members, define certain behaviors as virtuous or sinful, or utter prayers, they are injecting meaning into material facts. Constructivists also reject the total dominance of material and social structures over agency, holding instead that agents and structures exist in a mutually constitutive relationship in which they shape and are shaped by one another (what Anthony Giddens has called “structuration”)<sup>30</sup>. For example, actors within a society are steeped in the culture of that society such that their own identities are constituted by it. Yet, in internalizing that culture and acting according to its dictates, actors also reproduce and change it. When applied to the study of religious norms, a constructivist approach complements interpretivism by examining how

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<sup>29</sup> Ibid., 174.

<sup>30</sup> Anthony Giddens, *The Constitution of Society: Outline of a Theory of Structuration* (Berkeley: University of California Press, 1984).

agents (re)produce, contest and change religious meanings, as well as how existing structures of meaning constrain and condition religious actors' behavior.

Epistemologically, though, the employment of both interpretivism and constructivism raises potential difficulties. One group of constructivists emphasizes the role of shared meanings that remain relatively stable over time.<sup>31</sup> While these "social facts" only exist in actors' minds, enough people understand them to be true such that there is an expectation that they will remain stable and thus analyzable through empirical methods. Other constructivists emphasize the contested nature of ideas and the ways in which power shapes dominant ideas.<sup>32</sup> For these constructivists who lean more toward post-positivist epistemology, "social facts" are unstable because they depend upon malleable power structures.<sup>33</sup> Nevertheless, they share the constructivist argument that actors can create intersubjective meaning.

By contrast, while interpretivists concede that there does exist a reality independent of observers,<sup>34</sup> they focus on the interpretation of that reality by the subject. Interpretivists reject positivist epistemology, holding that there can be no such thing as a neutral theory that accurately and objectively depicts social reality because reality is meaningless until it has been interpreted by subjects. Thus, the interpretivist is largely concerned with Weberian *Verstehen*, attempting to grasp how the *subject* understands the reality that she experiences. "Social facts", a key component of constructivist ontology, cannot be understood apart from how individual subjects interpret them. Because such interpretations may vary widely from individual to individual, contested meanings are often the result. Thus, an interpretivist would reject any attempt to analyze norms in the abstract, preferring instead to find out what those norms mean to the individuals who actually live with them. This kind of analysis is inherently unverifiable—there is no relatively objective standard against which subjects' interpretations of reality can be compared, though it is possible to identify common interpretations and meanings that people share. The result is a "hermeneutic circle" in which external observation is really just a subjective interpretation of another subjective interpretation.<sup>35</sup>

While I agree that individuals can vary significantly in their subjective interpretations of reality, I reject the radical subjectivist conclusion that it is therefore not possible to speak of norms in the abstract. Through sustained socialization, people can develop shared interpretations of the world around them. Actions such as education, social ostracism, or

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<sup>31</sup> See, for instance: Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999); Alexander Wendt, "On the Via Media: A Response to the Critics," *Review of International Studies* 26 (2000).

<sup>32</sup> See, for instance: Roxanne L. Doty, "Desire all the way down," *Review of International Studies* 26 (2000); Martha Finnemore, "Constructing Norms of Humanitarian Intervention," in *The Culture of National Security: Norms and Identities in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996); Steve Smith, "Wendt's World," *Review of International Studies* 26 (2000); Peter J. Katzenstein, ed. *The Culture of National Security* (New York: Columbia University Press, 1996).

<sup>33</sup> Audie Klotz and Cecelia Lynch, *Strategies for Research in Constructivist International Relations* (Armonk, NY: M.E. Sharpe, 2007). 13.

<sup>34</sup> See, for instance: Martin J. Smith, "Re-centring British Government: Beliefs, Traditions and Dilemmas in Political Science," *Political Studies Review* 6 (2008): 145.

<sup>35</sup> Thomas A. Schwandt, "Constructivist, Interpretivist Approaches to Human Inquiry," in *Handbook of Qualitative Research*, ed. Norman K. Denzin and Yvonna S. Lincoln (Thousand Oaks: Sage Publications, 1994), 123.

shaming can be used to induce compliance in subjects who possess different understandings. Thus, on the one hand I adopt an interpretivist framework in order to understand how subjective religious beliefs can shape political actions and condition actors' responses to social reality. On the other hand, I also lean toward a constructivist ontology in which religious beliefs present themselves as "social facts".<sup>36</sup> While such social facts are malleable and subject to contestation and different interpretations, they nevertheless present themselves as relatively stable objective realities that exist independently of the individual subject.

### *Materialism*

Both constructivism and interpretivism focus on the ideational aspects of religion, but they are incomplete without an understanding of the material forces that also undergird societies. Failing to take note of material constraints and political power configurations risks overestimating the power of religious ideas and ignoring how ideas can be amplified, obstructed or otherwise modified by material forces. This is especially important when we consider the interactions between religious institutions and the state, international organizations and other social entities. Thus, when analyzing how religious norms are contested, we need to be cognizant not only of the content of the ideas themselves and their linkages to social identities but also of the material capabilities and structural positions of the actors making the various normative claims. In other words, when the Catholic Church declares that transnational reproductive health norms are immoral and that the Philippine government should not distribute condoms, how significant that stance is depends in part on the ability of the Church to impose political costs on the Philippine government for ignoring its demands. For religious actors to have an impact on political processes and outcomes, they often need to mobilize material resources as well as ideas. The availability of material resources, in turn, can delimit the strategies that religious actors can harness in order to promote a religious norm, though material resources do not, in themselves, determine how religious actors will frame religious norms or perceive threats from competing norms.<sup>37</sup>

### **The Local and the Global in Religious Norm Conflict: A Levels of Analysis Approach:**

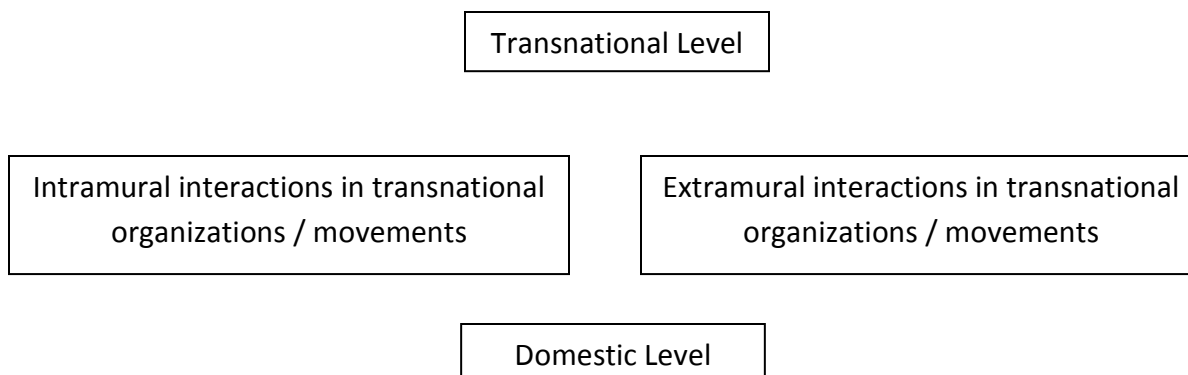
In the proceeding chapters, I will attempt to systematically demonstrate how advocates of transnational reproductive health norms and Catholic norms against the use of contraceptives have broadly constructed them as universal. I will then demonstrate how those norms have been contested in the Philippines and how the Church has used defensive sacralization to obstruct their implementation.

In order to accomplish this, I have organized the dissertation along three levels of analysis, each of which provides a different but collectively complementary perspective on

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<sup>36</sup> John R. Searle, *The Construction of Social Reality* (New York: Free Press, 1995). 2.

<sup>37</sup> On how ideas become socially empowered and the importance of imposing costs and benefits on political actors in order to promote them, see: Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton, NJ: Princeton University Press, 2001). 57-58.



**Figure 1.1: The transnational, interstitial and domestic levels of analysis**

norm development and contestation.<sup>38</sup> First, we can examine the purely domestic political level. Second, we can examine the purely transnational level. Third, we can examine the interstitial nexus between the transnational and the domestic. In this third category, I find it useful to subdivide this level of analysis into intramural interactions, which refer to transnational interactions *within* an organization or movement, and extramural transactions, which refer to transnational interactions *among* different organizations and movements. Let me now briefly discuss these in turn.

At the first, domestic level, the conflict over reproductive health norms in the Philippines can be seen as a local contest between domestic supporters and opponents over which policy the state should adopt. In this model, the Catholic Church and its supporters and opponents in Philippine civil society function as domestic lobby groups. Viewed from this perspective, the debate over reproductive health norms is not terribly different from, say, American debates over whether or not abortions should be outlawed. In both cases, the objective is the same: to get the state to adopt a policy that it would not otherwise adopt. This level of analysis draws our attention to the power relationships among the different political and religious actors. Questions about how much power the Catholic Church wields over the Philippine government or individual politicians would fall into this level of analysis, as would questions about how Philippine politicians attempt to implement local reproductive health policies.

At a second, transnational level, we can analyze the purely transnational aspects of the conflict over reproductive health norms. This level of analysis draws our attention to questions of how different actors negotiate the articulation of *transnational* principles for reproductive health. The 1994 International Conference on Population and Development, the 1995 Beijing Conference on Women, and the 2000 United Nations Millennium Declaration all sought to establish the idea that access to affordable reproductive health care, including family planning, was a human right. States, NGOs and IGOs negotiated the text of documents laying out principles and norms that would become templates for implementation by signatory states.

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<sup>38</sup> On levels of analysis in international relations theory, see J. David Singer, "The Level of Analysis Problem in International Relations," *World Politics* 14, no. 1 (1961).

Such conferences and documents did not skirt controversy, however; on the contrary, they became sites of fierce contention between advocates of competing interpretations of reproductive health as well as those who opposed the idea of reproductive health as a right altogether.

By the same token, it is important to recognize that the Catholic Church itself is also a transnational actor. While individual dioceses and national and regional bishops' conferences have a great deal of autonomy from the Holy See, they are not independent entities but rather parts of a larger institution that stretches across time and space. In addition to a common set of religious dogmas and beliefs about God, Jesus Christ, the Holy Spirit, and so forth, the Church is also unified (at least formally if not always in practice) by papal encyclicals, ecumenical councils like the First and Second Vatican Councils, and documents issued by the Catholic hierarchy in the Vatican. Such documents are proclaimed by the Pope to the entire Church and to the world at large, but it is up to bishops, priests, members of religious orders and laity to implement the teachings contained within. Adopting a transnational level of analysis draws our attention to Vatican-level policymaking. This, in turn, inevitably leads us to consider the Vatican's interpretations of Catholic theology that are then provided to the rest of the Church as a source of religious norms.

The third, interstitial level of analysis examines the transactions that take place *between* the transnational and the domestic levels, both within organizations and movements as well as among them. This level of analysis focuses on such matters as the domestic appropriation of transnational norms, the involvement of transnational actors in domestic norm contestation, as well as conflict and cooperation between domestic and transnational representatives of the same movement or organization. For example, Brian Clowes' claim that the language in the Reproductive Health Bill came from London and Washington was not entirely without merit. In fact, the sponsors of the Reproductive Health Bill envisioned it in part as a means by which the Philippines could fulfill its obligations under the 1994 ICPD Program of Action. In doing so, they incorporated elements of the Program of Action into the bill, such as the definition of reproductive health as a

state of physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. This implies that people are able to have a satisfying and safe sex life, that they have the capability to reproduce and the freedom to decide if, when and how often to do so, provided that these are not against the law.<sup>39</sup>

When the Philippines signed on to the 1994 ICPD Program of Action, it committed itself to fulfilling those international obligations and invited scrutiny from other members of the international community. In particular, pressure from transnational advocacy groups—many of which have connections to domestic advocacy groups—and international organizations like the United Nations and the United States Agency for International Development (USAID) have been

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<sup>39</sup> *An Act Providing for a National Policy on Reproductive Health, Responsible Parenthood and Population Development, and for Other Purposes*, 14th Cong., 1st sess., HB 5043.

important forces for “transnationalizing” the debate about reproductive health norms in the Philippines. Links between domestic and transnational pro- and anti-RH organizations enable them to share common rhetoric, advocacy strategies and worldviews. In this model, transnational and domestic actors treat domestic society as a battleground over competing norms. While the norms may be sourced in part from abroad, what is being fought over is their implementation at the domestic level. Norm advocates on both sides see “winning” or “losing” the Philippines as affecting not only Philippine society, but also the broader transnational campaign to propagate their norms around the world.

We can also look at transnational-domestic interactions *within* organizations and movements. For example, we can observe that because the Church’s one billion members are so diverse and spread across numerous countries and cultures, its teachings, while universal, are nevertheless refracted through the lenses of local cultural norms and experiences. This diversity of local experiences helps illuminate, for instance, why liberation theology found a receptive ear in many Third World countries with large poor populations but was met with far less enthusiasm in the United States and Western Europe. Disputes within the Church over theology, doctrine and policy can occur simultaneously between local religious leaders and the Vatican as well as at the local level, ultimately shaping the process of norm contestation.

These three levels of analysis provide us with differing but complementary views of the complex interplay between the transnational and the local in norm contestation. Over the course of our inquiry into the contest over reproductive health norms and Catholic norms against contraception, we will utilize all three vantage points.

### **Outline of the Dissertation**

In Chapters Two and Three, I lay out a theoretical foundation by explaining key ideas such as religious norms, defensive sacralization and the sacralization trap. In Chapter Two, “Opening the Conceptual Toolbox: Norms, Religion, and Religious Norms”, I delve into the theoretical underpinnings of religious norms. I briefly explain how the concept of religious norms is rooted in the constructivist literature on norms. While all norms prescribe behavior for social actors, religious norms make the claim that such prescriptions originate in some way from the highest authority of all—the sacred—allowing them to override non-religious norms. Not all religious norms are equally important in practice, though, and I introduce the concepts of *salience* and *constitutiveness* as ways of describing the centrality of religious norms. I also discuss how the designation of a norm as a *religious* norm requires the presence of a religious authority, that is, someone whom religious believers understand to have the special knowledge or charisma to make pronouncements on religious teachings.

In Chapter Three, “Defensive Sacralization and Its Consequences”, I explain in more depth how religious actors frame religious norms as central to the faith and under attack, thereby justifying a total resistance to competing norms. I show how defensive sacralization can generate “ratcheting” effects in religious preservationists’ rhetoric by forcing them to stake their interpretative authority on the claim that the religious norm being defended cannot be allowed to erode. I also show how religious accommodationists can be sidelined by defensive sacralization if religious authorities believe that their willingness to accommodate competing



norms undermines the religious norm being defended. The result of this “sacralization trap” is that the costs of even partial accommodation increase with defensive sacralization.

In Chapters Four and Five, I focus on the transnational level of analysis by examining the origins of both Catholic teachings against contraception and modern reproductive health norms. In Chapter Four, “How Contraception Became a Threat: The Defensive Sacralization against Contraception in the Catholic Church”, I explain how the Catholic Church constructed the teaching against contraception as a religious norm and came to see it as under threat by the surrounding culture. I trace some of the major developments in Catholic moral theology on contraception from St. Augustine through Pope John Paul II and attribute the Church’s teachings to its understanding of procreation as a sacred act that no person has the authority to interfere with. I also show how the Church’s defensive sacralization against contraception developed in response to normative challenges that unsettled existing social practices and required the Church to propound new teachings in defense of human life.

In Chapter Five, “Contested Universalities: Transnational Reproductive Health Norms and Catholic Resistance” I provide an overview of transnational reproductive health norms as laid out in the 1994 ICPD Program of Action and discuss how the Catholic Church attempted to contest them at the transnational level. I explain what reproductive health norms are and how they evolved from norms that situated family planning within population control rhetoric. In addition to the ICPD Program of Action, I also touch on the norms expressed in the 1995 Beijing Conference on Women and the United Nations Millennium Development Goals. Together, these norms provide the ideological basis for reproductive health advocates in the Philippines.

In Chapters Six through Eight, I alternate between the domestic and interstitial levels of analysis by examining the implementation of reproductive health norms in the Philippines, how the norms laid out at the transnational level are transposed onto Philippine society, and how the domestic political situation shapes norm contestation. In Chapters Six and Seven, I discuss both the relationship between the Catholic Church and the Philippine government as well as their history of conflict over family planning and population policy from the martial law dictatorship of Ferdinand Marcos until the presidency of Gloria Macapagal Arroyo. In particular, I discuss how the Catholic Church in the Philippines played a crucial role in influencing the post-martial law presidential administrations and how that, in turn, has given it leverage when contesting reproductive health norms. In particular, I discuss how the Church’s role in mobilizing popular discontent with the Marcos dictatorship in the 1986 EDSA Revolution—a role also reinforced by its leadership in ousting President Joseph Estrada in the 2001 EDSA II Revolution—has enabled it to wield influence over Philippine lawmakers and presidents who, in turn, have generally sought to accommodate the Church’s preferences regarding reproductive health in order to ensure its continued support.

In Chapter Eight, “An Intractable Dispute? How the Sacralization Trap Hampers Agreement in the Philippine Reproductive Health Debate”, I explore how elements in the Philippine Catholic Church and its allies have defensively sacralized religious norms against contraception in the face of efforts to implement reproductive health legislation. I show how the Church’s internal debates about how to address reproductive health norms are shaped by its leaders’ different interpretations of the moral theology surrounding contraception, as well as different beliefs about how reproductive health norms will affect Philippine society. Drawing

upon field interviews with various political and religious actors involved in the reproductive health debate, I show how defensive sacralization rhetoric has helped to generate an increasingly polarized climate in which theological debate is often regarded with suspicion by Catholic preservationists.

In my concluding chapter, “The Conceptual Toolbox Revisited: Religious Norms and International Relations Theory”, I discuss some of the broader applications of the concepts of religious norms, defensive sacralization and the sacralization trap for international relations theory. I argue that evidence of defensive sacralization and the sacralization trap demonstrates how religious beliefs can impinge upon the implementation of transnational norms. Recognizing how the construction and interpretation of religious norms shapes political behavior is crucial to finding potential solutions to conflicts between religious norms and competing moral norms. More broadly, incorporating the rich study of religion into international relations theory has the potential to open up new avenues of research into an area that has long been neglected by political science but whose growing importance is undeniable.

## **Conclusion**

In this chapter, I introduced the research questions: How has the Catholic Church been able to slow or prevent the adoption of transnational reproductive health norms in the Philippines despite apparent broad popular support and otherwise favorable conditions for a “norm cascade”? And why has the Catholic Church been so unwilling to even partially accommodate reproductive health norms? I first answered that the Catholic Church occupies a central position in Philippine politics such that it cannot simply be shunted aside by norm entrepreneurs. Second, I argued that preservationists in the Catholic Church have defensively sacralized the teaching against contraception, constructing it as a central norm legitimized by the authority of the sacred that is also under threat. Through this act of framing, preservationists emphasize the dire need to defend the teaching against contraception in order to avoid a cascading deterioration of social morality, the cheapening of sexuality and human life, and the violation of God’s teachings. This has made it extremely difficult for accommodationist elements in the Church to seek some kind of compromise solution with reproductive health norms. Because defensive sacralization is premised upon the invocation of sacred authority, religious accommodationists can find themselves in a “sacralization trap” in which they risk accusations of religious infidelity and a loss of authority if they suggest compromise with advocates of competing norms. The result is polarization and stalemate.

I then outlined interpretivist, constructivist and materialist approaches to studying religious norms and argued that it is necessary to employ all three approaches in order to get a full picture of what religious norms are, how actors interpret them, and the process by which political and religious actors contest them. While an interpretivist approach helps us understand how systems of religious meaning shape adherents’ interpretations of reality, a constructivist approach directs our attention to the processes by which those meanings are generated, and a materialist approach examines the raw political resources that enable religious actors to contest competing norms.

Finally, I discussed how the conflict over reproductive health norms and Catholic teachings in the Philippines could be analyzed from at least three different angles: a domestic level of analysis that focuses on Philippine politics, a transnational level of analysis that focuses on the origins of transnational norms—including religious norms—and their codification, and an interstitial level of analysis that focuses on the interplay between the domestic and transnational levels both within and among transnational organizations. As a transnational force, the Catholic Church promulgates broad principles and theological teachings, but these teachings, like any other norm, must be diffused into individual societies. By utilizing all three of these levels of analysis, we can gain a much clearer picture of how transnational norms collide with religious norms than by looking at one level alone.

## Chapter Two

### Opening the Conceptual Toolbox: Norms, Religion and Religious Norms

In Chapter One, I introduced the concept of religious norms which, I wrote, are standards of proper behavior that religious actors understand to arise from their beliefs. But what do we really mean when we say that something is a “religious norm”? How does it differ from a non-religious norm? In this chapter, I explain in more depth where the concept of religious norms comes from. Religious norms fall into a distinct category from secular norms because believers understand them to be legitimized by the authority of the sacred, which by definition emanates from the ultimate authority. Because of this, religious norms can take on an overriding quality that supersedes other norms and rules.

I classify religious norms according to their *constitutiveness*, which measures how fundamental they are to religious identities, and their *salience*, which measures how conscious religious actors are of them. I show how the salience of a religious norm can increase or decrease depending on shifts in the social context. The more salient a religious norm becomes, the less it is taken for granted and the more room there is for contestation and innovation. I argue that when believers understand religious norms to be both constitutive of religious identities and highly salient, those norms can take on an overriding quality.

Raising the salience and constitutiveness of a religious norm is an act of *framing*, but at the same time, it is not simply imposed from the top down but instead internally contested and shaped through a process of socialization. For a religious norm to be accepted as such by believers, it requires the imprimatur of religious authorities. But religious authorities are also constrained by precedent, which can limit how far they can go in offering new interpretations. The legitimacy of religious authorities and the adherence to precedent both shape the *resonance* of a frame depicting a religious norm as salient and/or constitutive; that is, they influence whether or not the target audience regards the frame as relevant, internally consistent, compatible with pre-existing culture, and credible. This ultimately affects the likelihood that the target audience will themselves adopt the frame.

#### What’s in a Norm?

Norms, as defined by Peter Katzenstein, are “collective expectations for the proper behavior of actors with a given identity.”<sup>1</sup> We can think of identities as “bundles” of beliefs and understandings about oneself and one’s relationship to others, which in turn can influence one’s interests. Norms emerge from identities; while they do not directly *cause* behavior, they can circumscribe the range of possible actions for actors with a given identity.<sup>2</sup> At the same time, interests can reinforce or reshape actors’ understandings of themselves and their relationships to others. This is what constructivists call the “mutual constitution” of interest and identity.

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<sup>1</sup> Peter J. Katzenstein, “Introduction: Alternative Perspectives on National Security,” in *The Culture of National Security: Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996), 5.

<sup>2</sup> Jepperson, Wendt, and Katzenstein, “Norms, Identity, and Culture in National Security,” 56. Katzenstein, “Introduction: Alternative Perspectives on National Security,” 5.

Following from this, we can identify at least two main reasons why actors comply with norms. First, actors may follow norms because of peer pressure and the implicit threat of punishment, whether in the form of social isolation from peers or more severe retaliation such as diplomatic sanctions or the withholding of economic aid. A number of studies in the IR constructivist literature have highlighted the importance of “naming and shaming”—negative publicity to apply moral pressure to norm resisters—in eliciting international norm compliance by recalcitrant states.<sup>3</sup> Because state leaders do not wish to be viewed as pariahs and suffer the consequences of international isolation, they may decide to comply with international norms.<sup>4</sup> Crucially, punishment or reward can also be understood as applying to society as a whole. For instance, human rights advocates may argue that failure to respect human rights would harm the social fabric and undermine trust in the government. In another example, opponents of gay marriage have argued that allowing it would undermine the nature of marriage and the traditional family as traditional social institutions, thereby harming society as a whole.

Second, actors may follow norms because they see them as expressions of their identities. Rather than adhering to norms in order to avoid punishment or win approbation, these actors follow norms because they believe that that is what actors with their identity are supposed to do, complying even when there is no risk of punishment for failing to do so.

Scholarship on norms in international politics has grown significantly over the past two decades. Initially, the concept of norms was useful because it provided a way of understanding change in international politics and challenged prevailing rationalist theories that treated interests as exogenously dictated by material structures. By lending agency to ideas, the concept of norms opened a new vein of research on how changes in ideas can lead to changes in actors’ interests. This research also helped to draw attention to the role of non-state actors (such as activist groups and non-profits) and how they changed states’ conceptions of their own interests. Thus, they often focused on the use of framing tactics such as “naming and shaming” or “grafting”.<sup>5</sup> The goal of norm adoption was typically achieved when states signed on to a treaty or made some public commitment to the norm, thus binding themselves to the possibility of losing credibility and good will in the international community should they backslide later.

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<sup>3</sup> See, for instance: Finnemore and Sikkink, “International Norm Dynamics and Political Change.” Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca: Cornell University Press, 1998). Thomas Risse and Kathryn Sikkink, “The Socialization of International Human Rights Norms into Domestic Practice: Introduction,” in *The Power of Human Rights: International Norms and Domestic Change*, ed. Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999), 15.

<sup>4</sup> See Finnemore and Sikkink, “International Norm Dynamics and Political Change,” 902-04.

<sup>5</sup> “Grafting” refers to the act of linking a new norm to a pre-existing one through “genealogical heritage” as well as active discursive framing. If advocates of the new norm can demonstrate that it is built on the same principles as an existing norm that has already been accepted, then the new norm can gain legitimacy. This was the case with the transnational movement to ban antipersonnel landmines, in which activists explicitly compared such weapons not to acceptable conventional weapons such as guns and bombs, but instead to taboo weapons such as chemical and biological weapons. Richard M. Price, “Reversing the Gun Sights: Transnational Civil Society Targets Land Mines,” *International Organization* 52, no. 3 (1998): 617-21. See also: Theo Farrell, “Transnational Norms and Military Development: Constructing Ireland’s Professional Army,” *European Journal of International Relations* 7, no. 1 (2001); Richard M. Price, *The Chemical Weapons Taboo* (Ithaca, NY: Cornell University Press, 1997).

But just because a state promises to implement a norm does not necessarily mean that it will actually be adopted at the domestic level. This realization led scholars to ask why some norms are readily “taken up” at the domestic level while others are not. One vein of research pointed to “cultural match”—the compatibility of an international norm with local culture; the more a transnational norm resembles existing domestic norms, the more likely it will be implemented.<sup>6</sup> Others argued that how transnational norms are *framed* could have a large influence on whether or not they are adopted. Articulating new norms in ways that resonate with domestic audiences’ culture and identity, it was hypothesized, could make them more acceptable.<sup>7</sup> Other scholars examined the possibility that transnational norms could even be substantively modified (within certain limits) to fit the local culture and facilitate acceptance.<sup>8</sup>

Despite the progress in norms scholarship, there remain many questions about how norms change and what happens once they cross over into the domestic sphere. The present study examines the role that religion plays in the domestic internalization of transnational norms. How does the religious nature of norms affect how they collide with competing transnational norms? How do internal religious debates affect the dynamics of norm contestation? At present, relatively few studies have specifically focused on how religious beliefs shape the domestic internalization (or rejection) of transnational norms, and a majority of those studies have focused on the relationship between international human rights norms and Islam.<sup>9</sup> By examining how the Catholic Church resists transnational reproductive health norms in the Philippines, I hope to shed light on how religion can influence transnational processes of norm change and contribute to the application of constructivist IR theory to matters of religion.

### **Religion: A Working Definition**

In order to understand religious norms we first need to define what we mean by religion. Here, I agree with Jonathan Z. Smith that the category of religion is ultimately “created for the

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<sup>6</sup> Jeffrey Checkel, “Norms, Institutions, and National Identity in Contemporary Europe,” *International Studies Quarterly* 43 (1999): 87.

<sup>7</sup> On frame resonance in the domestic acceptance of norms, see Andrew P. Cortell and James W. Davis, “Understanding the Domestic Impact of International Norms: A Research Agenda,” *International Studies Review* 2, no. 1 (2000); Jeffrey Checkel, “International Norms and Domestic Politics: Bridging the Rationalist-Constructivist Divide,” *European Journal of International Relations* 3, no. 4 (1997); Rodger A. Payne, “Persuasion, Frames and Norm Construction,” *European Journal of International Relations* 7, no. 1 (2001). On argument, see: Thomas Risse, “International Norms and Domestic Change: Arguing and Communicative Behavior in the Human Rights Area,” *Politics and Society* 27 (1999); Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).

<sup>8</sup> See, for instance: Acharya, “How Ideas Spread: Whose Norms Matter?.”; Farrell, “Transnational Norms and Military Development: Constructing Ireland’s Professional Army.”; Marsh and Payne, “The Globalization of Human Rights and the Socialization of Human Rights Norms.”; Elizabeth Heger Boyle, Barbara J. McMorris, and Mayra Gómez, “Local Conformity to International Norms: The Case of Female Genital Cutting,” *International Sociology* 17, no. 1 (2002).

<sup>9</sup> See, for instance: Ebrahim Afsah, “Contested Universalities of International Law: Islam’s Struggle with Modernity,” *Journal of the History of International Law* 10 (2008); Donna E. Arzt, “The Application of Human Rights Law in Islamic States,” *Human Rights Quarterly* 12, no. 2 (1990); Fred Halliday, “Relativism and Universalism in Human Rights: The Case of the Islamic Middle East,” *Political Studies* 43 (1995).

scholar's analytic purposes by his imaginative acts of comparison and generalization."<sup>10</sup> In the spirit of Smith's explanation, I define religion as *a system of intersubjective beliefs regarding matters of ultimate meaning that adherents hold to be sacred*. This definition of religion attempts to combine three main conceptions of what the sacred is: first, a truly unfathomable mystery that exists apart from the believer; second, a quality of being set apart from the mundane as defined by social actors; and third, a quality relating to matters of ultimate meaning.

The first conception derives from Rudolf Otto's understanding of the sacred as a *mysterium tremendum et fascinans*, an awe-inspiring "numinous" mystery that is "wholly other" from the mundane world and thus truly beyond human comprehension.<sup>11</sup> Similarly, Mircea Eliade defines the sacred as a break in the homogeneity of space, arguing that marking a certain space or time as sacred causes it to become a fixed reference point for the rest of the mundane world such that the latter makes sense.<sup>12</sup> We can see this ordering function at work in the way that churches were constructed in the center of medieval towns, in the way that Chinese homes or businesses are arranged in harmony with the geomantic principles of *feng shui*, or in the way that the Sabbath is deemed a day of rest according to the Judeo-Christian understanding of the creation.

Eliade and Otto both understand the sacred realm as somehow different and more worthy of reverence than that of the mundane. For Otto, however, what makes something sacred is that it connects individual believers with an ineffable mystery that transports them beyond the familiar to a realm where "normal" rules and understandings do not apply. In the realm of the sacred, faith alone enables one to grasp its reality, thereby inviting individuals to believe things that would otherwise seem irrational, such as resurrection from the dead, the belief in an eternal afterlife, or the presence of miracles that defy scientific explanation. When beliefs about the sacred are demystified—that is, when they lose their connection to the realm of the "wholly other"—they are by definition no longer beyond comprehension. Instead, they become part of mundane reality and are thus much more difficult to regard as having *religious* significance. This emphatically subjectivist conception of religion strongly suggests that an interpretivist methodology is necessary to understand it.

Yet Otto's definition treats the sacred as given, as an object that is "out there" and apart from believers. While subjectively, believers may experience the sacred as something separate from them, analyzing the sacred in this way neglects the important role that social construction plays in defining it. Hence, we come to the second concept that informs the definition of religion that I have offered here: that of the sacred as a socially constructed system of beliefs. This draws from Emile Durkheim, for whom religion is a *social* enterprise and "a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden—

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<sup>10</sup> Jonathan Z. Smith, *Imagining Religion: From Babylon to Jonestown* (Chicago: University of Chicago Press, 1988). xi.

<sup>11</sup> Rudolf Otto, *The Idea of the Holy: An Inquiry into the Non-Rational Factor in the Idea of the Divine and Its Relation to the Rational*, trans. John W. Harvey (Oxford: Oxford University Press, 1971). 28.

<sup>12</sup> Mircea Eliade, *The Sacred and the Profane: The Nature of Religion*, trans. Willard R. Trask (San Diego: Harcourt Brace & Co., 1987). 23, 31, 64, 79.

beliefs and practices which unite into one single moral community called a Church, all those who adhere to them.”<sup>13 14</sup>

Whereas Otto limits the sacred to the “wholly other” which takes people out of their mundane realities, Durkheim expands the notion of the sacred to anything people declare to be “set apart and forbidden” from the mundane. In contrast to Otto’s interpretivist understanding of religion, Durkheim’s conception suggests a constructivist methodology. What matters for Durkheim is not so much the *subjective* experience of the sacred as the *intersubjective* understandings of the sacred that bind a religious community together.<sup>15</sup> Human beings, not the gods, decide what is sacred and what is mundane. Shared understandings of meaning can create what John Searle calls “social facts” whose significance extends beyond their material properties (e.g. strips of otherwise worthless paper become money because of intersubjective agreement on their meaning).<sup>16</sup> This helps explain why, for instance, nationalist symbols such as flags or war monuments can inspire a reverence and awe that resembles worship despite their being human constructions without any reference to an unfathomable, “wholly other” mystery. In such cases, people agree on the meanings ascribed to those symbols and essentially define them as sacred objects. The problem with Durkheim’s definition, though, is that in theory just about anything can be sacred; the sacred becomes a purely functional object defined by its role in creating a society of believers. As Grace Davie argues, Durkheim’s focus on the social organization around a sacred object begs the question of what makes an object sacred in the first place. At its logical extreme, she writes, Durkheim’s definition depicts religion as “nothing more than the symbolic expression of social experience.”<sup>17</sup>

This leads us to a third conception of the sacred, that of the sacred as relating to matters of ultimate meaning. Here, I consciously draw from Robert Bellah’s 1964 definition of religion as “a set of symbolic forms and acts which relate man to the ultimate condition of his existence.”<sup>18</sup> Unlike Durkheim’s expansive definition in which anything can be sacred as long as it is set apart from the mundane and organizes a group of people into a community, Bellah’s definition locates religious significance in objects that specifically address humanity’s search to make sense of its existence. In this sense, we can distinguish more easily between “Deadheads”—whose reverence of The Grateful Dead may be fanatical but does not stem from a belief that the famed rock band explicitly addresses existential questions—and members of

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<sup>13</sup> Emile Durkheim, *The Elementary Forms of the Religious Life*, trans. Joseph Ward Swain (New York: The Free Press, 1965). 62.

<sup>14</sup> It is important here to understand what is meant by community. An individual church or temple congregation that worships together is a community, but the cave-dwelling hermit who adheres to the shared traditions by himself is also part of what Benedict Anderson calls an “imagined community” because he subscribes to a set of intersubjective beliefs that are by definition shared by others and believes himself to be part of that community. Like nations, religious communities are abstract constructs in the minds of their members that are held together by shared beliefs and cultural practices. Regardless of whether believers belong to a physical congregation, what matters is that their shared beliefs allow them to behave *as if* they belonged to one. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London, UK: Verso, 1983). 6.

<sup>15</sup> Durkheim, *The Elementary Forms of the Religious Life*: 62.

<sup>16</sup> Searle, *The Construction of Social Reality*: 2.

<sup>17</sup> Grace Davie, “The Evolution of the Sociology of Religion: Theme and Variations,” in *Handbook of the Sociology of Religion*, ed. Michele Dillon (Cambridge: Cambridge University Press, 2003), 65.

<sup>18</sup> Robert N. Bellah, “Religious Evolution,” *American Sociological Review* 29, no. 3 (1964): 359.



one of the major “world religions”, whose belief systems do explicitly grapple with questions of human existence and its purpose.

Thus, we have three contrasting understandings of the sacred: the sacred as ineffable mystery, the sacred as social construction, and the sacred as that which helps humanity answer questions of ultimate existence. Note that Otto defines the sacred in terms of what it *is* independent of the observer, while Durkheim and Bellah define the sacred in terms of what it *does* for followers. Indeed, for Durkheim and Bellah, what the sacred *is* varies from observer to observer, making it difficult for us to figure out what really is sacred. Is something religious because it deals with questions of ultimate meaning or is it a matter of ultimate meaning because it is religious? To resolve the dilemma, I propose for the purposes of this dissertation that the sacred is necessarily intersubjective—its meaning is determined not on an individual basis or by some exogenous divinity but by societies. This definition of the sacred allows us to apprehend the tapestry of shared contexts, beliefs, symbols, meanings and norms that believers weave together to form religious communities. At the same time, it is not enough for a sacred object to simply be set apart from the ordinary in the way that sports heroes or movie stars are set apart from ordinary life. Believers must also understand the sacred to be mysterious and at some level impenetrable by ordinary understanding.

So to sum up, for the purposes of this dissertation, religion is intersubjectively defined, ultimately mysterious and unfathomable, and yet central to believers’ understandings of their existence. To get at religion, we need to think not only in terms of the internal structure of symbols and beliefs that individual believers experience, but also the ways in which those symbols and beliefs are intersubjectively constructed and given sacred significance.

### **What Are Religious Norms and How Do They Matter?**

Having established definitions for norms and religion, we now turn to the matter of *religious norms*. I define religious norms as *intersubjective standards of proper behavior that arise from religious beliefs*. Like secular norms, people can follow religious norms because they fear punishment or seek reward and/or because they see them as expressions of a shared identity. But there is also a third general reason why actors follow religious norms, which is a belief that the religious norms are expressions of the highest authority and thus demand compliance. This is what sets religious norms apart from secular norms.

It is important to point out that actors may follow religious norms for any combination of the three reasons above; not every religious actor regards religious norms in the same way. First, actors may follow religious norms because of reward and punishment incentives, whether understood to apply to the individual or to some broader social unit. For instance, residents of Saudi Arabia face the threat of arrest and corporal punishment from religious police—known as the *mutaween*—if they transgress strict *Shari’a* rules governing such activities as fraternization between men and women, proper dress codes, shop closures during prayer times, or the serving of alcohol, among others. Rewards and punishments need not be meted out by temporal actors either. For example, in the Book of Genesis, God punishes Adam and Eve for disobedience by forcing them out of the Garden of Eden. In classical Greek mythology, the shades of those who had committed evil deeds in life were condemned to eternal punishment

in Tartaros. Fear of damnation or hope of eternal paradise can be a powerful motive for adhering to and defending religious norms.

Second, actors may follow religious norms out of a sense of shared identity. Attending religious services, reciting certain prayers (e.g. the Rosary for Catholics or the mantra “*Om Mani Padme Hum*” for Tibetan Buddhists), wearing religious garb or simply participating in the activities of a religious community all express and reinforce a sense of collective identity. Religious communities are bound by religious norms and their underlying beliefs. Following those norms (irrespective of a person’s internal conviction) helps to reinforce the sense of collective identity. On the other hand, transgressing them can place one outside the community, while a large-scale challenge to a religious norm can divide the community itself and foment schism.

Religious norms also reinforce identities by maintaining social stability. For some actors, the trappings of religion—which may or may not include the actual religious beliefs—help to stave off isolation, integrate them into a community and generate a comprehensible order in which their lives make sense, much in the same way that Peter Berger explains religion as a “sacred canopy” that orders the universe and gives human life significance.<sup>19</sup> For such individuals the familiarity of “the way things have always been” may matter more than doctrinal purity. Thus, it is plausible that they would resist religious norm change even when confronted with theological arguments justifying it for fear that a disintegration of social identity will lead to social discord.

Third (and unlike non-religious norms), people may adhere to religious norms out of a subjective conviction that the underlying religious beliefs are a true link with the sacred and thus an expression of the highest authority. This conviction is a response to the sacred born from an individual’s respect and awe of the mystery that it represents. We can call it faith (acknowledging that this definition may differ from theological uses of the term). While sacred spaces denote a break in the homogeneity of mundane space and rituals mark a break in the homogeneity of mundane time, religious norms for these individuals mark a break in the homogeneity of mundane *identities* and *actions*, explicitly linking the practitioner to the numinous mystery. When Muslims spread out prayer rugs in order to recite obligatory prayers, when Buddhists refrain from eating meat, or when Christians work in a soup kitchen because of their religious beliefs, they are engaging in a form of behavior with symbolic significance in the sacred realm. This sacred significance is arguably the most distinctive characteristic of religious norms and is most visible at the extremes where they can override norms that are legitimated by mundane authority. Following Otto’s logic, because the realm of the sacred is mysterious, transcendent and at some level impenetrable to all except perhaps a select cadre of prophets and priests, religious believers can dismiss objections that religious norms do not conform to norms of mundane society. Practices of self-abnegation, such as eating only bland foods, withdrawing into eremitic life, self-flagellation, or even martyrdom are all examples of actions that believers might otherwise find strange or even abhorrent were it not for their endorsement by sacred authority.

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<sup>19</sup> Peter L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (New York: Anchor, 1967).

At the same time, religious beliefs and the religious norms that emerge from them compete with other identities and norms, not always successfully.<sup>20</sup> So if religious norms are distinguished by their rootedness in sacred authority, which itself is distinguished by its claims to supremacy over other authorities, then how do we explain cases in which believers regard religious norms as not overriding? One answer is that not all religious norms are created equal. Believers may regard some religious norms as highly important and severely punish those who violate them. Other religious norms may be routinely violated with little attention. We can therefore gauge the centrality of religious norms with two dimensions: first their constitutiveness of religious identities, and second, their salience to current situations.

#### *Constitutiveness of religious norms*

When we speak of the constitutiveness of a norm, we mean the extent to which the norm constitutes an identity. Norms can be divided into two categories. Regulative norms indicate what kinds of behavior are required, recommended or prohibited for members of a certain identity but do not define the identity as such. On the other hand, constitutive norms are essential elements of the identity itself, without which an individual could not hold that identity.

The distinction holds for religious norms as well. Regulative religious norms define what a believer *ought* to do, but they are not absolutely necessary to possess that religious identity. For instance, many ethical religious norms, such as protecting the environment or not killing innocents in wartime, are regulative. Failing to adhere to them does not mean that one has lost a religious identity. Constitutive religious norms, on the other hand, define the traits, behaviors or beliefs essential to a particular religious identity. For instance, in monotheistic religions such as Judaism, Christianity or Islam, belief in one god is a *sine qua non* of membership in a religious community. In Islam, believing that there is no god but Allah and that Muhammad is Allah's prophet is a constitutive religious norm. Rejecting that proposition automatically disqualifies a person from assuming a Muslim religious identity.

It is important to note that constitutiveness is a socially constructed category and that it is possible for religious norms to move from the regulative category to the constitutive category. This can happen if religious actors convince believers that the integrity of the faith hinges upon adherence to those previously regulative religious norms. I will discuss this process further in Chapter Three in the context of defensive sacralization.

#### *Salience of religious norms*

In addition to the constitutiveness of religious norms, we can also classify them according to their salience to religious actors. Here, I build on Fred Kniss's definition of the salience of cultural resources, which is their "pertinence, relevance and/or significance in a particular

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<sup>20</sup> This is sometimes referred to as the "intersectional" nature of identities. See, for instance: Martha Minow, *Not Only for Myself: Identity, Politics and The Law* (New York: The New Press, 1997). 38ff; Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity, Politics and Violence Against Women of Color," *Stanford Law Review* 43 (1991).

situation.”<sup>21</sup> For Kniss, a cultural resource is any symbol or idea—whether in concrete or abstract form—that can be mobilized in support of social and political agendas.<sup>22</sup> This definition implicitly includes norms.

When we think of religious norms, we can also consider how pertinent, relevant or significant they are for religious actors in a particular context. Because salience is situational, we need to be specific about *when* and *where* a religious norm is salient. All other things being equal, we would expect the salience of a religious norm to increase in the event of a direct challenge to it. More generally, we would also expect a religious norm to be salient if it has a direct bearing on current events in believers’ lives. For instance, the teaching against homosexual unions in Christianity was always latent insofar as homosexuality was taught to be immoral, but it arguably did not become truly salient until the 1990s when gays and lesbians began to agitate for same-sex civil unions and marriages, thereby provoking a conservative Christian backlash.

The salience of a norm can be thought of as a function of how taken for granted it is. A norm with low salience simply does not appear on the radar screens of most actors. On the other hand, when the prevailing culture is shaken up, ideas that were once taken for granted no longer are. This “unsettling” of existing culture borrows from Ann Swidler’s concept of “strategies of action”. Instead of the classic Weberian model which treats culture as determined by the end result of an action and ideas as “switchmen” that guide societies down certain tracks rather than others, Swidler finds that people do not harness culture simply as a rational means to a culturally determined end. Instead, she finds that people use those means—what she calls “strategies of action”—because they are culturally familiar. This theory is consistent with March and Olsen’s contention that actors follow a “logic of appropriateness” in which what is appropriate is circumscribed by culture.<sup>23</sup> We can thus think of strategies of action as synonymous with norms. There are periods when actors learn new norms and periods when the set of available norms is relatively stable and ingrained (and thus less salient). Swidler characterizes the former as periods of “unsettled” culture and the latter as “settled” culture and argues that the relationship between culture and action varies significantly between the two.

The concepts of settled and unsettled cultural periods are useful for our purposes because they emphasize the different ways in which norms, culture and identity are salient. During periods of settled culture, norms often have a taken-for-granted status and are thus not salient. While they remain prescriptive, there is also a general expectation that most people adhere to them. Deviations are the exception rather than the rule, a fact which makes them all the more jarring when they occur. When deviations occur, we would expect transgressors to be punished somehow, whether formally or informally, thereby reinforcing the prescriptive status of the norm. With respect to religious norms, we would expect periods of settled culture to allow for wider latitude in interpretation according to “common sense” since small deviations are not interpreted as threatening the religious norms themselves.

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<sup>21</sup> Fred Kniss, “Ideas and Symbols in Intrareligious Conflict: The Case of American Mennonites,” *Sociology of Religion* 57, no. 1 (1996): 9.

<sup>22</sup> *Ibid.*, 7-8.

<sup>23</sup> Ann Swidler, “Culture in Action: Symbols and Strategies,” *American Sociological Review* 51, no. 2 (1986).

On the other hand, periods of unsettled culture correspond to instances when norms are in flux and can thus take on greater salience. This can be caused by any number of destabilizing actions, such as a traumatic shock like a war or other social upheaval that calls into question the adequacy or correctness of those norms and allows savvy norm entrepreneurs to promote new norms through strategic framing. As an example, the child sex abuse scandals in the Catholic Church have created openings for activists to agitate for a variety of issues such as the ordination of women, the abolishment of mandatory celibacy for priests or even the active exclusion of homosexuals from ordination (for those who believe that pedophilia is a function of homosexuality). Similarly, the destruction of the First Temple in Jerusalem by the Babylonians in 586 BCE led to an outpouring of soul-searching by the Jews who were led into captivity, reflected in the sorrowful poems in the Book of Lamentations attributing the disaster to the people's sins and calling for a radical change in behavior. According to Swidler, in such cases we would expect culture to take on more ideological forms.<sup>24</sup> With respect to religious norms, we would expect far greater scrupulosity in their enforcement by religious authorities than when culture was settled. Because the normative environment is in flux, religious norms may be at risk of being displaced, which would offend the object of worship. Thus, establishing and guarding the boundaries of acceptable and unacceptable behavior becomes particularly urgent for believers because failure to uphold religious norms risks offending the object of worship.

In Table 2.1, I have classified several religious norms according to their salience and constitutiveness. Beginning in the upper left-hand quadrant, we have non-salient regulative religious norms. These are relatively unproblematic and uncontested norms that have been internalized by believers. Long-held rituals and traditions can fall into this category, as do many ethical norms. While they do not *define* religious identities, they are nevertheless collectively understood as actions or beliefs that a member of that religion *ought* to do or hold. Because they are relatively uncontested, violations of non-salient regulative religious norms are generally not treated as if they are undermining the norms themselves. Violations may be punished, but there is little fear that the norms themselves are under attack.

Next, in the upper right-hand quadrant we have non-salient constitutive religious norms. These are also relatively unproblematic, taken-for-granted norms, but unlike their regulative counterparts, they are understood as essential features of a given religious identity. The fundamental Christian commandment to love one's neighbor as oneself is taught to believers as a constitutive norm. If one rejects this norm, one is not a Christian. Yet the commandment is so broad and so frequently repeated that it becomes mundane, sometimes even to the point of becoming an empty platitude, thereby diminishing its salience. Religious norms like this exist in the background of religious actors' consciousness.

Moving to the bottom row, salient regulative religious norms exist in a state of flux. Such religious norms are not necessarily actively contested (although they can be), but they are not ingrained or taken for granted either. New norms that are still being taught to religious

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<sup>24</sup> Ibid., 268-69.

	Regulative	Constitutive
Non-salient	Weekly attendance at religious services  Observance of basic ethics like not lying, not murdering, not stealing	For monotheistic religions, belief in one god  For Christians, belief in the resurrection of Jesus
Salient	Stoning adulterers in certain Muslim communities  Observance of racial equality  New liturgies	For Christians, opposing abortion or gay marriage  For Salafi Muslims, rejecting and punishing apostasy

**Table 2.1: Examples of religious norms classified by constitutiveness and salience**

believers fall under this category—for instance, the abolishment of religiously justified racial segregation or changes in the liturgy for worship—as do long-held norms that face new challenges—such as the enormously controversial stoning of adulterers in some Muslim communities. It is important to remember that while these religious norms may be controversial, they are regulative, meaning that believers do not understand them to *define* religious identities. However, this can change if actors succeed in convincing believers that regulative religious norms are actually fundamental to religious identities.

The lower right-hand quadrant consists of salient constitutive religious norms. Like other constitutive religious norms, they are understood as being essential to the maintenance of a religious identity. However, they are also not taken for granted, whether because they are in flux, newly taught, or under challenge. Such norms are the ones most likely to be framed and understood as having overriding significance and authority since their erosion signals the death of a religious identity as its adherents know it. Salient constitutive religious norms are highly visible when a religious group is being actively persecuted for its beliefs, causing the basic beliefs of a religion to become unsettled and salient. Holding on to those beliefs becomes a strong marker of religious identity. Additionally, salient constitutive religious norms can emerge when religious actors convince people that a certain religious norm from one of the other three categories is under threat, that its erosion will have serious consequences for the religion, and that the authority of their claim comes from the object of worship. Thus, anyone who rejects that claim can be framed as not being a “true” member of the faith. The deeply emotional debate over abortion rights is one example where a salient regulative religious norm not to abort or support the legalization of abortion has turned into a litmus test for fidelity to the Christian faith and thus a salient constitutive religious norm. In this dissertation, we will be most concerned with the lower right-hand quadrant—salient constitutive religious norms—and

specifically the movement from non-salient to salient and from regulative to constitutive through the process of *defensive sacralization*, which I discuss further in Chapter Three.

The concepts of salience and constitutiveness help explain why not all religious norms are treated equally by religious believers or even religious authorities. Different social and historical contexts can highlight certain religious norms as particularly important and central to religious identities. But the religious meanings of social contexts and historical events are not self-evident. Material facts do not speak for themselves but must instead be interpreted through religious beliefs and broader cultural understandings. It follows, then, that the salience and constitutiveness of religious norms are functions of interpretation as well. Who provides that interpretation? And why do some interpretations prevail over others? In the next section, I argue that the key lies with how they are framed.

**Making Religious Norms Resonate: The Role of Framing**

While the raw material of religious norms may reside in sacred texts and traditions, understanding how they direct believers to live their lives requires interpretation and the organization of that raw material into coherent narratives. At the same time, interpretation is not a one-way street. Religious identities (and thus religious norms) are formed through the dynamic interaction of individuals’ and groups’ lived experiences and their reflections upon the meanings of those experiences. For religious norms to be “taken up” and not merely given lip service by the faithful, they must *resonate* with their lived experiences. As religious believers encounter new situations, identities and norms that once seemed relevant may no longer seem so, creating a space for new interpretations of those identities and norms. Such interpretations, in turn, can clash with existing religious norms and place believers at odds with religious authorities.

Attributes of frame-makers	Attributes of target audience	Attributes of the frame itself
<ul style="list-style-type: none"> <li>• Credibility of frame-makers</li> <li>• Charismatic authority of frame-makers</li> <li>• Strategic/marketing orientation (or cynicism)</li> </ul>	<ul style="list-style-type: none"> <li>• Ideological orientations</li> <li>• Demographic, attitudinal, and moral orientations</li> </ul>	<ul style="list-style-type: none"> <li>• Cultural compatibility</li> <li>• Frame consistency</li> <li>• Relevance</li> </ul>

**Table 2.2: Variables affecting frame resonance**<sup>25</sup>

<sup>25</sup> John A. Noakes and Hank Johnston, “Frames of Protest: A Road Map to a Perspective,” in *Frames of Protest: Social Movements and the Framing Perspective*, ed. Hank Johnston and John A. Noakes (Lanham: Rowman and Littlefield, 2005), 13.

The resonance of a norm with a particular audience is a function of how that norm is framed. Drawing heavily upon the work of David Snow and Robert Benford<sup>26</sup>, John Noakes and Hank Johnston develop a set of variables that affect frame resonance. They divide the variables into three categories: attributes of the frame-makers; attributes of the target audience, and attributes of the frame itself. These are listed in Table 2.2.

In the first column, the *credibility of frame-makers* refers to their authority and expertise. Religious authorities are those individuals and organizations who possess the legitimate power to interpret religious teachings for believers. This can be a function of their professional credentials or their position within an organization. For instance, all other things being equal, scientists who speak on subjects of their expertise will have more credibility than laypersons who speak on the same topics because they are seen to have the necessary credentials. In the framing of religious norms, we would expect religious authorities such as clergy and theologians to speak with more credibility than laypersons.

A second attribute of frame-makers is their *charismatic authority*, which refers to their ability to inspire followers through the force of their personality, showmanship or appeals to visceral emotion. These two attributes parallel the classic Weberian ideal types of authority: charismatic, which is based on a leader's ability to motivate people through force of emotion and personality; traditional, which is based on an inherited position passed down from one individual to the next; and rational-legal, which is based on a leader's competence and position within a bureaucracy.<sup>27</sup>

The third attribute of frame-makers that Noakes and Johnston highlight refers to the conscious efforts by frame-makers to *strategically tailor their frames to different audiences* in order to maximize their attractiveness. While in some cases well-organized social movements may have cynical strategies of communicating their frames to different audiences, this attribute also includes principled actors who attempt to concoct frames so as to maximize their effect on the target audience.

Moving to the second column, Noakes and Johnston examine factors specific to the target audience. They identify the target audience's *ideological, demographic, attitudinal and moral orientations*. An audience whose beliefs and lived experiences are compatible with those proposed by the frame is more likely to accept it than an audience for whom the frame is completely unfamiliar or incompatible with their culture.<sup>28</sup> In the framing of religious norms, variation in believers' individual and social contexts can affect how constitutive or salient they understand the religious norms to be. Individual believers may have principled disagreements over religious norms stemming from disconnects between what religious authorities say and what their own experiences have led them to believe.

In the third column, we have attributes of the frame itself. *Cultural compatibility* is the degree to which a frame and the symbols it utilizes resonate with the target audience's

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<sup>26</sup> David A. Snow and Robert D. Benford, "Ideology, Frame Resonance and Participant Mobilization," *International Social Movement Research* 1 (1988). Also, David A. Snow et al., "Frame Alignment Processes, Micromobilization and Movement Participation," *American Sociological Review* 51, no. 4 (1986).

<sup>27</sup> Max Weber, *The Theory of Social and Economic Organization* (New York: Simon and Schuster, 1997). 328.

<sup>28</sup> Noakes and Johnston, "Frames of Protest: A Road Map to a Perspective," 14.



culture.<sup>29</sup> There is a dynamic tension between the cultural compatibility of a frame and the frame's purpose, namely, to challenge existing cultural beliefs and norms. Lyndi Hewitt and Holly McCammon argue that the most effective frames will maintain a balance between resonating with the culture and challenging it.<sup>30</sup> Actors who attempt to promote religious norms as an alternative to existing norms must also maintain a similar balance between religious tradition on the one hand and compatibility with the prevailing culture on the other or else it will be difficult to integrate the religious norms into believers' existing lives.<sup>31</sup>

*Frame consistency* refers to the internal consistency of the frame—the extent to which its symbols and narratives cohere in a logical manner. The more internally consistent a frame is, the more likely it will be to resonate with the target audience. The move from charismatic to rational-legal authority, from prophet to priest, is accompanied by the establishment of a set of canonical scriptures and interpretations about them (dogmas) that are generated by a designated cadre of interpreters (e.g. theologians, scribes, elders). This generates a foundation of meanings and beliefs against which new teachings are compared. The closing of a canon, in which the set of authoritative scriptures is declared to be complete and not to be modified in any way, helps delimit the boundaries of legitimate interpretation.<sup>32</sup> Hence, when actors frame religious norms as salient and/or constitutive, they are more likely to be accepted by religious audiences if they are consistent with existing religious teachings than if there is a complete break with precedent. In the latter case, religious audiences may see the new religious norm as lacking the authority of tradition. This is one reason why religious interpreters almost never claim to “create” new religious norms; more often they claim only to “revive” them.

The last variable in Noakes and Johnston's schema is a frame's *relevance*, which refers to its ability to speak to the target audience's current experiences. This element is similar to Benford and Snow's concept of “empirical credibility”, which they define as “the apparent fit between the framings and events in the world.”<sup>33</sup> When frames are able to help the target audience make sense of pressing current problems, they are more likely to resonate. Conversely, when audiences see frames (or, more specifically, the religious norms being articulated by the frame) as irrelevant, they are less likely to accept them as such.

The concept of frame resonance helps us to understand differences between religious doctrine prescribing norms, on the one hand, and actual religious practice, on the other. Not all doctrines will resonate equally with religious believers, and those that resonate with believers in certain times and places may not necessarily resonate with believers elsewhere. In some cases, this has led religious leaders to attempt to reinterpret doctrines so that they seem more acceptable to believers or at least more reflective of their experiences.

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<sup>29</sup> Ibid., 15.

<sup>30</sup> Lyndi Hewitt and Holly J. McCammon, “Explaining Suffrage Mobilization: Balance, Neutralization, and Range in Collective Action Frames,” in *Frames of Protest: Social Movements and the Framing Perspective*, ed. Hank Johnston and John A. Noakes (Lanham: Rowman and Littlefield, 2005), 38.

<sup>31</sup> This is closely related to the concept of “cultural match” in norms theory. Cortell and Davis, “Understanding the Domestic Impact of International Norms: A Research Agenda.” Checkel, “Norms, Institutions, and National Identity in Contemporary Europe.”

<sup>32</sup> Max Weber, *The Sociology of Religion*, trans. Ephraim Fischoff (Boston: Beacon Press, 1993). 68.

<sup>33</sup> Robert D. Benford and David A. Snow, “Framing Processes and Social Movements: An Overview and Assessment,” *Annual Review of Sociology* 26 (2000): 620.

## **Conclusion**

Religious norms often bear many similarities to their secular counterparts. However, what sets them apart is that people follow them because they believe that they are expressions of sacred beliefs that emanate from the highest authority of all. This means that religious norms can override other, more mundane norms. While religious norms are legitimized by the authority of the sacred, though, believers do not regard all religious norms equally. Religious norms can vary in their salience and constitutiveness. The more salient and constitutive believers regard a religious norm to be, the stronger its claims will be to overriding mundane authority. In periods of “unsettled” culture, religious norms can be much more salient as moral entrepreneurs attempt to socialize actors into practicing them. By contrast, when culture is relatively “settled”, religious norms are less salient because they are largely taken for granted.

Religious authority is a precondition for the construction of norms as religious norms. Religious leaders possessing charisma or the proper institutional credentials can interpret religious teachings for believers, helping to legitimize norms as religious norms. Yet it can often be difficult for religious leaders to provide interpretations that radically depart from established and accepted doctrines. Thus, they must be able to justify their interpretations on the basis of authoritative texts, particularly when such interpretations threaten to upset stable norms and beliefs. Moreover, when believers regard religious norms as reflecting their own lived experiences, they are more likely to internalize them than if there is a disconnect between the two. The credibility of actors proposing religious norms, the degree to which religious norms fit with pre-existing culture, and the relevance of religious norms to believers’ own lived experiences all impinge upon how religious norms will be received by believers. As we will see in subsequent chapters, when religious believers and religious authorities disagree on the appropriateness of religious norms, the result can be a lengthy and acrimonious struggle over how much religious norms can be bent to accommodate believers’ experiences.



## Chapter Three

### Defensive Sacralization and Its Consequences

Religious norms, as I argued in Chapter Two, are norms that believers understand to emanate from religious beliefs, which themselves are rooted in sacred authority. While not all religious norms are equally important at all times, I argued that when religious norms are constructed as salient and constitutive of religious identities, they are likely to take on the qualities of an overriding norm for believers. The extent to which target audiences accept religious norms depends on how those norms resonate with them.

In this chapter, I discuss how religious actors attempt to defend religious norms against perceived threats from competing norms. I call these actors “preservationists” (as opposed to “accommodationists”, who believe that religious norms can be negotiated, or “rejectionists”, who reject religious norms altogether). The process by which preservationists seek to defend religious norms involves framing them as highly salient, constitutive of the faith, and under threat, what I call “defensive sacralization”. While religious preservationists may emphasize the constitutiveness and/or salience of religious norms under normal circumstances, when such emphasis takes place in the context of a normative threat, the perceived stakes can become much higher. As a result, defensive sacralization can justify a high level of inflexibility and hostility to theological dialogue.

In the first part of this chapter, I define defensive sacralization and explain how its status as a response to a threat to religious norms differentiates it from the sacralization of religious objects under normal circumstances. I then explain the theoretical underpinnings of defensive sacralization in the literature on framing.

In the second part of the chapter, I argue that defensive sacralization grows out of religious adherents’ genuine understanding that it is the best way to be faithful to the authority of the sacred, though actors may want to defend them for other motives as well, such as to maintain social stability or to avoid cosmic or temporal punishment. Defensive sacralization is *not* simply a mask for political gain. Different understandings of why religious norms are worth defending also influence which frames religious actors use to explain and respond to normative threats.

In the third part of this chapter, I discuss how defensive sacralization can affect the process of norm contestation through what I call the “sacralization trap”. The sacralization trap occurs when defensive sacralization polarizes religious actors until they perceive the costs of compromising on the religious norm to be unacceptably high. Thus, even if they want to adopt a more flexible position on the religious norm, they do not for fear of offending the object of worship or, more commonly, religious believers who wield social influence. The sacralization trap can have perverse effects on disputes over religious norms, silencing accommodationists and preventing preservationists from accepting even large partial concessions on religious norms. Depending on the political resources available to religious authorities, preservationists may even become marginalized as political opponents seek ways to circumvent them altogether.

In the last part of the chapter, I offer three brief case studies of how defensive sacralization and the sacralization trap can shape the contestation of religious norms: the case

of Rev. Richard Cizik, who as Vice-President for Governmental Affairs of the U.S.-based National Association of Evangelicals caused a furor in the Evangelical community with his suggestion that same-sex civil unions could be permissible; the case of efforts to reform laws in Pakistan that designate blasphemy as a capital offense; and the case of efforts by Christians in Uganda to make homosexuality a capital crime.

### **Defensive Sacralization Defined**

Under normal circumstances, objects become imbued with religious significance when actors recognize them as representing conduits, however abstract, between the world of the mundane and the world of the sacred. For example, when a Catholic priest blesses bread and wine, transforming it into the Body and Blood of Christ, he has defined a sacred object. The same goes for ordinary places that become pilgrimage sites or houses of worship, words that become sacred prayers, beliefs that become markers of religious identity or sequences of actions that become religious rituals. Such sacralization is not a response to a perceived threat but instead a positive recognition that an object holds sacred significance.

What distinguishes defensive sacralization from other forms of sacralization is that it is undertaken in response to adherents' beliefs that religious norms are under attack and liable to corruption by competing norms. As such, defensive sacralization becomes at least as much about confronting the forces that erode the sacred meanings of religious objects as it is about remaining connected with the sacred mystery. The concept of defensive sacralization owes an intellectual debt to the "Copenhagen School" of international relations theory and in particular the concept of "securitization", first advanced by Barry Buzan, Ole Wæver and Jaap de Wilde. Securitization theory focuses on how political actors construct security threats. In securitization, actors frame a particular "referent object" (the state, an ethnic group, the environment, or virtually anything else) as confronting an urgent, existential threat, thereby making it a matter of security. Doing so declares that ordinary politics are insufficient to handle the threat and justifies extraordinary measures to defend the referent object from harm.<sup>1</sup>

One consequence of securitization's circumvention of normal politics is the stifling of debate. By making something into an urgent, existential threat, securitizing actors can justify closing down debate and/or moving security policy into the realm of the secret, away from the prying eyes of the public.<sup>2</sup> Securitization is not defined solely by the imposition of extraordinary measures or the presence of an existential threat but rather the "cases of existential threats that legitimize the breaking of rules."<sup>3</sup> Just as importantly, the "securitizing move"—that is, the performative act of declaring something an existential threat—is only legitimate if it resonates with the target audience. Whether it does so partly depends on the social capital of the person making the securitizing move.<sup>4</sup>

The American response to the 9/11 attacks can be seen as an example of securitization. By portraying terrorism as an existential threat to national security, the United States

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<sup>1</sup> Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner Publishers, 1998). 23-24.

<sup>2</sup> *Ibid.*, 29.

<sup>3</sup> *Ibid.*, 25.

<sup>4</sup> *Ibid.*, 33.

government was able to convince Americans to accept the suspension of civil liberties and protections that they had previously taken for granted. Thus, suspected terrorists could be arrested and held indefinitely without charge; law enforcement was given the authority to conduct warrantless surveillance, and preventive war became justifiable because waiting for an attack was considered to be too late. The horrors of the 9/11 attacks and the hidden nature of the terrorist enemy increased the resonance of the securitization frame by tapping into Americans' desire to do something proactive to prevent future attacks. Another way in which we can describe the United States' post-9/11 securitization is as the unsettling of an existing culture and its strategies of action. 9/11 threw existing ideas about appropriate rules and relationships into flux, paving the way for a much more contested normative environment in which previously unthinkable actions like indefinite detention without charge now became possible.<sup>5</sup>

In an article published in 2000, Carsten Bage Laustsen and Ole Wæver argue that religion itself can be a referent object for securitization. Because religion deals with fundamental matters of human existence and sacred objects mediate between the world of the material and the world of the transcendent, Laustsen and Wæver argue that "the loss of a sacred object is often automatically seen as a loss, which destroys faith and hence annuls being."<sup>6</sup> Therefore, whenever believers understand a sacred object to be threatened, they will often employ securitization as a response. They write: "Our main point is that religion is existential, and hence that threats against sacred objects are often seen as existential threats demanding immediate and effective action by the state or an entity endowed with similar power. Hence, it is always tempting to securitize sacred objects."<sup>7</sup>

### **Framing Threats to Religious Norms: Mechanics of Defensive Sacralization**

For defensive sacralization to occur, religious actors must first identify or construct a norm as a *religious* norm. Defensive sacralization itself consists of three components: first, the identification of a threat to the religious object; second, raising the salience and constitutiveness of the religious object in the collective consciousness of religious believers, and third, the mobilization of religious believers in defense of the religious object. These three components are not exactly sequential stages but are instead frequently utilized in tandem through the use of *collective action* frames, which are cognitive schemata specifically "intended to mobilize potential adherents and constituents, to garner bystander support, and to demobilize antagonists".<sup>8</sup> They also roughly correspond to what Benford and Snow identify as the three stages of generating collective action frames: *diagnostic framing*, in which actors identify a problem and who or what is to blame for its cause (corresponding to the identification of a threat to a religious norm as well as to the raising of the norm's salience and constitutiveness); *prognostic framing*, in which actors propose a solution to the problem, and *motivational framing*, in which actors put forth a rationale for collective action to redress the

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<sup>5</sup> See Chapter Two for an explanation of settled/unsettled culture and strategies of action.

<sup>6</sup> Carsten Laustsen and Ole Wæver, "In Defense of Religion: Sacred Referent Objects for Securitization," *Millennium* 29, no. 3 (2000): 719.

<sup>7</sup> *Ibid.*, 719.

<sup>8</sup> Snow and Benford, "Ideology, Frame Resonance and Participant Mobilization," 198.

problem (both of which correspond to the mobilization of religious actors in defense of the sacralized object).<sup>9</sup> I summarize these correspondences in Table 3.1.

Snow and Benford also identify broad-based *master frames* from which multiple issue-specific frames can be derived.<sup>10</sup> For example, the civil rights movement generated a master frame that was utilized not only by African Americans fighting against segregation in the United States but also by feminists and later, gay rights activists. In Christianity, we can consider the “pro-life” narrative to be a master frame that first emerged in response to the abortion issue and then expanded to include such diverse issues as the death penalty, euthanasia, and contraception. In the Catholic Church, broad statements of doctrine, such as Pope John Paul II’s terminology of a “culture of death” and a “culture of life”, or Pope Benedict XVI’s emphasis on the need to combat secularism, can all be repurposed in the service of framing specific issues such as abortion, the death penalty, euthanasia, untrammelled greed, rampant poverty, and indifference to human suffering.

*Diagnostic frames in defensive sacralization: identifying a threat*

The kind of frame that religious actors will use to resist competing norms depends on a variety of factors, such as the prevailing culture, the availability of religious symbols, the intended audience for the frame, and how broadly religious actors conceptualize the problem (i.e. are they concerned about a relatively narrow issue or do they see the issue as only one instance of a much wider problem?). How religious preservationists perceive, frame and respond to normative threats against religion is not solely a strategic decision but is instead also shaped by their pre-existing interpretive biases and understandings of why religious norms are important.

<b>Defensive Sacralization</b>	<b>Collective Action Framing</b>
Identification of threat to religious norm	Diagnostic Framing
Raising the salience and constitutiveness of the religious norm	
Mobilization of religious believers in defense of the religious norm	Prognostic Framing; Motivational Framing

**Table 3.1: Components of defensive sacralization and corresponding stages of collective action framing**

<sup>9</sup> Benford and Snow, “Framing Processes and Social Movements,” 615.

<sup>10</sup> David A. Snow and Robert D. Benford, “Master Frames and Cycles of Protest,” in *Frontiers in Social Movement Theory* (New Haven: Yale University Press, 1992).

In Chapter Two, I argued that people generally follow religious norms for one or more of the following reasons: fear of punishment and/or hope of reward, the role that religious norms play in integrating communities and providing stable identities, and finally, their belief in the truth of the religious norm that is derived from its connection to the sacred mystery. Defensive sacralization can be seen as a way of emphasizing these qualities since doing so can, if successful, raise the religious norms' salience and constitutiveness. If the reward for following the religious norm is made greater or the punishment for failing to follow it made more severe, then the salience (if not the constitutiveness) of the religious norm is heightened. If religious norms are understood to play a more central role in integrating communities and providing stable social identities, then they are by definition made more constitutive and salient. Finally, if religious norms are seen as having a greater degree of sacred significance than before, then we would also expect their salience and constitutiveness to increase.

These reasons can condition religious actors' perceptions of and responses to threats to religious norms. For instance, religious actors who view religious norms primarily through the lens of punishment and reward may perceive that a competing norm could cause people to abandon the religious norm, thereby putting them at risk of some kind of cosmic punishment. For such actors, religious norms impose a set of duties that must be followed. This does not necessarily mean that believers blindly follow whatever religious leaders say, but it does mean that having accepted religious authority as legitimate, such religious actors are likely to emphasize that violating a religious norm will lead to punishment or that following it will lead to reward.

Preservationists who follow religious norms because they perceive them to be important socially integrating forces are likely to emphasize how their displacement by competing norms will divide religious communities and undermine core notions of what it means to belong to that religion. Because religious norms frequently influence how people behave outside of their religious communities, preservationists may also emphasize that the erosion of religious norms will lead to broader social instability and decay. Making this argument extends the battlefield of religious norm contestation beyond the confines of the religious community, in some cases requiring that religious actors modify their frames to appeal to both religious *and* non-religious audiences.

Finally, preservationists who primarily see religious norms as expressions of the sacred mystery are likely to remain within the confines of religious arguments, seeing religious norms as vital to maintaining a connection with the sacred and providing meaning in their lives. For them, religious norms can only be imperfectly justified through human reason because they are premised on a reverence for the sacred. Undermining those norms is nothing less than an affront to the sacred. As a result, we would expect such actors to rely heavily on religious imagery and symbolism in justifying the defense of religious norms.

These three categories of religious preservationists and their respective views on the undermining of religious norms are ideal types and by no means mutually exclusive. Many religious preservationists will articulate collective action frames that draw on more than one of these perspectives, though depending on their moral theological stances and other cultural biases they may vary in how intensely different collective frames resonate with them. Table 3.2



**Motivation for Following Religious Norm**

	<b>Cosmic Punishment/Reward</b>	<b>Social Identities/Stability</b>	<b>Reverence for the Sacred</b>
<b>Diagnostic Frame of Normative Challenge</b>	Adoption of competing norm can jeopardize one’s eternal destiny. Holding fast to religious norm can lead to reward.	Religious norms undergird stable religious identities and/or social stability. Abandoning them can lead to social decay.	Religious norms reflect the mystery of the sacred. Abandonment of religious norms reflects a blasphemous disrespect for the sacred.
<b>Prognostic Frame of Normative Challenge</b>	Cultivate proper respect for religious authorities. Punish disobedience and/or reward compliance.	Strengthen religious identity. Emphasize the unifying aspect of religious norms. Emphasize that to be a part of the religious community one must follow the religious norm. Emphasize that abandonment of the religious norm will have negative social effects in the temporal world.	Rekindle reverence for the sacred. Convert those who promote competing norms or abandon religious norms. Or, withdraw into isolation in order to protect religious believers from further corruption.
<b>Examples</b>	Religious anti-gay marriage advocates threatening homosexual couples with eternal damnation.  Islamic teachings against adultery backed up with the threat of corporal or capital punishment.	Christian anti-death penalty advocates arguing that capital punishment promotes a “culture of violence”.  Promoting norms against interfaith marriage on the rationale that such marriages will dilute the faith.  Religious anti-gay marriage advocates arguing that allowing gay marriage undermines the family as a basic unit of society.	Christian anti-death penalty advocates arguing that capital punishment demonstrates contempt for God’s gift of life.  Religious complaints that secular values of materialism and self-gratification deaden believers to all that the sacred object of worship has provided them.  Complaints that new liturgical practices demonstrate an inappropriate irreverence toward the sacred (or, conversely, that they artificially separate the worshipers from the object of worship).

**Table 3.2: Diagnostic and prognostic frames arranged by motivation for following religious norms**

summarizes the motivations for adherence to religious norms and how they fit within the schema of collective action framing.

Understanding the various reasons why religious preservationists advance certain frames in the course of defensive sacralization can provide important clues to how other actors can best dialogue with them. For example, religious preservationists who are primarily concerned that allowing religious minorities the freedom to worship is a blasphemous affront to God are unlikely to be moved by arguments that doing so would help to reduce interreligious tensions and contribute to social stability. Likewise, religious preservationists who believe that contraception is likely to lead to a dramatic fall in the national population and resultant social instability are unlikely to be moved by, say, Protestant assertions that the use of contraception is theologically permissible. How alternative frames resonate with religious preservationists depends upon their pre-existing views on religious norms.

#### *Prognostic frames in defensive sacralization: identifying what is to be done*

The different perspectives on religious norms can also suggest different (and sometimes contradictory) prognostic frames. Punishment/reward-driven religious actors will tend to emphasize the need to cultivate obedience to the religious norm through the use of religious or mundane sanctions. Social identity-driven religious actors may emphasize the need to strengthen the bonds and integrity of the religious community. This may involve such measures as defining the boundaries of acceptable behavior more clearly and emphasizing religious norms as symbols of a religious community's unity. Finally, actors who see religious norms as connections to the numinous mystery may argue for an evangelizing approach, converting (or re-converting) people to the religious worldview so that they will follow the religious norm while attempting to delegitimize the opposing side. On the other hand, others may argue for an isolationist approach, believing that it is more important to protect the existing religious community from normative encroachments than to convert others.

The variety of prognostic frames that religious actors can employ demonstrates that even if they agree on the end result—defending religious norms—they may disagree over how to achieve it. Their preferred methods will depend a great deal on which cultural “tools” they select. Religious actors can make use of a wide variety of scriptural readings, differing interpretations of those scriptures from noted theologians and scholars, differing religious symbols and traditions, and different personal revelations. Following Swidler, we would expect most religious actors not to venture far beyond a certain established repertoire of cultural tools.<sup>11</sup> As a result, we would expect to see religious clergy using primarily religiously sourced means to contest religious norms, even when interfacing with secular authorities. Similarly, we would expect non-religious actors to be uncomfortable using religious rhetoric to dialogue with religious actors.

#### *Motivational frames in defensive sacralization: taking action*

These variations in interpretation and the selection of different cultural “tools” also influence the motivational frames that religious actors will utilize—that is, which actors they should

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<sup>11</sup> Swidler, “Culture in Action: Symbols and Strategies.”

mobilize in defense of the religion and what the rationale for mobilization should be. Should they focus on politicians? Theologians? The community of the faithful? Should the normative conflict be framed as an urgent, existential struggle or simply as a matter of raising awareness? Should it emphasize the immorality of competing norms or the positive aspects of religious teachings? Again, the specific religious beliefs, symbols, traditions and scriptures that religious actors refer to and how they interpret them determine what kinds of motivational frames they will use to defend religious norms.<sup>12</sup>

Once religious preservationists have been convinced that there exists a threat to a sacred religious norm, mobilization can take multiple forms. Religious preservationists may attempt to directly contest legislation that would implement competing norms. They may organize themselves into political lobbies, engage in grassroots campaigns, or place pressure on individual politicians. Politicians with preservationist views may attempt to pass legislation making it more difficult to implement the competing norms.

At least as important to the external contest over religious and competing norms, however, is any *internal* contestation that may occur within the religion itself. Where there is dissent between religious preservationists and accommodationists, preservationists can attempt to discredit the latter or exclude them from the religious community. Because the religious norm has been framed as constitutive of the religious identity, it follows that those who do not spring to its defense are not “true” disciples of that religion. Preservationists, particularly those wielding religious authority, can attempt to use symbolic sanctions in order to isolate and shame accommodationists, imposing large social costs on them for their positions.

### **Indivisibility and the Consequences of Defensive Sacralization: The Sacralization Trap**

By employing defensive sacralization, religious actors (and especially religious authorities) declare that particular norms are immutable and that any change will offend the sacred and/or weaken religious identities and society. Making this move can have “ratcheting” effects by creating powerful incentives for religious preservationists not to back down and for religious accommodationists not to speak up. I call this phenomenon the “sacralization trap”.

In the sacralization trap, religious authorities’ framing actions to protect a religious norm can bind them more closely to certain groups of religious actors. At the same time, though, it raises the costs of backing down and puts religious authorities’ credibility and political support at stake. Having constructed a religious norm as salient, constitutive and under threat, religious authorities cannot be seen to waver in their commitment since doing so would either undermine confidence in their authority or open them up to charges of betraying the faith. This can have one or more of the following effects on the conflict over religious norms. I divide these into *audience binding*, *rhetorical ratcheting*, *polarization*, and *self-marginalization*.

*Audience binding* – By sacralizing religious norms, religious authorities bind themselves to other religious preservationists who share their views. These audiences may consist of, for

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<sup>12</sup> It is important to emphasize that the “cultural toolkit” is not determinative, though it can be highly influential. As Sidney Tarrow points out, the symbols in the “cultural toolkit” “require concrete agency to turn them into collective action frames.” There is room for individual ingenuity in applying existing cultural tools to generate new frames. Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics* (New York: Cambridge University Press, 1998). 133.

instance, lay organizations that support tough enforcement of the religious norm and who also monitor clergy, members of religious orders and theologians for any hint of deviation from orthodoxy. Such groups can provide religious authorities with both moral and material support, helping them to spread the idea that the religious norm must not be touched. But they can also impose costs on those same religious authorities for any perceived wavering by framing them as unreliable or even traitorous. This, in turn, can open those religious authorities to attack from other religious authorities who can undermine their positions or even impose formal sanctions. In other words, backing down from defensive sacralization can carry high audience costs.<sup>13</sup>

*Rhetorical ratcheting* – Even without the threat of political sanctions, religious authorities may be reluctant to back down for fear of demonstrating an inability to confidently interpret religious teachings. The more a religious authority emphasizes the immutability of a religious norm, the more credibility as a religious interpreter he will lose if he concedes that the religious norm may legitimately be changed under certain circumstances. If he admits that he is wrong, then he is vulnerable to accusations of misrepresenting the gods and abusing the trust that the religious community has placed in him. From the perspective of a religious authority concerned about his career and ability to influence religious believers, it is often better to stick to his guns as a courageous defender of the faith or a lone “voice crying out in the wilderness” than to be exposed as a “false prophet”. For this reason, vocal opposition to defensive sacralization can actually help a religious authority by making defensive sacralization a “costly signal”, underscoring the sincerity of his position and attracting support from members of the faithful.<sup>14</sup> This reasoning works both ways, though. Religious accommodationists who believe in the correctness of competing norms may also be willing to risk their careers, which can be a costly signal of *their* genuine conviction. This can lead to ratcheting on *both* sides of the normative divide and consequent polarization.

*Polarization* – The sacralization trap can marginalize religious accommodationists and make it very difficult for religious preservationists to be flexible with respect to competing norms. This is particularly true when the state is under pressure from transnational civil society to adopt international normative standards. When religious preservationists are powerful enough to pose an obstacle to the state, they can potentially stall the implementation of norms that collide with religious teachings, leading to stalemate. The same logic that motivates religious preservationists not to compromise on defensively sacralized religious norms also applies to negotiations with the state, even if such compromises are relatively minor. Once religious preservationists have begun to defensively sacralize religious norms, those who resist the move can easily be accused of not taking the normative threat seriously enough. Accommodationists who seek to build consensus or dialogue between competing groups of

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<sup>13</sup> On audience costs, see James Fearon, “Domestic Political Audiences and the Escalation of International Disputes,” *American Political Science Review* 88, no. 3 (1994). While Fearon’s original conception focused on the domestic costs incurred by national leaders by making and then backing down from threats against foreign countries, I have used the term here to refer to religious leaders and religious followers. The dynamics are similar in that a leader suffers a blow to legitimacy among followers for making a promise and then reneging on it.

<sup>14</sup> On costly signaling, see James Fearon, “Signaling Foreign Policy Interests,” *Journal of Conflict Resolution* 41, no. 1 (1997); James Fearon, “Rationalist Explanations for War,” *International Organization* 49, no. 3 (1995).

norm advocates may be forced to adopt hard-line stances themselves or remain silent. Failure to uphold the religious norm in the face of secular opposition—or worse, active cooperation with advocates of the competing norm—can be regarded as a betrayal of religious teachings.

*Self-marginalization* – When states seek to implement competing norms, they may attempt to bring religious institutions on board in an effort to forge compromise and gain support (or at least acquiescence) for the new norm. However, if religious preservationists engage in defensive sacralization *and* their rhetoric does not resonate with state actors, the state may attempt to exclude them from policy input (though it may not always have the power to do so). As a result, religious preservationists may find themselves marginalized and no longer able to influence the implementation of the competing norm. A perverse consequence of this is that the competing norm may be more fully implemented than if religious preservationists had moderated their rhetoric and were able to legitimately influence the policymaking process.

The dynamics of the sacralization trap draw inspiration from Stacie Goddard’s theory of legitimation strategies and territorial indivisibility. She argues that when political actors employ rhetoric to legitimate their claims to territory, that rhetoric can resonate with certain coalitions and strengthen political actors’ ties to them. Doing so, however, can also increase political actors’ dependence on those coalitions and weaken ties with others, particularly if the specific territorial claims are directly opposed to their own. If political actors deviate from their legitimation rhetoric, they risk undermining their own legitimacy with the coalition. As a result, political actors can find themselves locked into certain coalitions in which their legitimacy derives from making territorial claims that are wholly incompatible with the claims of opponents, leading eventually to an indivisible territorial dispute.<sup>15</sup>

In the same way, the legitimacy of claims regarding religious norms is a function of how much they resonate with existing religious beliefs. Defensive sacralization can bind religious actors to preservationists who view religious norms as highly inflexible. This can create problems for religious accommodationists who may acknowledge the religious authority behind the norm but believe the interpretation of it to be too narrow. Such religious actors are vulnerable to accusations of fence-sitting and misrepresenting the divine will. Also, the hypothesis that religious actors do not want to back down from sacralizing a norm for fear of undermining their own authority is consistent with Goddard’s assertion that political claimants fear losing legitimacy if they appear to waver.

While Goddard and I agree on the “how” of indivisibility, namely, that it is a function of disputants’ rhetorical maneuvering in order to legitimize their claims, we differ when it comes to why actors seek to make issues indivisible. For Goddard, indivisibility is an unintended structural consequence of political actors using rhetoric to form coalitions with one another.<sup>16</sup> But in cases when religious norms are at stake, preservationists often *intentionally* construct them as indivisible so as to delegitimize any attempts to alter them. This decision may sometimes be a matter of strategy but, as the earlier discussion on different motivations for following religious norms indicates, it can also stem from preservationists’ beliefs that religious norms are non-negotiable because they emanate from the highest authority. In the latter case,

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<sup>15</sup> Stacie E. Goddard, *Indivisible Territory and the Politics of Legitimacy: Jerusalem and Northern Ireland* (New York: Cambridge University Press, 2010). 33-36.

<sup>16</sup> *Ibid.*, 30-31.

it can then become rational for religious actors to employ defensive sacralization with all of its self-constraining consequences.

Can actors employ defensive sacralization without believing in the immutability of the religious norm? In theory, yes. We could imagine a cynical politician who uses defensive sacralization to rally religious believers to his cause. By the same token, religious preservationists driven by genuine religious belief also recognize that sacralization may not appeal to secular audiences, which helps to explain why they sometimes summon a wide range of both secular and religious arguments. Whether actors employ sacralization rhetoric for genuine religious purposes or for more cynical political gain matters because it suggests how far they will go in defending the norm. Strategically, we would expect a cynical politician to be more flexible in compromising with competing norms, particularly if he only needs to make minor or symbolic concessions or, more to the point, if doing so would achieve his ulterior goals. But if fidelity to religious norms is of paramount importance, then we would expect religious politicians (as well as other religious actors) to regard stalemate as preferable to compromise. Another way of saying this is that all other things being equal, we would expect the cynical politician to be less willing than religiously motivated politicians to send costly signals of his commitment to defending religious norms.

To sum up, when faced with threats to religious norms, preservationists who engage in defensive sacralization can emphasize their commitment to defending them through the sacralization trap. In some cases, they are willing to bind themselves through the sacralization trap not only because they are “true believers”, but also because they know that they can credibly bind themselves more closely to religious audiences, silence accommodationists, and prevent backsliding on the norm. The sacralization trap is a powerful instrument in religious preservationists’ “cultural toolkit”, but it is only a credible instrument when audiences understand them to be genuine in their conviction.

### **The Defensive Sacralization of Heterosexual Marriage and the Case of Rev. Richard Cizik**

An example of defensive sacralization and the sacralization trap can be found in the fierce battle over same-sex marriage in the United States. In 1996, President Bill Clinton signed the Defense of Marriage Act, which declared that the federal government would only recognize marriages conducted between a man and a woman. Since then, individual states have adopted different stances toward same-sex marriages. Some, like Vermont and Iowa, recognize and perform same-sex marriages. Others, such as Missouri, Kansas, Ohio, and Michigan, have passed constitutional amendments defining marriage only as between a man and a woman. Other states recognize civil unions between members of the same sex or recognize same-sex marriages but do not perform them.

Evangelical Christians are a significant source of grassroots opposition to same-sex marriage. While heterosexual marriage has always held sacred significance in Christianity, efforts to legalize same-sex marriage and recognize same-sex civil unions helped to raise the salience of heterosexual marriage as a religious norm that was under threat. One leading Evangelical organization, the National Association of Evangelicals (NAE), has been instrumental in mobilizing this opposition. The NAE claims to represent over 45,000 local churches from over

40 denominations with some 30 million members.<sup>17</sup> Between 2003 and 2006, it was led by Rev. Ted Haggard, who maintained a close relationship with President George W. Bush, supported a constitutional marriage amendment and battled state efforts to legalize same-sex marriage. The NAE was also closely linked to other prominent Evangelical organizations such as Focus on the Family, the Family Research Council, and Prison Fellowship Ministries, all of which were vocal in their rejection of same-sex marriage.

In statements by Evangelical leaders as well as advocacy literature circulated by Evangelical organizations, there is clear evidence of defensive sacralization. Evangelicals have emphasized that marriage is a divine institution and not subject to human redefinition. In the NAE's political manifesto, *For the Health of the Nation: An Evangelical Call to Civic Responsibility*, it declares that "[m]arriage, which is a lifetime relationship between one man and one woman, is the predominant biblical icon of God's relationship with His people."<sup>18</sup> Same-sex marriage is an "innovation" to be opposed.<sup>19</sup> In a 2004 statement, the NAE argued that the Bible consistently shows that only heterosexual unions are legitimate and then only when formalized in marriage; it also cited biblical references condemning homosexuality as unnatural, sinful and a potential cause for eternal damnation. The NAE states, "We believe that homosexuality is a deviation from the Creator's plan for human sexuality."<sup>20</sup> Thus, we have here the framing of heterosexual marriage as sacred.

In its diagnostic framing, the NAE and other Evangelicals also emphasized the threat that same-sex marriage legislation would pose to norms of heterosexual marriage. For example, at a 2004 national rally co-sponsored by the NAE in support of a federal marriage amendment, prominent Evangelical leaders spoke of the threat that same-sex marriage posed to society. Charles Colson, the leader of Prison Fellowship Ministries, called the fight to preserve traditional marriage "the mother of all cultural battles", while James Dobson of Focus on the Family warned that same-sex marriage could mean "the end of morality".<sup>21</sup> In its 2004 published statement on homosexuality, the NAE declared that the legalization of same-sex marriage would be seen as "legitimizing the practices of homosexuality and elevat[ing] that practice to a level of an accepted moral standard."<sup>22</sup> It continued that if religious organizations could not uphold the notion that homosexuality is offensive to God, then this would be "a grave matter of religious freedom."<sup>23</sup> In an interview with the *Christian Post*, the NAE's Vice-President for National Ministries, Bob Wenz, pointed to "activist" judges who took liberties with the interpretation of the law as the source of same-sex marriage legalization, arguing that gays and lesbians constituted a very small minority of the population but had been able to secure the

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<sup>17</sup>National Association of Evangelicals, "About Us: Cooperation Without Compromise," <http://www.nae.net/about-us>.

<sup>18</sup> National Association of Evangelicals, "For the Health of the Nation: An Evangelical Call to Civic Responsibility", (2004), [http://www.nae.net/images/content/For\\_The\\_Health\\_Of\\_The\\_Nation.pdf](http://www.nae.net/images/content/For_The_Health_Of_The_Nation.pdf), 7.

<sup>19</sup> *Ibid.*, 7-8.

<sup>20</sup> National Association of Evangelicals, "Homosexuality 2004," <http://www.nae.net/government-affairs/policy-resolutions/181-homosexuality-2004->.

<sup>21</sup> "Leaders Urge Christians to Fight for Traditional Marriage," *Associated Press*, May 24, 2004.

<sup>22</sup> National Association of Evangelicals, "Homosexuality 2004".

<sup>23</sup> *Ibid.*

acquiescence of the majority, who did not wish to infringe upon their civil rights even if they thought that homosexuality was wrong.<sup>24</sup>

In terms of prognostic and motivational framing, the NAE and its partners in the Evangelical movement focused on getting out the vote in order to pass constitutional marriage amendments. The *Washington Post* reported that President George W. Bush's chief political strategist, Karl Rove, sought to mobilize 4 million more Evangelicals than had voted for Bush in the 2000 election. Rove and other White House strategists held regular conference calls with religious leaders, including Dobson, Colson and Rev. Richard Land of the Southern Baptist Convention. These leaders, in turn, mounted strong efforts to mobilize Evangelical voters. After the U.S. Senate's failure to pass a federal marriage amendment in July 2004, Evangelicals shifted their strategy to amending state constitutions. They launched massive grassroots petition drives to put marriage amendments on state ballots for the November election and, in the end, were highly successful. During the 2004 election, 11 states held ballot initiatives for constitutional amendments defining marriage as between a man and a woman. All passed by significant margins.<sup>25</sup>

The efforts by Evangelical Christians to defensively sacralize traditional marriage also made it very costly for those within the movement to voice reservations about opposing same-sex marriage and civil unions. One such individual was the Reverend Richard Cizik. Between 1998 and 2008, Cizik was the NAE's Vice-President for Governmental Affairs, though his career at the NAE spanned nearly three decades. While Cizik had gone on record as supporting California's Proposition 8, which would have outlawed same-sex marriage, and condemning homosexuality as a sin,<sup>26</sup> he was also known for colliding with more conservative Evangelical leaders such as James Dobson and Chuck Colson over what he called "creation care", which sought to frame environmental protection as a responsibility of Christians as stewards of God's creation. In 2007, 25 Evangelical leaders, including Dobson, Colson and Richard Land of the Southern Baptist Convention, sent a letter to the NAE leadership demanding Cizik's ouster and calling his emphasis on global warming a distraction from the Evangelical agenda.

In December 2008, Cizik shocked conservative Evangelicals again with remarks that he made during an interview with National Public Radio's Terry Gross. During the interview, Cizik stated that his position on same-sex marriage and civil unions had changed. Arguing that among younger Evangelicals, there was a growing acceptance of homosexual relationships, and that it was un-Christian to deny rights to those who held dissenting views, he said:

I'm shifting, I have to admit. In other words, I would willingly say I believe in civil unions. I don't officially support redefining marriage from its traditional definition, I don't think. We have this tension going on in our movement

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<sup>24</sup> Pauline Chang, "Interview with National Association of Evangelicals' Dr. Bob Wenz," *Christian Post*, March 1, 2004, <http://www.christianpost.com/article/20040301/interview-with-national-association-of-evangelicals-146-dr-bob-wenz/>.

<sup>25</sup> Alan Cooperman and Thomas B. Edsall, "Evangelicals Say They Led Charge for the GOP," *Washington Post*, November 8, 2004. On the effectiveness of mobilizing Evangelical voters around same-sex marriage bans as an electoral strategy for Bush, see David E. Campbell and J. Quin Monson, "The Religion Card: Gay Marriage and the 2004 Presidential Election," *Public Opinion Quarterly* 72, no. 3 (2008).

<sup>26</sup> Terry Gross, "Green Evangelist Richard Cizik," in *Fresh Air* (National Public Radio, 2006).



between what is church-building and what is nation-building. And I lean in this spectrum at times, maybe we should concentrate on building our values in our own movement. We have become so absorbed in the question of gay rights and the rest that we fail to understand the challenges and threats to marriage itself, heterosexual marriage. Maybe we need to reevaluate this and look at it a little differently.<sup>27</sup>

Just over a week after the interview, Cizik was forced to resign from the NAE. NAE President Leith Anderson explained in an interview with *Christianity Today* that Cizik did not adequately represent the NAE's position, which remains opposed to same-sex civil unions. "I think the consensus of the executive committee was that [Cizik] did not appropriately represent us. And if he did not appropriately represent NAE, then he has lost credibility as a spokesperson. That has implications [for] the future that are unknown but important."<sup>28</sup> Charles Colson of Prison Fellowship Ministries stated that, "For better or for worse, Rich became a great, polarizing figure. He was gradually, over a period of time, separating himself from the mainstream of evangelical belief and conviction. So I'm not surprised. I'm sorry for him, but I'm not disappointed for the Evangelical movement."<sup>29</sup>

For the NAE and more conservative Evangelical leaders, same-sex marriage constituted an urgent and critical threat to Christian norms and values, as well as to the integrity of American society more broadly. The defensive sacralization that they employed to mobilize followers for the 2004 election had a ratcheting effect, making it increasingly difficult for someone like Cizik to voice support for same-sex civil unions and cast doubt on the nature of the threat. The dynamics of the sacralization trap meant that if Cizik challenged the defensive sacralization against same-sex marriage, he would have made himself vulnerable to charges of abusing his religious authority which, in turn, could work to silence him. Having committed so many resources to opposing same-sex marriage and civil unions, the NAE had to repudiate Cizik's statements or risk weakening the cohesiveness of its own position, undermining its own statements against homosexuality, and opening itself up to charges of hypocrisy from its more conservative constituents.

Notably, after Cizik was ousted from NAE, he lost credibility with conservative Evangelical leaders, though he was also hailed by a number of younger Evangelicals who supported broadening the Evangelical agenda beyond sex and family-related issues. While Cizik went on to co-found the New Evangelical Partnership for the Common Good, an initiative that champions such causes as "creation care", Muslim-Christian dialogue, nuclear disarmament, and the elimination of torture in the interrogation of suspected terrorists, the organization has not been warmly embraced by conservative Evangelicals, some of whom regard Cizik as having succumbed to a liberal political agenda. As a result, Cizik's appeal is increasingly to a more progressive branch of Evangelical Christianity. Here, we see the polarizing effects of the sacralization trap at work. Having defensively sacralized heterosexual marriage, the NAE and

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<sup>27</sup> Terry Gross, "Rev. Richard Cizik on God and Global Warming," in *Fresh Air* (National Public Radio, 2008).

<sup>28</sup> Sarah Pulliam, "Interview: NAE President Leith Anderson on Richard Cizik's Resignation," <http://www.christianitytoday.com/ct/2008/decemberweb-only/150-41.0.html>.

<sup>29</sup> *Ibid.*

other preservationist Evangelical groups could not tolerate Cizik because his continued presence undercut the notion that heterosexual marriage was so important and threatened that all necessary means must be taken to protect it. This attitude further pushed him into the arms of more progressive Evangelicals. To the extent that the more progressive elements of Cizik's brand of Evangelical Christianity gain influence—particularly the acceptance of same-sex relationships, preservationist Evangelicals may eventually find themselves marginalized as they stand firm against same-sex marriage while representing a shrinking base. However, given the widespread success of recent efforts to pass state constitutional amendments banning same-sex marriages and civil unions, this seems unlikely to happen in the near future.

The case of Richard Cizik demonstrates the power of defensive sacralization and the sacralization trap to raise the costs of dissent within religious organizations. Religious authorities can wield significant credibility through persuasive reinterpretations of religious ideas, making them a potentially powerful force for altering religious norms from within. But if religious leaders and believers regard their views as weakening the integrity of the faith, then they can be effectively discredited. The sacralization trap explains why it is so difficult even for religious authorities to change religious norms once they have been defensively sacralized.

### **Blasphemy in Pakistan**

On January 4, 2011, Salmaan Taseer, the governor of Punjab province in Pakistan, was gunned down in an upscale Islamabad marketplace by one of his own bodyguards, a 26-year old member of the Elite Punjab Police named Malik Momtaz Qadri. It was the highest-profile assassination in Pakistan since the murder of former prime minister Benazir Bhutto in 2007. Qadri later explained that his motive for killing Taseer stemmed from anger over the governor's outspoken criticisms of Pakistan's harsh anti-blasphemy law and his efforts to seek clemency for Asia Bibi, a Christian mother of four sentenced to death under it in 2009. Qadri was hailed as a hero by Islamic political parties. As he was being led to court, a boisterous crowd of two hundred lawyers cheered him on and tossed several handfuls of rose petals at him while he repeatedly shouted "God is great!"<sup>30</sup> A number of them also signed a pledge offering to defend Qadri free of charge. The day after his arrest, representatives of all the major religious political parties convened a meeting of Tehrik Tahaffuz-e-Namoos-e-Risalat (The Movement to Uphold the Sanctity of the Prophet), an organization that they had established in December 2010 to fight any change in the blasphemy law.<sup>31</sup> The meeting concluded with a declaration calling for no effort to be spared in defending Qadri, announcing a demonstration in Karachi against efforts to amend the blasphemy law, and demanding that President Asif Ali Zardari dissolve the committee formed to examine it.<sup>32</sup> The Jamaat-e-Ahl-e-Sunnat, a group representing scholars from the Barelvi Sunni sect (whose members constitute the majority of Pakistani Muslims), issued a statement ordering that no prayers should be said for Taseer and that "there should be

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<sup>30</sup> "Ghazi Malik Mumtaz Qadri, Killer of Taseer Showered with Rose Petals, Lauded Before Court," <http://themuslim.ca/2011/01/05/mumtaz-qadri-killer-of-taseer-showered-with-rose-petals-lauded-before-court/>.

<sup>31</sup> "Religious Parties Announce 'Tahafuz-e-Namoos-e-Risalat' Campaign," The News, <http://www.thenews.com.pk/NewsDetail.aspx?ID=7117>.

<sup>32</sup> "Pakistani Religious Parties Hail Punjab Governor's Assassination," *BBC Monitoring South Asia*, January 6, 2011.

no expression of grief or sympathy on the death of the governor, as those who support blasphemy of the prophet are themselves indulging in blasphemy.”<sup>33</sup>

Although blasphemy against the Prophet has long been regarded as a grave offense in Islam, by no means is capital punishment the universal penalty for it. For instance, in Indonesia, where the majority of inhabitants are Muslim, Article 156(a) of the Criminal Code bans the public denigration of religion and punishes it with a sentence of up to five years in prison. In Jordan, where Islam is the state religion, blasphemy against the Prophet is punishable by up to three years in prison and fines. While the law against blasphemy in Pakistan had been established in 1986 by General Muhammad Zia Al-Haq under his program of Islamization, it was not until 1992 that then-Prime Minister Nawaz Sharif made the death penalty the mandatory sentence.

Recently, though, the law came under vocal criticism from a small group of liberal elites in the government who have argued that it is disproportionately used to target religious minorities and settle personal scores. In November 2010, Shahbaz Bhatti, Pakistan’s Minister for Minority Affairs and the only Christian in Zardari’s Cabinet, issued a report recommending that Asia Bibi should be pardoned or released from prison if her appeal took too long to process. Bhatti also recommended that the law against blasphemy be amended. That same month, parliamentarian Sherry Rahman introduced a bill that would have eliminated capital punishment as the penalty for blasphemy. Both actions prompted vocal opposition and threats of violence from Pakistan’s Islamic political parties. In the meantime, Salmaan Taseer angered Islamic preservationists by calling the law against blasphemy a “black law” and asserting that it was “man-made” rather than God-given.<sup>34</sup> Thus, the assassination of Taseer was only the culmination of a long-simmering conflict.

In response to the vocal protests of Islamic groups against efforts to reform the blasphemy law, the Pakistan People’s Party, which held a majority in the Parliament, declared in February 2011 that it would not support any reform in the laws against blasphemy, essentially disavowing Taseer, Bhatti and Rahman’s efforts. “We are all unanimous that nobody wants to change the law”, said Prime Minister Yousuf Raza Gilani.<sup>35</sup> When Bhatti was also assassinated in March 2011 for his stance on the anti-blasphemy law (the Pakistani Taliban claimed responsibility), other Islamic groups condemned the murder, even though many had openly welcomed Taseer’s meeting the same fate. One such group was the Sunni Ittehad Council, an umbrella organization of Barelvi Sunni groups formed to oppose the Taliban. Its spokesman, Nawaz Kharal, explained that with Bhatti’s death, the movement to reform the blasphemy law had effectively come to an end. Similarly, the Jamiat Ulema-e-Islam Party

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<sup>33</sup> Declan Walsh, “Salmaan Taseer Buried in Pakistan Amid Tight Security,” *The Guardian*, January 5, 2011, <http://www.guardian.co.uk/world/2011/jan/05/pakistan-salman-taseer-assassination-funeral>.

<sup>34</sup> Hassan Choudary, “Taseer’s Remarks about Blasphemy Law,” *The Express Tribune* (2011), <http://tribune.com.pk/story/99277/taseers-remarks-about-blasphemy-law/>.

<sup>35</sup> Samira Shackel, “What the Assassination of Shahbaz Bhatti Means for Pakistan,” *New Statesman* (2011), <http://www.newstatesman.com/blogs/the-staggers/2011/03/pakistan-laws-taliban-bhatti>.

condemned Bhatti's death, saying that now that the government had agreed to back down from reforming the law, his assassination was no longer necessary.<sup>36</sup>

There is abundant evidence of defensive sacralization and sacralization trap dynamics at work in the controversy over blasphemy in Pakistan. Islamic political parties sought to depict challenges to the law against blasphemy as a fundamental threat to the integrity of the faith itself. Those who sought reform of the law against blasphemy were to be regarded as blasphemers themselves, which by definition meant that they were enemies of the faith. In a society where the state has weak control, Islamic clerics are able to wield significant influence through mosque services, social organizations and *madrassas* where youths study the Qur'an according to the interpretations of the clerics who run them. This provides them with ample human resources for mass mobilization against accommodationists, including the use of violence. For religious accommodationists like Salmaan Taseer and Shahbaz Bhatti, then, the sacralization trap would predict that preservationists would be highly unlikely to back down given their heavy investment in framing the law against blasphemy as vital to the faith and under threat. Even if there were clerics or politicians who harbored reservations about the law against blasphemy, they would likely be fearful of speaking out and facing violence as a result. The announcement by the Pakistan People's Party that it would no longer seek reform of the law demonstrates that the defensive sacralization of the religious norm against blasphemy was successful, arguably all the more so because of the threat of violence.

### **Criminalizing Homosexuality in Uganda**

Another brief example will serve to illustrate how defensive sacralization and sacralization trap dynamics can shape the course of religious norms. In October 2009, Ugandan parliamentarian David Bahati introduced a private member's bill that would have significantly strengthened Uganda's laws against homosexuality.<sup>37</sup> At the time, sexual intercourse with a member of the same sex was punishable by up to fourteen years of imprisonment. The draft bill would have made homosexuality punishable by life imprisonment or even death, if committed by someone with a prior conviction, if one of the partners was a minor, or if one of the partners was HIV-positive. In addition, the bill proposed criminalizing the provision of aid to groups or individuals who published information about non-heterosexuality or provided funds or any other kind of material support for non-heterosexuals. Such support could be punished by up to seven years in prison. Finally, the bill proposed requiring all people, including heterosexuals, to report all suspected homosexual, bisexual, or transgendered people or anyone who supports them to the police within 24 hours of knowing or face up to three years in prison.<sup>38</sup>

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<sup>36</sup> Ben Arnoldy and Issam Ahmed, "This Time, Murder of Pakistan Minister Spurs Condemnation from Islamic Clerics," *Christian Science Monitor*, March 3, 2011, <http://www.csmonitor.com/World/Asia-South-Central/2011/0303/This-time-murder-of-Pakistan-minister-spurs-condemnation-from-Islamic-clerics>.

<sup>37</sup> The full text of the bill is available at: <http://wthrokmorton.com/wp-content/uploads/2009/10/Bill-No-18-Anti-Homosexuality-Bill-2009.pdf>.

<sup>38</sup> Human Rights Watch, "Uganda: 'Anti-Homosexuality' Bill Threatens Liberties and Human Rights Defenders," <http://www.hrw.org/en/news/2009/10/15/uganda-anti-homosexuality-bill-threatens-liberties-and-human-rights-defenders>. Nancy Xie, "Legislating Hatred: Anti-Gay Sentiment in Uganda," *Harvard International Review* (Spring 2010).

While Uganda's laws against homosexuality date back to when it was a British colony, the proposed Anti-Homosexuality Bill represented a much more recent attempt to increase the salience of the moral norm against it. In an interview with National Public Radio, David Bahati argued that the bill was needed to combat what he called the foreign funding of people who "recruit" children into homosexual behavior, though he was not specific about who they were.<sup>39</sup>

According to various researchers, the growing influence of American Evangelical Christians in Uganda has played a major role in helping to frame homosexuality as a threat to the social fabric and an affront to God. Bahati, an Evangelical Christian, was affiliated with the Fellowship Foundation, also known popularly as the Family, an American-based Evangelical organization that convenes the annual National Prayer Breakfast in the United States. Bahati was responsible for overseeing the Ugandan National Prayer Breakfast and helping to funnel money from the Family to Cornerstone, an African leadership academy intended to place graduates in high positions in government and NGOs.<sup>40</sup> One of his close associates, Rev. Dr. Martin Ssempe, the pastor of the Makerere Community Church who now leads the Interreligious Task Force Against Homosexuality, was also affiliated with the Family as well as with the Reverend Rick Warren, whose Saddleback Church and bestselling book, *The Purpose-Driven Life*, have made him a giant among Evangelical leaders. Ssempe, who was at Warren's side when the latter announced his global AIDS initiative in 2005,<sup>41</sup> soon became one of Uganda's most visible anti-homosexuality activists and earned notoriety for his provocative efforts to frame homosexuality as a dire threat to African society and to the Christian faith. His actions included accusing gays of raping boys in schools,<sup>42</sup> publishing the names and addresses of LGBT activists (which he referred to as "homosexual promoters") on his website<sup>43</sup>, and showing photographs of scatological fetish pornography to his horrified congregation, supposedly in an effort to show them how gays have sex.<sup>44</sup>

All of these tactics were intended to raise the threat of homosexuality in the public consciousness and to depict even tolerance of it as a grave evil. When Rev. Rick Warren condemned the Anti-Homosexuality Bill in 2009 and severed ties with Ssempe, the latter wrote an open letter to the internationally circulated magazine *Christianity Today* criticizing him for ignoring what he saw as a threat to African society.

We are harassed by a massive invasion of rich Europeans and American groups who are scorning our traditional African view of marriage and family, bullying and threatening to cut off "aid" if we don't legalize the sins of Sodom and

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<sup>39</sup> National Public Radio, "Author of Uganda's Anti-Homosexuality Bill Gives Defense," <http://www.npr.org/2011/05/12/136241587/author-of-ugandas-anti-homosexuality-bill-gives-defense>.

<sup>40</sup> National Public Radio, "Fresh Air: The Secret Political Reach of 'The Family'," <http://www.npr.org/templates/transcript/transcript.php?storyId=120746516>.

<sup>41</sup> Max Blumenthal, "Rick Warren's Africa Problem," *The Daily Beast* (2009), <http://www.thedailybeast.com/articles/2009/01/07/the-truth-about-rick-warren-in-africa.html>.

<sup>42</sup> "Closet Homosexuals Sink Further Under the Radar After Kato's Death," *The Monitor*, February 7, 2011.

<sup>43</sup> "Cry for Ugandan Gays," *Afrol News* (2010), <http://www.afrol.com/articles/26985>.

<sup>44</sup> Daniel Howden and Barbara Among, "The Pastor Using Pornography to Fan the Flames of Gay Hate in Uganda," *Independent*, February 20, 2010.

Gomorrah! [...] Indeed, we are troubled that Christianity in the global North has fallen so much from God's word that homosexuals and lesbians [sic] are being ordained into bishops as evidenced by the election of Mary Glasspool [to a bishopric in the Episcopal Diocese of Los Angeles] in your state of California last week! We want to make sure that Africa purposefully avoids the mistakes of the Global North Church...<sup>45</sup>

There are clear parallels here with Brian Clowes' warning (described in Chapter One) that Philippine reproductive health legislation was a façade for foreign imperialist meddling in Philippine society, particularly when Ssempe depicts homosexuality as a function of foreign (i.e. Western) culture. Referencing a failed 2009 UN resolution to decriminalize homosexuality, Ssempe described such efforts as a "moral imperialism which intends to use the coercive powers of European Union and the UN to impose sodomy legislation in our nations" and stated that that was the impetus for Uganda's efforts "to draft a law to protect our nation's moral sovereignty".<sup>46</sup>

Ssempe was not alone in his virulent passion to end homosexuality in Uganda. If Ssempe's theology provided a diagnostic frame pointing to homosexuality as the root of many moral evils and a prognostic frame calling for widespread shaming of homosexuality, some followers went a step further and began to commit violence against suspected LGBT people. In October 2010, a small-circulation weekly tabloid magazine called *Rolling Stone* (no relation to the American music magazine of the same name) began publishing a four-part exposé on what it claimed was a vast conspiracy by the gay community in Uganda to "recruit at least one million members by 2012", mostly by targeting primary and secondary school children. The magazine posted photos, names and addresses of people it deemed to be "Uganda's Top 100 Homos" under a masthead which read, "Hang Them; They Are After Our Kids!"<sup>47</sup> Although the paper was usually unnoticed, the article created an international sensation. Several of those outed were subsequently assaulted and many went into hiding in fear for their lives.<sup>48</sup> No prominent government officials spoke out against the article.<sup>49</sup>

As of this writing in June 2011, the Anti-Homosexuality Bill has not yet been passed, and while Ssempe, Bahati and their allies have agreed to drop the capital punishment provisions, they maintain that homosexuality is an evil that must be uprooted from Uganda through prosecution. There has been very little open opposition to the Anti-Homosexuality Bill from within the Ugandan Christian communities, in part because pastors have been known to accuse rivals of being gay in an effort to publicly discredit them and land them in jail. Likewise, suspected LGBT sympathizers face the prospect of violent retaliation. Defensive sacralization

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<sup>45</sup> Martin Ssempe, "Letter to *Christianity Today* in Response to Rick Warren's Condemnation of Uganda's Anti-Homosexuality Bill," <http://www.christianitytoday.com/ct/special/pdf/1217ssempeletter.pdf>.

<sup>46</sup> Ibid.

<sup>47</sup> "Hang Them; They Are After Our Kids!," *The Rolling Stone*, October 2-9, 2010, <http://wthrocmorton.com/wp-content/uploads/2010/10/hangthemprotected.jpg>.

<sup>48</sup> Xan Rice, "Ugandan 'hang them' paper has no regrets after David Kato death," <http://www.guardian.co.uk/world/2011/jan/27/uganda-paper-david-kato-death>.

<sup>49</sup> Ioannis Gatsiounis, "Killing of Gay Activist in Uganda Triggers More Threats of Violence," *Washington Times*, February 15, 2011.

over homosexuality, exacerbated by the threat of violence, has silenced would-be accommodationists. The self-marginalizing aspects of the sacralization trap have isolated Ugandan churches and clergy who support the Anti-Homosexuality Law from the international community. Western religious sponsors of Ssempe and other supporters of the Anti-Homosexuality Bill have in many cases severed their ties to them, but interestingly, doing so also limits the influence that they can wield over the hard-line preservationists. The sacralization trap here may ensure that Ugandan anti-homosexual rhetoric remains on the fringes of international society, but it may also empower such rhetoric and the anti-homosexual norms they represent at the domestic level.

### **Conclusion: Defensive Sacralization and Norm Contestation**

In this chapter, I argued that when religious authorities perceive religious norms to be under threat from competing norms and ideas, they may attempt to mobilize believers to defend them by framing the religious norms as not only sacred but also highly salient and constitutive of the faith. I call this process “defensive sacralization”. When successful, defensive sacralization makes religious norms more explicit and subject to scrutiny. Religious preservationists attempt to monitor and correct deviations from the norm so that it is not taken for granted. Because preservationists fear that the undermining of a religious norm would significantly threaten the integrity of the faith, they typically refuse to entertain any compromise.

Once religious leaders have committed themselves to defensively sacralizing the religious norm, though, it is difficult to back down because doing so would open them to attacks on their religious commitment or their authority to interpret religious teachings. This creates a “sacralization trap” in which religious actors lock themselves into inflexible rhetorical positions from which the only apparent escape is complete rejection of any competing norms. Because compromise is seen as disobedience to the divine will (with whom it is impossible to negotiate), and because of the potentially serious blow to religious actors’ credibility, negotiating competing norms is an extremely difficult prospect and can lead to a stalemate. Likewise, religious actors who dare to challenge the notion that religious norms are under threat and not subject to debate can be discredited as simply not taking the threat seriously.

Once religious actors convince a sufficient number of people that a religious norm is to be protected at all costs against competing transnational norms, is stalemate the inevitable result or is it possible for religious actors and advocates of competing transnational norms to find common ground? The answers to these questions depend largely on how much norm advocates on both sides understand them to be compatible with one another (or at least not existing in a completely zero-sum relationship). For religious preservationists, it makes no sense to negotiate with advocates of competing norms if doing so will betray sacred beliefs. Thus, a necessary (though not always sufficient) condition of escaping the sacralization trap is for religious preservationists and accommodationists to believe both that there is some benefit to adopting competing norms (if only partially) *and* that doing so does not violate sacred beliefs. Here, religious authority becomes critical to legitimizing attempts at dialogue. Individuals possessing religious authority can articulate new arguments for why cooperation between competing norm advocates is beneficial. Crucially, they can justify these arguments by

reference to tradition, sacred scripture, and other sources of religious authority, helping to demonstrate that such directives flow from accepted beliefs and not mere human whim. At the same time, religious authorities who seek to bring the two competing sets of norms closer together run the risk of being ostracized from their religious communities, thereby destroying their credibility. Thus, they must tread very carefully and avoid appearing to be “double agents” seeking to undermine religious norms.





## **Chapter Four**

### **How Contraception Became a Threat: Defensive Sacralization against Contraception in the Catholic Church**

We now move from abstract theory to the empirics of religious norms. For the rest of the dissertation, I will examine different dimensions of the Catholic Church's defensive sacralization of the religious norm against contraception, utilizing all of the levels of analysis that I laid out in Chapter One. In this chapter, I examine the transnational level from the perspective of the Catholic Church. In order to understand why the Catholic Church in the Philippines has engaged in defensive sacralization against transnational reproductive health norms, it makes sense to begin with the broader religious influences that have shaped that move. Although the particular relationship between the Church and Philippine society undoubtedly plays a central role in shaping the process of norm contestation, the Philippine Catholic Church is still part of a larger transnational religious institution whose doctrines and interpretations set the direction for Catholic communities worldwide. While the Philippine Catholic Church is vehemently opposed to the norms represented in reproductive health legislation, it is upholding a teaching that the Catholic Church officially proclaims worldwide. Thus, it is appropriate to think of the Catholic Church's teachings as consisting of *transnational* norms. Once those transnational norms are carried to the domestic level, we can think about how domestic actors seek to implement, contest, or modify them, but for now, our focus will be squarely on the transnational Church.

In this chapter, I trace the origins of the Catholic Church's teachings against contraception and explore how they have evolved in response to both developments in moral theology and historical shocks that threatened to unsettle existing religious norms. Because the Catholic Church refers to scriptural teachings that emanate from the earliest days of the Christian community, I begin with that period and show how even as early as the time of Saint Paul, the teaching of the Church against contraception was developed in response to a perceived threat to sexual morality. I then discuss how the salience and constitutiveness of the teaching against contraception waxed and waned in response to specific threats that threatened to unsettle sexual ethics, including the rise of Gnostic sects, the Protestant Reformation, the Franco-Prussian War, the 1930 Lambeth Conference and the invention of the birth control pill.

#### **The Evolution of the Church's Teachings on Contraception**

Early Christian theologians understood marriage to be oriented primarily toward the procreation of children who would be raised according to Christian values. Secondly, they posited that marriage and marital intercourse could also be legitimately used to "quiet concupiscence". *Concupiscence* here referred to the drive for sexual gratification which early theologians, drawing influence from the Stoic philosophers, understood as a proclivity to sin. In marital intercourse, husbands and wives were supposed to render to each other the "marital debt" as described by the apostle Paul in his First Letter to the Corinthians. In other words, one

was obligated not to refuse one's spouse's request for sex lest s/he seek to quell his/her urges through sinful means (such as fornication).<sup>1</sup>

Many Patristic writers viewed the sexual urge itself as a moral defect. From this view of marital intercourse, it followed that the use of contraceptives was an inherent evil since it turned marital intercourse into a sinful act of lust.<sup>2</sup> In addition to the view that contraception violated marriage, some theologians held that it also constituted infanticide. This can be traced to the biblical story of Onan in the Book of Genesis and the Vulgate Latin translation produced by Saint Jerome (c. 347-420 CE) in 405 CE. Onan and his older brother Er were sons of Judah, one of the twelve Children of Israel. According to the story, Er married but displeased the Lord for reasons unknown. The Lord then killed Er before he and his wife Tamar could produce an heir. To ensure that the family line would not die out, Judah commanded Onan to copulate with Tamar, as befitting custom at the time. Onan, however, realized that his offspring with Tamar would be counted as Er's children rather than his own, so he deliberately engaged in *coitus interruptus* whenever he had intercourse with her. This incurred the Lord's wrath and Onan was struck down like his brother.<sup>3</sup> For Jerome and other theologians, God's punishment of Onan was a clear sign that contraception (or, for that matter, any kind of non-procreative sexual activity) was tantamount to infanticide.

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<sup>1</sup> 1 Cor. 7:1-7 (DV)

<sup>2</sup> See, for instance, Clement of Alexandria's characterization of Jesus as "wholly free from human passions". Clement of Alexandria, "The Instructor," in *Fathers of the Second Century: Hermas, Tatian, Athenagoras, Theophilus, and Clement of Alexandria*, ed. Philip Schaff, *The Ante-Nicene Fathers: Translations of the Writings of the Fathers Down to A.D. 325* (Edinburgh: T&T Clark, 2001), 210. Clement also declared that all non-procreative sex was inherently sinful, even when it was between husband and wife. See Clement of Alexandria, *Christ the Educator*, trans. Simon P. Wood, vol. 23, *The Fathers of the Church* (New York: Fathers of the Church, Inc., 1954), 172-73. Similarly, the *Didascalia Apostolorum*, a third-century collection of canons from Syria that later became accepted as "apostolic canons", condemned intercourse between the husband and wife when the wife was pregnant because, it argued, such intercourse was not for procreative purposes but for pleasure. John T. Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge: Harvard University Press, 1965), 77.

<sup>3</sup> Gen. 38:6-10 (DV). Biblical scholars and clergy have long debated the meaning of this story. Jerome's Vulgate translation described the reason for God's killing of Onan as "*quod rem detestabilem faceret*", translated as, "because he did a detestable thing". See Gen. 38:10 (Clementine Vulg.). But what exactly was this "detestable thing"? Some have interpreted it as meaning Onan's persistent and deliberate refusal to continue the family line. Others have focused on Onan's egoistic motives, his disobedience to his father, or his failure to honor an agreement that he had made with his father, as well as the contraceptive act itself. Cf. Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*: 34-35. For a list of theologians and their respective positions on Onan's crime, see *ibid.*, 34 fn6.

The notion that it was the deed itself and not simply the intent behind it that incurred God's wrath is puzzling since the Book of Leviticus does not prescribe death for a man who has "an emission of seed" (i.e. a presumably non-procreative ejaculation). Rather, such a man is deemed ritually unclean and must bathe in water. Leviticus also distinguishes an "emission of seed" from coitus between a man and a woman, in which case both are made ritually unclean and must bathe. Cf. Lev. 15:18 (DV). Neither case is considered grounds for divine execution. Why Onan was actually killed, then, remains ambiguous, but the story has proven to be an important source of Christian teachings against non-procreative sex of any sort, including contraceptive methods such as withdrawal and condom use as well as masturbation.

### *The Gnostic threat and the development of Christian doctrine against contraception*

The Church's position on contraception underwent significant development during the late Roman Empire and the early Middle Ages in response to perceived threats to Christian morality from Gnostic groups. For the Patristic writers in the late Roman Empire, teachings on sexual morality and especially contraception were often aimed at countering the Gnostic sects, which threatened to corrupt Christian teachings with their claims that they could teach secret knowledge passed on to them by Jesus. Gnostics did not believe that Jesus Christ was the fully divine and fully human savior who died for humanity's sins but rather a guru who initiated followers into the secrets of transcending the bonds of the material world and its evils.<sup>4</sup> Morally, the Gnostic idea that the world was inherently evil and the dualistic understanding of spirit and body gave rise to beliefs that initiates were above the moral law.

In their writings throughout the first three hundred years after Jesus's death, Christian leaders regularly expressed dismay over the proliferation of Gnostic teachings and revulsion at Gnostic rituals that they claimed made a mockery of Christian morality. For example, in Paul's First Letter to the Corinthians, he chastises the church in Corinth for being "puffed up" ("*inflati*") with apparent pride over the case of a man living in an incestuous relationship with his father's wife.<sup>5</sup> The fact that the Corinthians were proud rather than remorseful suggests that Gnostic influences may have legitimized the practice.<sup>6</sup> Writing in the early part of the third century, the Christian apologist Tertullian decried the anti-institutionalism that he found in a Gnostic community. "One man is a bishop today, another tomorrow. Today he is a deacon who to-morrow will be a reader; to-day he is a presbyter who will tomorrow be a laic. For even on laics do they impose sacerdotal functions!"<sup>7</sup>

In one particularly lurid account written in the fourth century, Epiphanius, the future bishop of Salamis (in present-day Cyprus), described a Gnostic ritual mimicking the Eucharist—the sacramental re-enactment of the Last Supper in which Christians believed the bread and wine were transformed into the literal body and blood of Christ. According to his account in the *Panarion*, after feasting, the worshipers engaged in an orgy and ate semen and menstrual blood in place of the usual bread and wine. More egregiously, he continued, such copulation was done in such a way as to prevent conception. If a woman happened to become pregnant, Epiphanius wrote, the cult members would perform an abortion, pulling out the fertilized embryo, crushing it with a mortar and pestle, and finally eating it together.<sup>8</sup> While this is admittedly a description of a single cult and embellishment cannot be ruled out, the detail of Epiphanius's account and its consistency with accounts by Irenaeus and Tertullian suggest that it was not entirely fabricated. Regardless, as Noonan notes, the veracity of the account is less important than Epiphanius's reaction. Epiphanius depicts contraception as a vile deed that is upheld as a virtue by the Gnostics and thus deeply un-Christian.<sup>9</sup> The writings against

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<sup>4</sup> William C. Placher, *A History of Christian Theology: An Introduction* (Philadelphia: Westminster Press, 1983). 45-47.

<sup>5</sup> 1 Cor. 5:1-2 (DV)

<sup>6</sup> Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*: 58.

<sup>7</sup> Tertullian, "On the 'Prescription' of Heretics," (London: Society for Promoting Christian Knowledge, 1914), Ch. XLI.

<sup>8</sup> Giovanni Filoramo, *A History of Gnosticism*, trans. Anthony Alcock (Oxford: Basil Blackwell, 1990). 184.

<sup>9</sup> Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*: 96-97.

Gnosticism clearly show that the early Church perceived it to threaten the integrity of the faith. The fact that the Church also perceived Gnosticism to go hand-in-hand with contraceptive practices was important in constructing a diagnostic frame that demonstrated a threat not only to religious norms regarding sexual ethics, but more broadly about living faithfully according to Christian teachings.

### *Augustine and the sacralization of procreative sex*

The development of Christian orthodoxy against Gnosticism and contraceptive practices was heavily influenced by the writings of the theologian and bishop, Augustine of Hippo (350-430 CE). Perhaps more than any of the other Church fathers, Augustine laid the foundation for the Church's teachings on sexual ethics and was the first to explicitly tackle the topic of contraception within a marriage. As a bishop and theologian, Augustine expended a great deal of energy in opposing Manichaeism, which he had dabbled in as a young man before becoming disillusioned with it and embracing Christianity instead. The Manichees, like other Gnostics, held a dualistic view of the universe, holding that the material realm was born of darkness and the spiritual realm born of light. They believed that humans consisted of souls made of the light trapped within bodies that originated from the darkness. Indulging in fleshly desires—eating, drinking, or copulation—was understood to facilitate the continued attachment of the soul to the evil body. The Manichees also taught that procreation was to be avoided because they regarded the birth of a child as simply perpetuating the imprisonment of the soul.<sup>10</sup> Thus, contraception was a key component of Manichean theology.

Augustine's main criticism of the Manichees' sexual practices centered on their aversion to procreation. Such a view, he argued, turned every act of sexual intercourse into an act of adultery. Augustine was so troubled by the role of sexual passion that he spent a great deal of time trying to demonstrate that it was a consequence of original sin. For instance, he argued that before the Fall of Eden, Adam and Eve reproduced in a manner that was completely free of passion and subjugated to reason. Intercourse would happen "at the command of the will; and without the active stimulus of passion, with calmness of mind and with no corrupting of the integrity of the body, the husband would lie on the bosom of his wife."<sup>11</sup> In another passage, Augustine wrestled with the question of why God did not simply create another man to provide Adam with companionship and thereby dispense with all the problems of sexual desire and concupiscence. Apparently genuinely perplexed, he finally wrote: "I do not see, therefore, in what other way the woman was made to be the helper of the man if procreation is eliminated, and I do not understand why it should be eliminated."<sup>12</sup> For Augustine, the only reason God created woman was to provide a means of reproducing the species and this, he seemed to

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<sup>10</sup> Mircea Eliade, *A History of Religious Ideas: From Gautama Buddha to the Triumph of Christianity*, trans. Willard R. Trask, vol. 2 (Chicago: University of Chicago Press, 1982). 392. This is not to say that the Manichees did not have any intercourse. While the Elect, who occupied the narrow apex of the Manichean religious hierarchy, were celibate, the far more numerous Auditors who attended to their needs and studied in the hope of being reincarnated as Elect were allowed to marry and engage in sexual relations. See Christine McCann, "The Influence of Manichaeism on Augustine of Hippo as a Spiritual Mentor," *Cistercian Studies Quarterly* 44, no. 3 (2009): 264.

<sup>11</sup> St. Augustine, *The City of God*, trans. Marcus Dodds, Modern Library ed. (New York: Random House, 1993). 475.

<sup>12</sup> St. Augustine, *The Literal Meaning of Genesis, Vol. 2*, trans. John Hammond Taylor, Ancient Christian Writers (Mahwah, NJ: Paulist Press, 1982). Bk. 9, Ch. 7, Par. 12.

think, was almost more trouble than it was worth, though he conceded (not without some agony) that marriage had to be a good thing. Still, he argued, unless a married couple engaged in sex solely for procreative purposes, it was a sin, albeit a minor and forgivable one.<sup>13</sup> The idea that marital intercourse could be morally licit even without procreative intent had not yet come to light.

Augustine contended that the Manichees' views on the entrapment of light particles led them to directly violate God's commandments. By teaching that children were but a prolonging of the evil imprisonment of the soul in the material world and thus to be rejected, he argued, they violated the commandment to honor one's father and mother. But because Auditors were allowed to marry and have intercourse, the aversion to procreation became an incentive to contraception, turning every act of marital intercourse into an act of adultery. Augustine reserved special contempt for those who used drugs in order to abort pregnancies that emerged out of such illicit relationships.

Sometimes, indeed, this lustful cruelty, or, if you please, cruel lust, resorts to such extravagant methods as to use poisonous drugs to secure barrenness; or else, if unsuccessful in this, to destroy the conceived seed by some means previous to birth, preferring that its offspring should rather perish than receive vitality; or if it was advancing to life within the womb, should be slain before it was born. Well, if both parties alike are so flagitious, they are not husband and wife; and if such were their character from the beginning, they have not come together by wedlock but by debauchery. But if the two are not alike in such sin, I boldly declare either that the woman is, so to say, the husband's harlot; or the man the wife's adulterer.<sup>14</sup>

This teaching, known as "*Aliquando*" (referring to the first word of the passage, "sometimes"), became the foundation for the Church's doctrine on contraception. By arguing that God had made procreation the sole (or at least primary) purpose of sex, Augustine clearly made it a sacred act and its deliberate frustration an act of defilement and rebellion against God. This was a textbook construction of a norm as a *religious* norm.

Augustine also had two of the three components of defensive sacralization. First, by identifying Manichaeism and its teachings on contraception as erroneous and harmful to the faith, Augustine also identified a threat to that religious norm. Second, through his depictions of the Manichaean teaching on contraceptive sex as false and a grievous sin against God, Augustine also sought to raise both the salience and the constitutiveness of the religious norm against contraception in the minds of his audience. One could not be a good follower of Christ and yet engage in contraceptive sex. The final component of defensive sacralization, collective mobilization to defend the religious norm from erosion, was less apparent insofar as there did not appear to be any immediate concerted effort by the Church to address contraception or the

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<sup>13</sup> Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*: 130.

<sup>14</sup> St. Augustine, "On Marriage and Concupiscence," ed. Philip Schaft and Kevin Knight, trans. Peter Holmes and Robert Ernest Wallis, vol. 5, *Nicene and Post-Nicene Fathers: First Series* (Buffalo, NY: Christian Literature Publishing Co., 1887), <http://www.newadvent.org/fathers/15071.htm>. Book I, Ch. 17.

threat of Manichaeism as a result of Augustine's teachings. Nevertheless, Augustine's teachings were widely adopted and laid the groundwork for much of the Church's future mobilization against contraception.

### *The Middle Ages and the problem of conscience*

Throughout the Middle Ages and beyond, Augustine's understanding of non-procreative sex as fundamentally a sin against marriage was a powerful influence on the Church's teachings. However, beginning in the early Middle Ages, the dominance of monasticism, with its emphasis on rules and discipline, gave rise to an even more austere and formal interpretation of contraception that hewed more closely to Jerome's understanding that it was infanticide. This was first articulated by the Dominican canonist Raymond of Pennaforte in the compilation known as the *Decretals* in 1230.

If anyone to satisfy his lust or in meditated hatred does something to a man or woman or gives something to drink so that he cannot generate, or she conceive, or offspring be born, let him be held as a homicide.<sup>15</sup>

Known as "*Si Aliquis*", this became the Church's official teaching, though it did not entirely nullify the Augustinian position expressed in *Aliquando*. In an additional decretal, Pope Gregory IX proclaimed that if any conditions were to be imposed on the substance of marriage, then the marriage itself would be invalid. He specifically cited one example of a person telling one's spouse, "I contract [to marry] with you if you avoid offspring" as one case where the marital contract would be invalid.<sup>16</sup> Thus, the contraceptive *intent*, regardless of actual practice, was sufficient to be an offense against marriage, whereas the actual contraceptive *act* was to be held as infanticide. We can see here the beginnings of modern Catholic attacks against a "contraceptive mentality".

This severe teaching on marital sex and contraception came under increasing scrutiny over the next few centuries, especially as the Protestant Reformation swept Europe. Noonan argues that the sixteenth-century shift away from Augustine's suspicion of marital intercourse was partly a reaction to the Lutherans' and Calvinists' pessimistic views of human nature and their use of Augustine "to support an exaggerated view of the power of concupiscence and man's depravity after the Fall."<sup>17</sup> For instance, the cardinal and Jesuit theologian Robert Bellarmine (1542-1611) argued that the Lutherans and Calvinists misunderstood concupiscence as a sin in itself. Concupiscence, he wrote, was a consequence of Adam and Eve's original sin but was itself only a *tendency* to sin. Thus, it was not the case that original sin was passed down *because* of people's acts of concupiscent procreation but rather that everyone suffered from the same defect simply by being descendents of Adam and Eve. As a result, reasoned Bellarmine, the sexual urges that accompanied procreation did not need to be regarded as sinful.

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<sup>15</sup>Raymond of Pennaforte, "Decretals," in *Corpus Juris Canonici*, ed. Emil Friedberg (Leipzig: 1881). Quoted in Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*: 178.

<sup>16</sup>Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*: 178.

<sup>17</sup>*Ibid.*, 315.

In the Roman Catechism, issued in 1566 at the behest of the Council of Trent, marriage was declared to be legitimate not only because it was oriented toward raising children but also because it provided the couple with “mutual assistance and support” and allowed them to avoid the sin of fornication. Significantly, there was no trace of Augustine’s caveat that marital intercourse to avoid fornication was a venial sin. However, the Catechism was firm about the immorality of contraception, adopting the *Si Aliquis* position: “married persons who, to prevent conception or procure abortion, have recourse to medicine, are guilty of a most heinous crime—nothing less than premeditated murder”.<sup>18</sup>

The Augustinian teaching continued to erode with the teachings of the moral theologian Alphonse de Liguori (1696-1787), the founder of the Congregation of the Most Holy Redeemer (more commonly known as the Redemptorists). One of his major contributions to the study of moral theology revolved around the problem of how to resolve moral dilemmas. Liguori advanced the concept of *equiprobabilism*, the idea that when faced with a moral dilemma that could yield two competing interpretations of the moral law, one is obligated to choose the one that is more likely to be correct. But if the moral interpretations are about equally likely, then one could choose either.<sup>19</sup> Liguori’s formulation was rooted in his understanding of the role of conscience, which he defined as “a judgment or a practical verdict of reason, by which we judge what to do here and now to do good and avoid evil.”<sup>20</sup> A conscience could be wrong and lead one to do evil. Liguori stated that one could never follow a malformed conscience without sinning. Even if one undertook a morally correct action for an immoral reason, such an act remained sinful (e.g. giving to charity solely to receive a tax deduction).

But what if a conscience were simply misinformed? If one earnestly sought to form one’s conscience according to God’s will and truly believed that one’s actions were good, Liguori argued, one did not sin even if the action itself were not objectively good. According to him, a person who follows such a conscience, which he labeled “invincibly erroneous”, would not be guilty of sin; quite the contrary, such a person would even be obligated to follow his/her conscience, erroneous though it might be. So long as one were “directed by reason and prudence”, “acting out of good faith and charity” and—vitality—had made an honest and good faith effort to discern the correct moral path, one did not sin by following one’s conscience.<sup>21</sup> Thus, if a married couple used contraception while truly believing that they were doing so out of good faith and according to their consciences, they were not sinning because they had “invincibly erroneous” consciences. This state of blissful ignorance could be ruined, however, if a priest asked probing questions in an effort to elicit a confession and inadvertently planted sinful ideas in the mind of a penitent.

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<sup>18</sup> *The Catechism of the Council of Trent*, trans. Jeremy Donovan (Baltimore: Lucas Brothers, 1850). 227-28. The Latin uses the phrase “medicamentis vel conceptum impediunt, vel partum abigunt, haec homicidarum impia conspiratio existimanda est.” *Catechismus Ad Parochos Ex Decreto Concilii Tridentini*, (London: Nathanael Thompson, 1687). 294.

<sup>19</sup> Rudolf Schüssler, “On the Anatomy of Probabilism,” in *Moral Philosophy on the Threshold of Modernity*, ed. Jill Kraye and Risto Saarinen, *The New Synthese Historical Library* (Dordrecht: Springer Netherlands, 2005), 108.

<sup>20</sup> Alphonse de Liguori. *Theologia Moralis*, ed. *Le Noir* (Paris, 1872) lib. 1 Tr. 1, cap. 1 §2. Quoted in: Michael Printy, “The Intellectual Origins of Popular Catholicism: Catholic Moral Theology in the Age of Enlightenment,” *Catholic Historical Review* 91, no. 3 (2005): 450-51.

<sup>21</sup> *Ibid.*, 451.



Liguori's works became standard texts in Catholic moral theology, particularly after he was beatified in 1816. The notion of an "invincibly erroneous" conscience also became popular in the confessional, with priests increasingly being instructed not to press penitents about whether or not they had engaged in contraceptive sex, the reason being that asking the very question might scandalize penitents and lead them to further sin.<sup>22</sup> Thus, although the Church certainly rejected contraception as morally wrong, its enforcement of the boundaries of that norm was relatively lax. We can interpret this as a lowering of the salience and constitutiveness of the religious norm against contraception. Likewise, recall Swidler's definition of settled culture as a period when norms, ideology and culture serve as bases for behavior but need not be scrupulously followed. So long as one remained ignorant of the sinfulness of contraception, one's use of contraception did not *ipso facto* constitute a breach of what it meant to be a Christian.

#### *The Franco-Prussian War and the decline of Liguorian circumspection*

The Liguorian approach came under attack as events led Catholics to frame contraception as a threat not only to the faith, but to the state as well. In the Franco-Prussian War (July 19, 1870-May 10, 1871), Catholic France faced a stunning defeat, an enormous war debt, numerous casualties and social turmoil. For the Catholic Church, the defeat of its most powerful secular ally in 1870 was only one of several major shocks that occurred in rapid succession. France's defeat came almost simultaneously with the unification of the Italian states in the *Risorgimento*, the capture of Rome and the annexation of the Papal States, which led Pope Pius IX and his successors to declare themselves "prisoners of the Vatican". The sovereignty of the Church and its relationship with the new Italian state remained unresolved until the 1929 Lateran Treaties gave it control over Vatican City in exchange for relinquishing the Papal States. When the Franco-Prussian war broke out, the Church had been in the midst of the First Vatican Council, which was noted for its strong statements against rationalism and secularism, as well as the formal institution of papal infallibility, all of which were aimed at strengthening the Church's authority against rising nationalist movements.

In France, the defeat at the hands of Prussia led to a national soul-searching to understand the causes behind its fall from grace as Europe's most powerful country. Eventually, French society seized upon "*denatalité*"—a euphemism for depopulation—as the reason for its defeat and a diagnostic frame upon which to mobilize collective action. This led to a popular movement to increase France's birth rate and eliminate the use of contraceptives in a bid to ensure that France would never again be outnumbered in a war. Predictably, the prognostic frame employed rhetoric promoting large families. Public figures like Émile Zola, Raymond Poincaré, and the demographer Jacques Bertillon, who in 1896 founded the National Alliance for the Increase of French Population, loudly declared that France's diminishing birth rate was a matter of vital national security. A postcard printed by the National Alliance just prior to World War I depicts two French soldiers being charged by five German soldiers while the imperial German eagle looms ominously in the background. The caption reads, "Two against five; for every two potential soldiers born in France, Germany produces five. Raising the birth rate is for

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<sup>22</sup> See, for instance: Hartmann Batzill, ed. *Decisiones Sanctae Sedis de usu et abusu matrimonii*, 2nd ed. (Rome: 1944), 17-18.

France a matter of life and death.”<sup>23</sup> In 1911, members of the National Assembly formed a parliamentary group “for the protection of the birth rate and large families”, and in 1920 the government formed a permanent commission to study and propose ways to increase the birth rate.<sup>24</sup>

Elements of the Catholic Church embraced the prevailing diagnostic frame, decrying the decline in the birth rate and attributing it to the practice of contraception, a materialist mindset, and the profaning of marriage by allowing for civil marriages. On the one hand, bishops articulated support for national pro-natalist policies, but on the other hand, they did not hesitate to point to the state’s own role in undermining the sacredness of marriage and by extension, the sacred link between sex and procreation. It was in this context that the Church issued *Arcanum Divinae Sapientiae*, a papal encyclical on marriage promulgated by Pope Leo XIII in 1880. Although it did not explicitly address the issue of contraception, the encyclical denounced the practice of civil marriages and firmly declared that such matters remained the province of the Church. According to *Arcanum*, “...To decree and ordain concerning the sacrament [of marriage] is, by the will of Christ Himself, so much a part of the power and duty of the Church that it is plainly absurd to maintain that even the very smallest fraction of such power has been transferred to the civil ruler.”<sup>25</sup> By clearly stating that marriage was a sacred act and thus emphatically within its purview, the Church laid the groundwork for future pronouncements on the nature of marriage and sexual ethics (including contraception) as well as for future conflicts with temporal authorities. Nevertheless, the very notion that the Church should have to so publicly assert its competence to pronounce on marriage, a privilege that it had long reserved for itself, revealed the weakening of the norm that marriage was a *religious* institution. The cultural environment in which the Church found itself was being unsettled again. As a result, the Church’s teachings on contraception gradually moved away from Liguorian circumspection and toward a more proactive stance in the confessional in order to ensure that Catholics knew where the boundaries of acceptable behavior were.

In 1909, the Belgian theologian Arthur Vermeersch published an article in the *Nouvelle Revue Théologique* in which he argued that the confessor must consider the “common good” when determining whether or not to admonish someone who practiced contraception (which included not just *coitus interruptus* but also condoms, contraceptive medications and spermicidal lotions). Vermeersch argued that if a confessor remained silent, he risked misleading penitents into believing that contraception was not immoral. This, he went on, was unacceptable.

If, for example, I witnessed a conversation where someone was speaking against religion, the Church, or morals, and whose slander I could stop by speaking out, then charity compels me to speak. If my silence lends credence to the error, then

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<sup>23</sup> Richard Tomlinson, Marie-Monique Huss, and Philip E. Ogden, “‘France in Peril,’” *History Today* (1985): 25.

<sup>24</sup> Richard Tomlinson, “The ‘Disappearance’ of France, 1896-1940: French Politics and the Birth Rate,” *The Historical Journal* 28, no. 2 (1985): 405-06.

<sup>25</sup> Pope Leo XIII, *Arcanum Divinae Sapientiae* (1880).

my silence itself would be criminal. And the gravity of my obligation increases with my influence and my authority.<sup>26</sup>

Thus, the confessor had to weigh the need to protect an “invincibly erroneous” conscience against the risk that by respecting it, he would inadvertently convey the message that contraception was morally licit, particularly since he possessed religious authority.

Vermeersch’s argument strongly influenced the Belgian bishops’ instructions to clergy. The instructions declared that contraception was being widely practiced throughout Belgium as a result of an increasingly materialistic view of life that stood in opposition to Christian morals. Thus, the clergy had a duty to denounce contraception. Depending on how a penitent confessed, a priest might have sufficient “founded suspicion” to ask questions that sought to discreetly ascertain whether or not a penitent had indeed used contraception. Noonan relates that those penitents who used it for fear of becoming impoverished were to be reassured that God would not allow them or their children to starve. Those who feared danger from pregnancy or delivery were also to be reassured that nothing bad would happen or, depending on the circumstances, admonished to practice “heroic continence”. The priest was to bless large families and refrain from directly preaching about the evils of contraception unless he were speaking to all-male or all-female groups or engaged couples.<sup>27</sup>

Catholic leaders in other Western European countries followed suit, particularly as the continent prepared for the “Great War”. In 1913, the German bishops followed the Belgian bishops’ denunciation of contraception with a pastoral letter condemning it as the “consequence of luxury”. Catholics engaging in contraception were guilty of “serious sin” and violating the purpose of marriage: procreation “to secure the continuation of the Church *and the state*” [emphasis added].<sup>28</sup> In 1919, in the wake of the devastation of World War I, the French bishops issued a pastoral letter decrying contraception as not only a serious sin against nature and the will of God, but also a blow against the French nation.

The theories and practices which teach or encourage the restriction of birth are as disastrous as they are criminal. The war has forcefully impressed upon us the danger to which they expose our country. Let the lesson not be lost. It is necessary to fill the spaces made by death, if we want France to belong to Frenchmen and to be strong enough to defend herself and prosper.<sup>29</sup>

Thus, by the end of the First World War, the Catholic Church was engaging in defensive sacralization against contraceptive practices. Faced with a plummeting birth rate, social upheaval, the horrors of war, a population “arms race” and the emergence of an increasingly materialist culture, Catholic leaders saw contraception as a threat not only to faith and morals

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<sup>26</sup> Arthur Vermeersch, “Un Grave Périol Moral,” *Nouvelle Revue Théologique* 41 (1909): 67.

<sup>27</sup> Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*: 420.

<sup>28</sup> *Ibid.*, 421.

<sup>29</sup> “Lettre collective de l’Episcopat sur La Régénération de La France Apres La Grande Guerre,” *La Documentation Catholique* 1, no. 18 (1919). Quoted in : Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists*: 422.

but also to the viability of states and the Catholic societies they sustained. As the statements and actions of the Belgian, French and German clergy demonstrate, the Church attempted to raise the salience of the teaching against contraception and to emphasize its connection with what it meant to be a “true” Christian. Yoking this norm to national identity helped to strengthen its legitimacy.

It is important to keep in mind that throughout this whole period, the prescriptive content of the religious norm against contraception had not changed appreciably since Augustine. The deliberate attempt to avoid pregnancy through contraceptives or *coitus interruptus* had never been deemed licit by the Church. What *had* changed, though, were the *salience* and *constitutiveness* of the norm. This, in turn, led to a reprioritization of those religious norms within Catholic societies.

### ***Casti Connubii* and the Return of Natural Moral Law**

Although contraception had become an increasingly salient moral issue for the Catholic Church, it had never been a cause for contention with the Anglican Church. Indeed, there was scarcely any disagreement between Catholics and Anglicans over contraception until 1930. That was when the Seventh Lambeth Conference of Anglican bishops passed a resolution allowing contraception by married couples “where there is such a clearly felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence”, while simultaneously condemning “the use of any methods of conception control from motives of selfishness, luxury, or mere convenience.”<sup>30</sup> Once again, this served as an “unsettling” event that stimulated the Church to reassert its norms against contraception.

In response to the Lambeth Conference, Pope Pius XI published on December 31, 1930 a papal encyclical on Christian marriage titled *Casti Connubii* (“On Chaste Wedlock”). *Casti Connubii* emphasized the sacred and indissoluble nature of marriage (taking particular aim at the idea of civil marriages in an echo of *Arcanum Divinae Sapientiae*) as well as the absolute good of bearing children. “Thus amongst the blessings of marriage,” read the encyclical, “the child holds the first place.”<sup>31</sup> On the other hand, *Casti Connubii* also acknowledged the unitive aspects of matrimony—which included “mutual aid, the cultivating of mutual love, and the quieting of concupiscence”—though these were defined as “secondary ends”.<sup>32</sup> For the first time, the Church declared love to be a legitimate reason for marital intercourse, displacing the legalistic language of the marital debt. While the main purpose of marriage was still to produce children, this was a notable concession given Saint Augustine’s earlier condemnation of marital intercourse in which the spouses desired “carnal pleasure”.

*Casti Connubii* also upheld the longstanding condemnation against contraception, arguing that it was a sin because sex was primarily procreative.<sup>33</sup> Reflecting the backlash against Liguori, the encyclical warned that a priest who failed to admonish penitents to avoid contraception would someday have to “render a strict account to God, the Supreme Judge, for

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<sup>30</sup> Lambeth Conference (1930), Resolution 15. <http://www.lambethconference.org/resolutions/downloads/1930.pdf>

<sup>31</sup> Pope Pius XI, *Casti Connubii* (1930). 11.

<sup>32</sup> *Ibid.*, 59.

<sup>33</sup> *Ibid.*, 54, 56.

the betrayal of his sacred trust, and let him take to himself the words of Christ: ‘They are blind and leaders of the blind: and if the blind lead the blind, both fall into the pit.’”<sup>34</sup> *Casti Connubii* stated unequivocally that no situation, no matter how grave, could possibly justify contraception. “Since, therefore, the conjugal act is destined primarily by nature for the begetting of children, those who in exercising it deliberately frustrate its natural power and purpose sin against nature and commit a deed which is shameful and intrinsically vicious.”<sup>35</sup> The very idea that there may be circumstances under which it is impossible to follow the teaching was condemned. “*No difficulty can arise that justifies the putting aside of the law of God which forbids all acts intrinsically evil.* There is no possible circumstance in which husband and wife cannot, strengthened by the grace of God, fulfill faithfully their duties and preserve in wedlock their chastity unspotted.” (Emphasis added)<sup>36</sup>

The Church teaches that for an act to be moral, the ends *and* the means must both be moral as well. Circumstances can change the *degree* of morality or immorality, but they can never change whether or not an act is moral.<sup>37</sup> By emphasizing that contraception was *intrinsically* evil, the Church held that it did not matter if there was a good intent behind it; it was *always* wrong. The diagnostic frame emphasized lust as the real motivation behind contraception. Poverty, while acknowledged as a contributing factor, was not a legitimate excuse for intemperance. The prognostic frame was one of self-mastery, calling upon the divine assistance of God to help couples overcome lustful tendencies.

*Casti Connubii* relied heavily on the concept of *natural law* (or “natural moral law”), which refers to an innate, God-given ability that all humans possess enabling them to distinguish between good and evil, right and wrong. It is conceptualized as the set of first principles upon which all other values are built—axioms without which a system of morals cannot be constructed.<sup>38</sup> It is natural law that informs the intellect and allows people to distinguish right from wrong. Because it arises from human beings’ very nature as rational creatures, natural law holds even in the absence of an explicitly religious or ethical education and is not dependent on culture, history or any other temporal or geographical factor. Instead, natural law is universal and immutable no matter the circumstances.<sup>39</sup> For the Catholic Church, recognizing or proclaiming the discovery of a natural law is important because it is then applicable to *all* human beings at all times, not simply Christians. Whether one believes in God or not, reason should lead people to discover and accept the natural law. In practice, though, the Church teaches that because of humanity’s sinfulness, God’s grace and revelation are needed to clarify the natural law.<sup>40</sup> As far as the Church is concerned, then, a violation of the

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<sup>34</sup> Ibid., 57.

<sup>35</sup> Ibid., 54.

<sup>36</sup> Ibid., 61.

<sup>37</sup> On intrinsic evil and the necessary confluence of intent and object required for an action to be moral, see *Catechism of the Catholic Church*, 2nd ed. (Vatican City: Libreria Editrice Vaticana, 1997). 1751-54.

<sup>38</sup> J. Budziszewski, *Written on the Heart: The Case for Natural Law* (Downers Grove, IL: Intervarsity Press, 1997). 67-69. Budziszewski provides an excellent introduction to natural law theory that does far better justice to the topic than my cursory treatment here and is highly recommended for anyone wishing to pursue this line of inquiry further.

<sup>39</sup> *Catechism of the Catholic Church*: 1954-58.

<sup>40</sup> Ibid., 1960.

natural law is tantamount to a violation of explicitly religious tenets since natural law is ordained by God the Creator alone.

So returning to *Casti Connubii*, we can see how Pius XI roots his argument in natural law when he states that sex is *by its very nature* intended for procreation, and that any direct interference with that procreative function during sex constitutes a sin against nature. In many ways, this is simply a formalization of the Augustinian argument against non-procreative sex. Like Paul, Augustine viewed sex as for procreation and the fulfillment of the marital debt only. Non-procreative sex was by definition sinful because it reduced sex to lust. *Casti Connubii* reframed this in terms of nature. The sin here was still of lust, but lust was viewed as sinful because it violated the intended purpose of sexuality. As an authoritative statement from the Pope, *Casti Connubii* carried the weight of ecclesial authority. Once again, the Church rooted the teaching against contraception in the authority of the sacred by linking it to religious teachings. By drawing upon natural law, the Church also attempted to universalize the norm against contraception beyond a purely religious audience.

### **The Allocution to Midwives and the Emergence of Natural Family Planning**

*Casti Connubii* declared that contraception was intrinsically evil because it violated the procreative nature of the sexual act. But what if the purpose of sexuality were understood to be not only procreative but also unitive *in equal part*? If that were the case, then might it not be natural (and thus moral) for married couples to sometimes engage in intercourse without intending to procreate? And if that were true, then what did it mean for the declaration that contraceptives could never be used under any circumstances?

The 1951 Allocution to Midwives, promulgated by Pope Pius XI's successor, Pius XII, provided one answer: sex was primarily procreative, but it was permissible for a married couple to have sex during the wife's infertile period provided there were sufficiently serious motives for avoiding procreation. In the address, Pius XII declares all human life, including unborn fetuses, to be inviolable. "Children," he wrote, "are the recompense of the just, as sterility is very often the punishment of the sinner."<sup>41</sup> He went on to reiterate that contraception was intrinsically immoral and stated that "this precept is in full force today, as it was in the past, *and so it will be in the future also, and always, because it is not a simple human whim, but the expression of a natural and divine law* [emphasis added]."<sup>42</sup>

But while Pius condemned contraception, he nevertheless did not find anything intrinsically wrong with having intercourse during infertile periods. For Pius, the matter was about the nature of the marriage "contract" and the concept of the "marital debt". He argued that if one or both of the marriage partners entered into wedlock on the understanding that there was no "matrimonial right" to have intercourse during the wife's fertile periods, then the marriage would be invalid. On the other hand, if the husband and wife did not deny to one another the right to fulfill the marriage debt but only the *use* of that right, then the marriage *would* remain valid.<sup>43</sup> Practically speaking, this meant that a person could not refuse sex if asked by his or her spouse, regardless of the wife's fertility. But if the spouses never demanded

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<sup>41</sup> Pope Pius XII, *Allocution to Midwives* (1951).

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

sex during the wife's fertile periods, then that would be permissible. Pius explained that marriage confers an obligation on the couple to produce children, which is in keeping with the natural law view of sex as being ordered to procreation. For serious reasons beyond their control, a couple could legitimately chose periodic abstinence as a method of spacing or limiting births, even to the point of forgoing having children altogether. Pius warned, however, that couples were only to seek to avoid having children if they had legitimate motives for doing so; otherwise they would be committing a sin.<sup>44</sup>

Nevertheless, the permitting of periodic abstinence to avoid pregnancy was a significant development in Catholic moral teaching, especially since Augustine himself had condemned it (indeed, sex during infertile periods had been the Manichees' primary method of avoiding procreation).<sup>45</sup> At the same time, the Allocution also raised new questions. For instance, what if a married couple wanted to space their children's births and used a condom instead of natural family planning? The intent would be the same, but the means would be different. In general, though, there was not much organized resistance among Catholics to the Holy See's stance on contraception or the various frames that it articulated. They were simply accepted as normal by the vast majority of Catholics.

### ***Humanae Vitae* and the Sacralization of Sexual Intercourse**

No modern papal encyclical has generated as much controversy as *Humanae Vitae*. Issued by Pope Paul VI in 1968 in the heady days following the Second Vatican Council and the advent of the "sexual revolution", it immediately touched off an acrimonious conflict within the Church that continues to this day. In this section, I provide an overview of the teaching laid out in *Humanae Vitae* and the ensuing debate. The intent is not to give an exhaustive historical account of *Humanae Vitae's* development as there are several works that have already undertaken that task.<sup>46</sup> Rather, the goal is to get a sense of the theological rifts that so divided elements in the Church after the encyclical's publication.

While the "unsettling" event that sparked the publication of *Casti Connubii* was the Lambeth Conference and its removal of restrictions on contraception, the "unsettling" event for *Humanae Vitae* was the invention of the birth control pill, which was first approved for use in 1960 in the United States. Unlike a condom, which depended upon men's cooperation, the birth control pill provided women with a convenient means of controlling their periods and was significantly more effective at preventing pregnancy than earlier methods such as diaphragms or spermicides. The social implications of this were potentially staggering. For married women, it became possible to postpone or eschew having children altogether so as to focus on career advancement and education. In the United States, this helped to transform the popular

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<sup>44</sup> Ibid.

<sup>45</sup> John T. Noonan Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge: Harvard University Press, 1986). 120.

<sup>46</sup> See, for instance: Robert McClory, *Turning Point: The Inside Story of the Papal Birth Control Commission, and How Humanae Vitae Changed the Life of Patty Crowley and the Future of the Church* (New York: Crossroad, 1995); Janet E. Smith, *Humanae Vitae: A Generation Later* (Washington D.C.: Catholic University of America Press, 1991); Charles B. Keely, "Limits to Papal Power: Vatican Inaction After *Humanae Vitae*," *Population and Development Review* 20 (Supplement) (1994); William H. Shannon, *The Lively Debate: Response to Humanae Vitae* (New York: Sheed & Ward, 1970).

postwar image of women as homemakers and facilitated the entry of more women into the workforce. The pill also helped to erode the taboo against premarital sex since it offered a relatively reliable way of avoiding the social stigma and burden of an unwanted pregnancy.

*Humanae Vitae* sought to answer two key questions. The first was whether it was necessary for every single act of sexual intercourse in a marriage to be open to procreation, or only if the “totality” of a marriage must be open to it. If the latter were true, then a couple could use contraceptives provided that they were not completely opposed to having children.<sup>47</sup> The second question was whether it was permissible for people to use artificial means of contraception in addition to the periodic abstinence prescribed by the 1951 Allocution to Midwives.

*Humanae Vitae’s* answer to the first question was that every single act of sexual intercourse must be open to the possibility of producing new life. To the second question, it answered that artificial methods of birth control were forbidden and reaffirmed natural family planning as the only legitimate means of spacing and limiting births. The rationale for these positions hinged on three interconnected ideas: first, the inseparability of the unitive and procreative aspects of marriage; second, the proper relationship between humans and God, with humans as stewards of God’s will rather than completely free beings, and third, the consequences of using artificial contraception.

#### *Putting sex in its proper place – God as creator, Humans as procreators*

Unlike Augustine, who only grudgingly accepted that marriage might be for more than just procreation and quieting concupiscence, or *Casti Connubii*, which relegated the non-procreative aspects of marital intercourse to secondary status, *Humanae Vitae* openly declared that the loving union between husband and wife is a primary good of marriage in and of itself. “Whoever really loves his partner”, it read, “loves not only for what he receives, but loves that partner for the partner’s own sake, content to be able to enrich the other with the gift of himself.”<sup>48</sup> At the same time, *Humanae Vitae* also affirmed that children are an integral part of marriage and a natural result of a loving union between husband and wife. Drawing on natural law theory, *Humanae Vitae* reiterated that sex was designed by nature for procreation *and* strengthening the marital union. As the fundamental expression of the marital act, the encyclical taught that it was forbidden to separate the unitive and procreative aspects in even a single act of intercourse because doing so would contradict the very nature and end of marital intercourse and married love.<sup>49</sup> Here, we can see echoes of Augustine’s charge in *Aliquando* that a husband and wife who use contraception are not truly married. If marital intercourse is by definition both unitive *and* procreative, then an act that lacks one of the components is by nature not an act of marital intercourse but something else. This is explicitly laid out in article 13 of the encyclical.

...An act of mutual love which impairs the capacity to transmit life which God the Creator, through specific laws, has built into it, frustrates His design which

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<sup>47</sup> Pope Paul VI, *Humanae Vitae* (1968). 3.

<sup>48</sup> *Ibid.*, 9.

<sup>49</sup> *Ibid.*, 12-13.



constitutes the norm of marriage, and contradicts the will of the Author of life. Hence to use the divine gift while depriving it, even if only partially, of its meaning and purpose, is equally repugnant to the nature of man and woman, and is consequently in opposition to the plan of God and His holy will. But to experience the gift of married love while respecting the laws of conception is to acknowledge that one is not the master of the sources of life but rather the minister of the design established by the Creator.<sup>50</sup>

This was familiar language. It sacralized the act of sexual intercourse, just as Augustine had done centuries earlier, though for different reasons. Whereas Augustine had argued that contraception was wrong because it turned legitimate procreative marital sex into an act of lust, *Humanae Vitae* now argued that contraception was wrong because it prevented God from bringing forth a new life, thereby usurping God's authority. Human beings, the Church contended, do not create human life; they are simply vessels through which God creates it. Consequently, a couple's coitus must conform to God's design and contraceptive sex is not only unnatural but a challenge to the sovereignty of God. Pope John Paul II, in a 1983 address, affirmed this forbidden nature of contraception, saying:

No man comes into existence by chance; he is always the object of God's creative love. From this fundamental truth of faith and reason it follows that the procreative capacity, inscribed in human sexuality, is—in its deepest truth—a cooperation with God's creative power. And it also follows that man and woman are not the arbiters, are not the masters of this same capacity, called as they are, in it and through it, to be participants in God's creative decision. When, therefore, through contraception, married couples remove from the exercise of their conjugal sexuality its procreative capacity, they claim a power which belongs solely to God...In this perspective, contraception is to be judged objectively so profoundly unlawful as never to be, for any reason, justified. To think or to say the contrary is equal to maintaining that in human life situations may arise in which it is lawful not to recognize God as God.<sup>51</sup>

Recognizing this proper relationship between God and humanity is at the heart of what the encyclical calls "responsible parenthood". Responsible parenthood entails a respect for the natural and intended functions of procreative processes, a willingness to subject one's "innate drives and emotions" to the yoke of reason, and can be practiced both by parents who "prudently and generously decide to have more children and by those who, for serious reasons and with due respect to moral precepts, decide not to have additional children for either a certain or an indefinite period of time."<sup>52</sup>

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<sup>50</sup> Ibid., 13.

<sup>51</sup> Pope John Paul II, "Address to the Participants in the Study Seminar on Responsible Parenthood," *L'Osservatore Romano*, September 18, 1983.

<sup>52</sup> Pope Paul VI, *Humanae Vitae*: 10.

Even if one accepted all these propositions, though, could one not argue that a married couple might occasionally use contraception as a means of spacing and limiting births rather than eschewing having children altogether? Here the encyclical upheld the natural law argument of *Casti Connubii*: if every individual act of contraception were intrinsically wrong, it did not matter if a couple later decided to have more children since neither good intentions nor extenuating circumstances could ever completely mitigate an intrinsically wrong action.<sup>53</sup> *Humanae Vitae* argued that even if not abortifacient, artificial contraception is wrong because it actively subverts God's design for sexual intercourse as both a unitive *and* a procreative act. This held true for all forms of contraception except for periodic abstinence, which was deemed permissible because it utilizes the natural periods of infertility that God has already created in women and does not separate the procreative and unitive aspects.

### *The consequences of contraception*

In order to further justify its opposition to artificial contraception, *Humanae Vitae* also raised a number of concerns about its effects. First, the encyclical considered that relaxing the prohibition against artificial contraception could start society down a slippery slope to increased marital infidelity and "a general lowering of moral standards."<sup>54</sup> Second, the encyclical warned that as the use of contraceptives became normal, men would begin to treat women as objects for their sexual gratification rather than partners in love. Lastly, the encyclical raised the possibility that if contraception became normal, then people would have fewer qualms about letting governments regulate births by, for instance, allowing them to favor only certain kinds of contraceptive methods (implying that such methods might contradict Church teaching) or even mandating their use on a country's population.<sup>55</sup>

Like *Casti Connubii*, *Humanae Vitae* acknowledged that the Church was asking a great deal of married couples, but it insisted that it was never permissible to relax the moral law and allow the use of contraceptives. Also like *Casti Connubii*, the encyclical called upon Christian couples to seek strength and aid through prayer and the Eucharist. If in spite of these efforts they still fell into sin, the encyclical urged them not to lose heart but, "humble and persevering, have recourse to the mercy of God abundantly bestowed in the Sacrament of Penance."<sup>56</sup> To those who disputed the teaching of the Church, the encyclical dismissed potential criticism and remained steadfast in the conviction that the Church was merely carrying out God's will, which it dared not challenge.<sup>57</sup>

### **The Theological Debate over *Humanae Vitae*: Infallibility, Conscience and Dissent**

What *Humanae Vitae* did was to provide a comprehensive collective action frame in the same vein as *Casti Connubii* and other papal proclamations on contraception and marriage. The diagnostic frame located the cause of contraception in a combination of social factors, including technological advances, increasing poverty (itself framed as a result of neglectful government)

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<sup>53</sup> Ibid., 14.

<sup>54</sup> Ibid., 17.

<sup>55</sup> Ibid., 17.

<sup>56</sup> Ibid., 25.

<sup>57</sup> Ibid., 18.

and a materialistic mindset. As in *Casti Connubii*, the prognostic frame espoused temperance, self-restraint in matters of sexuality and, where necessary, natural family planning to space or limit births, along with prayer for discipline and fortitude. The motivational frame drew on both reverence and social stability themes, declaring that marriage was sacred and that it was necessary to keep marital intercourse both unitive and procreative. At the same time, the motivational frame warned that the widespread acceptance of contraception could lead to a denigration of human life. Judging solely by historical precedent, these features alone would not have predicted the outcry against *Humanae Vitae*. However, the Second Vatican Council and its promises of sweeping reform raised hopes and expectations that the Church's teaching on contraception would also change.

Prior to the issuance of the encyclical, a Papal Birth Commission composed of clergy and lay experts had issued a report arguing that married couples could indeed use artificial contraception on certain occasions so long as the marriage itself was not closed to having children. In other words, individual acts of contraception were permissible if done in a spirit of responsible parenthood, but could not be done as part of a selfish rejection of children.<sup>58</sup> After all, the writers reasoned, not every act of marital intercourse needed to have procreative intent. The report of the commission, which was made public through the media, also raised hopes that the Pope would rule in favor of a more permissive stance on contraception and exacerbated the backlash against *Humanae Vitae* when it was finally released.

A significant number of theologians voiced their dissent from *Humanae Vitae*. At the Catholic University of America, a group of American theologians under the leadership of Fr. Charles E. Curran drafted a statement—known as the Washington Statement—which was eventually signed by over six hundred theologians. The Statement first declared that *Humanae Vitae* was not an infallible teaching and then went on to criticize both its ecclesiology and its ethical content.

In the first place, the Washington Statement declared that the encyclical's identification of the Church with the Vatican hierarchy was too narrow and excluded "the special witness of many Catholic people" as well as that of the separated Christian churches and ecclesial communities. The theologians also accused the encyclical of ignoring "the ethical import of modern science" and the opinions of the Papal Birth Commission. Regarding the substantive ethical content of the encyclical, the theologians claimed that its use of natural law theory was "inadequate" and ignored the fact that there existed a number of diverse interpretations of natural law. They also argued that the encyclical would exacerbate poverty, exaggerated the negative consequences of artificial contraceptives, and adopted an overly static view of human development.<sup>59</sup> Crucially, the statement ended with this assessment: "We conclude that spouses may responsibly decide according to their conscience that artificial contraception is permissible and indeed necessary to preserve and foster the values and sacredness of marriage."<sup>60</sup>

Due diligence necessitated that one give proper respect to the teaching of the Church. But given that one had considered the Church's teaching on contraception, could it not be

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<sup>58</sup> Shannon, *The Lively Debate: Response to Humanae Vitae*: 95.

<sup>59</sup> "Text of the Statement by Theologians," *New York Times*, July 31, 1968.

<sup>60</sup> *Ibid.*

possible for there to be legitimate dissent? In other words, given that *Humanae Vitae* had been received so poorly by many ordinary Catholics, just how binding were its teachings upon believers? The question immediately raised questions about the Church's authority and whether the Pope could be wrong in his pronouncement. This meant that the question of contraception soon became embroiled in the broader debate over papal infallibility.

### *Papal infallibility*

The concept of papal infallibility is rooted in the promise that Jesus made to Peter in the Gospel According to Matthew: "...Thou art Peter; and upon this rock I will build my church, and the gates of hell shall not prevail against it."<sup>61</sup> Initially formalized at the First Vatican Council (1869-1870), where approximately sixty of the opposing bishops walked out before the nearly unanimous vote (535 to 2 in favor)<sup>62</sup>, papal infallibility asserted that the Pope could teach infallibly under certain circumstances (what was referred to as the "extraordinary magisterium"). First, he had to teach on a matter of faith and morals. Second, he could only teach *ex cathedra*, that is, in his position as the supreme leader of the Church and the apostolic successor to Peter and not in his capacity as a private theologian or the Bishop of Rome. Third, he had to definitively propose the teaching as an infallible doctrine held by the universal church.<sup>63</sup>

The Second Vatican Council reaffirmed the teaching on papal infallibility but explicitly linked it to the infallibility of the bishops when they taught in communion with the pope.

Although the individual bishops do not enjoy the prerogative of infallibility, they nevertheless proclaim Christ's doctrine infallibly whenever, even though dispersed throughout the world, but still maintaining the bond of communion among themselves and with the successor of Peter, and authentically teaching matters of faith and morals, they are in agreement on one position as definitively to be held. This is even more clearly verified when, gathered together in an ecumenical council, they are teachers and judges of faith and morals for the universal Church, whose definitions must be adhered to with the submission of faith.<sup>64</sup>

Thus, infallibility could be validly proclaimed not only extraordinarily by the Pope but also through ecumenical councils as well as through the consistent teaching of the bishops, what is referred to as the "ordinary magisterium".

Infallible doctrines, by definition, are non-negotiable. They are solemn pronouncements on the faith that carry the weight of the highest interpretative authorities: the Pope and the bishops. Generally speaking, there were two main views on the infallibility of *Humanae Vitae*. One perspective viewed the teaching on contraception as an infallible doctrine taught by the

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<sup>61</sup> Matt. 16:18 (DV).

<sup>62</sup> John Vidmar, *The Catholic Church Through the Ages* (Mahwah, NJ: Paulist Press, 2005). 288; Thomas Bokenkotter, *A Concise History of the Catholic Church*, Revised and Expanded ed. (New York: Image, 2004). 325-26.

<sup>63</sup> Vatican Council I, *Pastor Aeternus: Dogmatic Constitution on the Church of Christ* (1870). Ch. 4 §9.

<sup>64</sup> Pope Paul VI, *Lumen Gentium: Dogmatic Constitution on the Church* (1964). 25.

Pope in communion with the bishops—that is, via the ordinary magisterium. In other words, it could not possibly be wrong because the encyclical reflected the teaching authority of the entire Church, which was gifted with infallibility by the Holy Spirit.<sup>65</sup> Most Catholic theologians and bishops, however, held to the more restrictive view that infallibility required an explicit declaration by the Pope. By this standard, only the teachings regarding the Assumption of the Blessed Virgin Mary in 1950 and the Immaculate Conception of Mary in 1854 counted as indisputably infallible statements. But even if the teaching on contraception were not truly infallible, the Church requires that non-infallible teachings must be accorded “religious submission of will and intellect”. According to canon law,

Although not an assent of faith, a religious submission of the intellect and will must be given to a doctrine which the Supreme Pontiff or the college of bishops declares concerning faith or morals when they exercise the authentic magisterium, even if they do not intend to proclaim it by definitive act; therefore, the Christian faithful are to take care to avoid those things which do not agree with it.<sup>66</sup>

An assent of faith means that one accepts the correctness of the teaching because of the direct authority of God. On the other hand, a religious submission of will and intellect derives from the authority of the Church, which has been endowed with teaching authority by Christ. It is religious because it is a response to the authority of the Church. It is a submission of intellect and will in that Catholics are to treat such pronouncements as authoritative and thus correct. While it was theoretically possible that the Church *might* be wrong, it was not very likely, and dissenting from even a non-infallible teaching would require a tremendous amount of due diligence to overcome the presumption that one was simply trying to dodge an inconvenient obligation.<sup>67</sup>

The theologian Richard McCormick, S.J., in his *Notes on Moral Theology*, agrees that Catholics should act on the presumption that even non-infallible statements are correct and respond to such teachings with religious submission of intellect and will. Practically speaking, this would mean that believers should be willing to use the teaching to reevaluate their own positions and to seek out whether it could be arrived at by paths other than the magisterium’s.<sup>68</sup> In theory, writes McCormick, this attempt could lead to somewhere other than acceptance of the teaching, though he does not expect this to be a regular occurrence since that would mean that the magisterium had lost its teaching authority. He continues by arguing that if only a few people dissent from the teaching, then that should suggest that it is one’s own

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<sup>65</sup> Arguably the most famous articulation of this position with respect to *Humanae Vitae* is: John C. Ford and Germain Grisez, “Contraception and the Infallibility of the Ordinary Magisterium,” *Theological Studies* 39, no. 2 (1978).

<sup>66</sup> *Code of Canon Law*, trans. Canon Law Society of America (Vatican City: Libreria Editrice Vaticana, 1983). Canon 752.

<sup>67</sup> David Fitch, “Curran and Dissent: The Case for the Holy See,” in *Dissent in the Church*, ed. Charles E. Curran and Richard A. McCormick, *Readings in Moral Theology* (New York: Paulist Press, 1988), 437-38.

<sup>68</sup> Richard McCormick, *Notes on Moral Theology: 1965 Through 1980* (Washington D.C.: University Press of America, 1981). 222.

ability to accept the teaching that is really the problem. If, however, “a large number of loyal, docile, and expert Catholics” also have problems accepting it, then it suggests that the correctness of the teaching could be less than fully certain. If dissent from a non-infallible teaching could not be justified in this situation, wonders McCormick, then what situation would? After all, if the threshold for dissent were impossibly high, then the distinction between infallible and non-infallible teachings would be meaningless. “At this point one would wonder whether such a doctrine could give rise to a certain obligation in conscience.”<sup>69</sup>

#### *Frame resonance in Humanae Vitae*

We can think of the rejoinders to *Humanae Vitae* regarding conscience and papal infallibility (or the lack thereof) as indications that the defensive sacralization articulated in the encyclical failed to resonate with many ordinary Catholics as well as some theologians and other religious authorities. Here, it is useful to refer back to Noakes and Johnston’s three sets of variables that affect frame resonance: 1.) attributes of the frame makers (including their credibility, charismatic authority and strategic tailoring); 2.) attributes of the target audience (including their ideological, demographic, attitudinal and moral orientations), and 3.) attributes of the frame itself (including its compatibility with existing culture, its internal consistency, and its relevance.

In the first category, the attributes of the frame makers did not change significantly. It was still the Pope in communion with the bishops. Likewise, the attributes of the frame connecting artificial contraception to hedonism, selfishness and a violation of the proper relationship between God and human being had not changed much since *Casti Connubii*. However, the atmosphere of Vatican II, the emerging sexual revolution, the depiction of the contraceptive pill as a blow for women’s liberation, and the high expectations for a significant change in the teaching against contraception all constituted changes in the target audience’s ideational orientations. As a result, the framing of contraception as a moral wrong resulted in a cultural mismatch between the Church and a significant portion of the laity, even as “preservationist” Catholics hailed it as a necessary defense against creeping secularization. This cultural mismatch, in turn, laid the groundwork for intense contestation over the meaning of contraception for Roman Catholicism.

In a strikingly prescient article published in 1968 in the Jesuit magazine *America*, Avery Dulles, S.J., one of the pre-eminent American Catholic theologians of his time and a future cardinal, pleaded for respectful dialogue, noting that while *Humanae Vitae* should be presumed to be correct, conscientious dissenters from the teaching should not automatically be labeled as disloyal to the Church. “While we cannot presently achieve full agreement among Catholics regarding the morality of contraception,” he wrote, “we can and must achieve a tolerable modus vivendi between Catholics who accept the encyclical and those who, for serious and conscientious reasons, feel they must dissent.” He further warned,

It would be a serious mistake to use the encyclical as a kind of Catholic loyalty test. Nothing could so quickly snuff out the spirit of personal responsibility,

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<sup>69</sup> *Ibid.*, 222.

which has done so much to invigorate American Catholicism in the past few years. Nothing could be more discouraging to young people and intellectuals, upon whom the future of our Church so greatly depends. Nothing could be more destructive of the necessary autonomy of Catholic universities and journals, which have begun to prosper so well. Nothing, finally, could be more harmful to the mutual relations of trust and cordiality that have recently been established between bishops and theologians.<sup>70</sup>

Dulles's warning proved to be prophetic. As the debate over contraception continued to churn, it became linked to a wider range of issues and increasingly became a litmus test for faithfulness to the Church. Adherence to the religious norm against contraception, then, became heavily linked to Catholic identity.

### **The Church and the Culture of Death: Pope John Paul II and *Evangelium Vitae***

From the 1970s onward, a number of major developments heralded the continued salience of the religious norm against contraception for the Catholic Church. In the 1970s, the abortion issue took front and center stage as a number of countries legalized the practice. Britain (excluding Northern Ireland) legalized abortion in 1967. Canada allowed abortions under certain circumstances in 1969. This was followed by a wave of countries that also legalized abortion, including India (1971), the United States (1973), France (1975), West Germany (1976), New Zealand (1977), Italy (1978), and the Netherlands (1980). Contraceptives became increasingly widespread. The discovery of AIDS in the early 1980s and the designation of HIV as its cause in 1986 also led to increased advocacy from the medical community for the use of condoms to guard against its transmission, which had become a serious problem.

Pope Paul VI died in 1978. His successor, Pope John Paul I, held office for barely a month before dying himself. The 58-year old Karol Cardinal Wojtyla, the Archbishop of Krakow, Poland, was elected pope and took for himself the name John Paul II. His reign of 26 years (1978-2005) was the second-longest documented papacy in history, exceeded only by Pius IX. As a result, John Paul wielded tremendous influence in shaping the Church as it moved into the twenty-first century. Perhaps more than any other pope, John Paul II made the safeguarding of human life and the family the centerpiece of his reign. He wrote extensively on the need to protect human life from conception to natural death and left an indelible mark on Catholic moral teaching. In this section, I will lay out some of John Paul II's major teachings on contraception and explain how they helped to "graft" the norm against contraception on to religious norms defending innocent lives and especially the unborn. In doing so, they helped to frame the defense of human life as a constitutive component of Catholic faith.

#### *Familiaris Consortio: designating new threats to the family*

One of the Pope's first statements on the family was the apostolic exhortation, *Familiaris Consortio*, a lengthy reflection on the nature of the Christian family in the modern world, published in November of 1981. Like Paul VI in *Humanae Vitae*, John Paul acknowledged that

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<sup>70</sup> Avery Cardinal Dulles, "Karl Rahner on "Humanae Vitae"," *America*, September 28 1968.[http://www.americamagazine.org/content/article.cfm?article\\_id=10722](http://www.americamagazine.org/content/article.cfm?article_id=10722).

the increasingly rapid changes in society and culture have profoundly shaped the family, “as much as and perhaps more than any other institution”.<sup>71</sup> He also upheld the sacred nature of marriage and the family, which were established by God but required the grace of Christ in order to be healed of sin and brought to fulfill its divine purpose. Yet this sacred understanding of marriage and the family, he wrote, was being undermined by powerful external forces that were aided by modern means of social communication.<sup>72</sup> Among the threats to the family that John Paul listed were:

a mistaken theoretical and practical concept of the independence of the spouses in relation to each other; serious misconceptions regarding the relationship of authority between parents and children; the concrete difficulties that the family itself experiences in the transmission of values; the growing number of divorces; the scourge of abortion; the ever more frequent recourse to sterilization; the appearance of a truly contraceptive mentality.<sup>73</sup>

John Paul attributed these problems to a misunderstanding and corruption of the notion of freedom. Freedom, he argued, was being portrayed as a license to pursue one’s own selfish desires at the expense of others, rather than “a capacity for realizing the truth of God’s plan for marriage and the family”.<sup>74</sup> This led to an “anti-life mentality”. For John Paul, life itself was the greatest gift that God gave humanity.

...[T]he Church firmly believes that human life, even if weak and suffering, is always a splendid gift of God’s goodness. Against the pessimism and selfishness which cast a shadow over the world, the Church stands for life: in each human life she sees the splendor of that “yes”, that “amen”, who is Christ himself. To the “no” which assails and afflicts the world, she replies with this living “yes”, thus defending the human person and the world from all who plot against and harm life.<sup>75</sup>

Because human life is a gift from God, it is not to be casually thrown away, mocked or otherwise treated in a cavalier manner. This is not to say that John Paul was unaware of the serious problems of poverty that could severely degrade the quality of life, but he emphatically rejected the idea that the active prevention or taking of human life was a permissible solution.

*Familiaris Consortio* is notable for its new understanding of marriage which, while building upon *Humanae Vitae*’s unitive/procreative formula, articulated in fuller detail its sacramental nature. *Familiaris Consortio* described marriage not in the sterile language of the marriage debt or quieting concupiscence but rather in terms of a mutual self-giving that lies at the very core of humanity’s vocation—God himself is love. Because God created human beings

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<sup>71</sup> Pope John Paul II, *Familiaris Consortio* (1981). 1.

<sup>72</sup> *Ibid.*, 4.

<sup>73</sup> *Ibid.*, 6.

<sup>74</sup> *Ibid.*, 6.

<sup>75</sup> *Ibid.*, 30.



in his image, the vocation of the human being is emphatically to love.<sup>76</sup> Yet the kind of love that the Pope was referring to explicitly excludes selfish gratification and mere sexual pleasure; instead, it is by definition a mutual self-giving. As *Familiaris Consortio* notes,

it is by no means something purely biological, but concerns the innermost being of the human person as such. It is realized in a truly human way only if it is an integral part of the love by which a man and a woman commit themselves totally to one another until death.<sup>77</sup>

In other words, sex is sacred not just because it involves cooperation with the divine in the procreation of a human being but also because it is an expression of complete, mutual, self-giving marital love. Sex outside of a committed sacramental marriage negates the idea of total mutual self-giving.

The total physical self-giving would be a lie if it were not the sign and fruit of a total *personal* self-giving, in which the whole person, including the temporal dimension, is present: if the person were to withhold something or reserve the possibility of deciding otherwise in the future, by this very fact he or she would not be giving totally. [Emphasis added]<sup>78</sup>

This was a significant holding since it argued that contraception did not just harm the procreative aspect of sex but the unitive aspect as well, thereby undermining the argument that sex between spouses using contraceptives could still be valid as an expression of mutual love. On this point, *Familiaris Consortio* argued that it was simply impossible for spouses to fully express that mutual love with artificial contraceptives, even if they were used only intermittently.

### *Evangelium Vitae*

“The Gospel of Life”, promulgated in 1995, was John Paul II’s magnum opus. It detailed his theological understanding of and justification for the preservation of human life under all circumstances. Equally important, it situated contraception within a broader normative conflict. *Evangelium Vitae* addressed a wide variety of issues related to the preservation of human life, but chief among its concerns were abortion and euthanasia. While the Church had long taught these to be grave sins, what made the encyclical so significant was its placement of these issues into a coherent *master frame* of a battle between a “culture of life” and a “culture of death”, thereby encompassing a wide range of normative debates. These terms would become ubiquitous in the transnational countermovement against reproductive health norms.

In John Paul’s view, every person is created by God and ultimately called to eternal life united with him, granting them inherent dignity and sacredness.<sup>79</sup> At the same time, because it

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<sup>76</sup> Ibid., 11.

<sup>77</sup> Ibid., 11.

<sup>78</sup> Ibid., 11.

<sup>79</sup> Pope John Paul II, *Evangelium Vitae* (1995). 2, 34, 52.

is God who grants life to man, it follows that people cannot do as they please. The power of life and death belongs solely to God and must not be usurped. Echoing *Humanae Vitae*, John Paul asserted that even parents cannot claim that they are solely responsible for bringing their children into the world. Rather, they cooperate with God, who alone imbues the child with an immortal soul.<sup>80</sup> Given the existence of an immortal soul in every human being, it follows that the preservation of the body and the possession of earthly comforts are secondary in importance to humanity's ultimate vocation to be united with God in eternity. Nevertheless, because one's earthly life is a gift from God and ultimately belongs to God, people have a responsibility to safeguard it.<sup>81</sup> Furthermore, because of its sacred nature, human life cannot be weighed against other values. Human life is always of the utmost importance and can never be actively snuffed out for any reason.<sup>82</sup>

Like *Familiaris Consortio* and the earlier papal documents discussed in this chapter, *Evangelium Vitae* framed itself as a specific response to an unsettling of cultural norms—specifically, a rapid increase in various threats against human life, particularly the weakest and most defenseless, and especially the emergence of a culture that tolerated and even encouraged those threats in the name of individual rights.

All this is causing a profound change in the way in which life and relationships between people are considered. The fact that legislation in many countries, perhaps even departing from basic principles of their Constitutions, has determined not to punish these practices against life, and even to make them altogether legal, is both a disturbing symptom and a significant cause of grave moral decline. Choices once unanimously considered criminal and rejected by the common moral sense are gradually becoming socially acceptable.<sup>83</sup>

The result of all this, argued John Paul, is not only a pursuit of “false and deceptive solutions” to social problems, but more importantly, a human conscience that is increasingly conditioned not to distinguish between good and evil in matters concerning “the basic value of human life.”<sup>84</sup> Thus, the stakes could scarcely be higher. Contraception was no longer just about preserving the sanctity of marriage but about defending the sanctity of life. Without that fundamental norm, basic moral teachings against abortion, euthanasia, contraception, humane working conditions and indeed the very concept of human rights itself could no longer be taken for granted.

*Evangelium Vitae* then addressed the specific acts that violate the sacredness of human and, more importantly, the idea that such acts—particularly abortion and euthanasia, which attack life at its most vulnerable—are acceptable and even laudable. These ideas, according to the encyclical, emerge from a culture that ignores people's responsibility to watch out for each other's wellbeing and that prioritizes efficiency above all else, forming “a veritable ‘culture of

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<sup>80</sup> Ibid., 43.

<sup>81</sup> Ibid., 47, 52.

<sup>82</sup> Ibid., 68.

<sup>83</sup> Ibid., 4.

<sup>84</sup> Ibid., 4.

death”.<sup>85</sup> Within this culture, the moral norms are such that an act of abortion or euthanasia can be justified by the potential burden that they place on others.

A person who, because of illness, handicap or, more simply, just by existing, compromises the well-being or life-style of those who are more favored tends to be looked upon as an enemy to be resisted or eliminated. In this way a kind of “conspiracy against life” is unleashed. This conspiracy involves not only individuals in their personal, family or group relationships, but goes far beyond, to the point of damaging and distorting, at the international level, relations between peoples and States.<sup>86</sup>

In this depiction, contraception became an accomplice or at least an accessory to abortion. The encyclical rejected the proposition that the use of contraceptives could help to avoid abortion by reducing unwanted pregnancies. Rather, it argued that the use of contraceptives fosters a “contraceptive mentality” in which procreation is regarded as “an obstacle to personal fulfillment” and sex becomes a hedonistic act. As a result, “the life which could result from a sexual encounter thus becomes an enemy to be avoided at all costs” so that when contraceptives fail and pregnancy results, abortion becomes “the only possible decisive response”.<sup>87</sup>

The “culture of death” and the erosion or even inversion of moral norms that treat human life as sacred constitutes a “diagnostic frame”, an assessment of the world and the issues that need to be addressed. What of the “prognostic frame”? What did *Evangelium Vitae* prescribe to overcome the “culture of death”? Here, the Pope called for nothing less than a complete person-by-person transformation of cultural norms. This was to be done by reforming people’s consciences so that they “re-establish the essential connection between life and freedom”, the link between freedom and objective truth, and the recognition that man is dependent on God.<sup>88</sup> Christians were called to proclaim the Gospel, the idea that humanity’s destiny is eternal life in union with God, and that human life is an inviolable gift. The encyclical called them to proclaim that “the meaning of life is found in giving and receiving love, and in this light human sexuality and procreation reach their true and full significance. Love also gives meaning to suffering and death; despite the mystery that surrounds them, they can become saving events.”<sup>89</sup> Bearing witness to the Gospel and listening to one’s properly formed conscience requires that one be willing to actively teach against the “culture of death”, to conscientiously object to participation in abortion or euthanasia procedures, and to resist unjust laws.

Notably, the encyclical warned that people are “under grave obligation of conscience not to cooperate formally in practices which, even if permitted by civil legislation, are contrary

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<sup>85</sup> Ibid., 12.

<sup>86</sup> Ibid., 12.

<sup>87</sup> Ibid., 13.

<sup>88</sup> Ibid., 96.

<sup>89</sup> Ibid., 81.

to God's law."<sup>90</sup> Lawmakers in particular were warned that they were also obligated by conscience to follow the moral law no matter what popular opinion might desire, since to do otherwise would be to act against one's conscience and thus condemn oneself.<sup>91</sup> In short, to combat the "culture of death", it was necessary to speak out against it and refuse to cooperate with it. "[W]hoever attacks human life," wrote the Pope, "in some way attacks God himself."<sup>92</sup> Thus, Catholic supporters of policies deemed "anti-life" were by definition challenging God's sovereignty. From here, it is easy to see how lawmakers could be caught in the middle of a competition between religious norms and international legal commitments.

The motivational frame—the *reason* for combating the culture of death—was relatively straightforward: human life is sacred because it is God's greatest gift and thus people should treat it with reverence. People should acknowledge the sovereign authority of God and recognize that they are not free to do as they please with their bodies or the lives of others. However, there are important secondary reasons as well. The desacralization of the human person was framed both in terms of irreverence to God and in terms of the damage it could do to the social contract. For instance, the encyclical warned of a return to a Hobbesian state of nature if hyper-individualism went unchecked.

If the promotion of the self is understood in terms of absolute autonomy, people inevitably reach the point of rejecting one another. Everyone else is considered an enemy from whom one has to defend oneself. Thus society becomes a mass of individuals placed side by side, but without any mutual bonds.<sup>93</sup>

If life were no longer regarded as sacred, then it would no longer be a vital imperative to preserve it, especially if one's continued life posed an obstacle to the utilitarian wellbeing of another. In this view, the weakest members of society—the elderly, the infirm, children and others who are less able to contribute to material efficiency—could justifiably be marginalized or even terminated.<sup>94</sup> There was also an element of reward and punishment in the motivational frame when *Evangelium Vitae* emphasized that the taking of an innocent life demanded God's justice and compared such crimes to the murder of Abel by his brother Cain in the Book of Genesis. Yet the encyclical also emphasized that while God punished Cain, he did not have him killed in retribution, desiring instead that Cain be corrected.<sup>95</sup> So it was to be with those who violated the teaching against life—they were to be reformed, persuaded of the error of their ways, and rehabilitated.

Associating the use of the birth control pill with the dissolution of the social contract might seem farfetched at first, but in his teachings, John Paul II sought to emphasize that they were all connected by the same motivation—a self-centeredness that placed one's own comfort ahead of the preservation of others' lives and ultimately ahead of God's commands as

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<sup>90</sup> Ibid., 74.

<sup>91</sup> Ibid., 69-70.

<sup>92</sup> Ibid., 9.

<sup>93</sup> Ibid., 20.

<sup>94</sup> Ibid., 24.

<sup>95</sup> Ibid., 9.

defined by natural law. Whether one was having an adulterous affair, advocating for euthanasia, voting in favor of abortion rights, consuming goods to excess, or engaging in contraception, such actions, argued John Paul, were inherently selfish and violated the sanctity of human life.

By defining procreation as the result of cooperation between parents and God's divine will, John Paul II was able to define the defense of human life as a grave moral obligation for Catholics and the natural result of a properly formed conscience. Conversely, interfering with the procreative process usurped God's authority and violated the sacredness of human life. These teachings helped to frame the defense of human life as a constitutive religious norm for Catholics. By emphasizing that human life was under threat from modern social mores, John Paul II raised the salience of those norms and made them a focus of the Catholic leadership (and of many laity as well). More than any other pope in history, John Paul II defensively sacralized the protection of human life.

### **Conclusion: The Evolution of a Religious Norm**

In this chapter, I showed how the Church's opposition to contraception began as a way to protect the integrity of the faith against the challenge posed by Gnostic sects claiming to represent true Christianity. Since contraception played an important role in the practices of many Gnostic sects, opposing contraception was a way of hardening the boundaries between the Gnostics and orthodox Christians. Defensive sacralization took the form of rhetorical moves in theological writings and polemics by religious authorities like Saint Augustine, who insisted that God had made procreation within marriage the only legitimate purpose for sex. This helped to solidify the sexual act as a sacred act.

During the Protestant Reformation, the Church found itself backtracking on Augustinian rigorism in the face of Protestants who adopted even stricter concepts of concupiscence and the Fall. The result was a more lenient treatment of non-procreative intercourse which led ultimately to Alphonse de Liguori's teachings on conscience and moral responsibility. But Liguori's teachings, while never rejected outright, were gradually regarded as less relevant and dangerously open to abuse, particularly when the threat of Catholic depopulation gained currency in late nineteenth and early twentieth-century Western Europe. Likewise, the Lambeth Conference's permittance of contraception threatened to undermine the Catholic Church's own teaching, prompting the Church to attempt to raise the salience and constitutiveness of the religious norm through the issuance of *Casti Connubii*.

We can see over time an evolution in the purposes for which religious actors sought to defend the norm against contraception. In Augustine's time the primary motive was to preserve the integrity of the faith against the Manichees. The salience and constitutiveness of the norm against contraception were both correspondingly high. By contrast, when Liguori's teachings became popular, the salience and constitutiveness of the norm were both lower since the Church emphasized the importance of maintaining an "invincibly erroneous" conscience. With the Franco-Prussian War and the decline in Catholic France's population, the Church once again sought to raise the salience and constitutiveness of the norm, adopted a more uncompromising position toward contraception than before and actively supported popular natalist movements.

If the Church displayed an ability to calibrate its response to the particular challenges it faced at any given time, it also displayed a remarkable degree of continuity in its teachings over time. Although there has been discernible development in the moral theology surrounding contraception such as the doctrine of equiprobabilism or the permitting of natural family planning, the Church always maintained that marriage was good, foreordained by God and oriented toward procreation. And while there was debate over whether procreation was the *only* purpose of marriage, at no time did the Church ever teach that, absent grave reasons, it was licit for a married couple to have intercourse while voluntarily refusing to have any children whatsoever, regardless of the technique used to avoid pregnancy. Procreation was always taught by the Church to be sacred and children framed as gifts from God. These fundamental principles were consistently taught by the Church even if the specific frames varied.

Throughout the twentieth century and into the twenty-first, the Church has maintained a vigilant defensive sacralization mentality toward contraception. As the social normative environment has become increasingly tolerant of contraception, even to the point of declaring contraceptives a matter of public health, the Church has perceived the need to maintain a strong stance against it. Even so, the reasons for a strict stance have also evolved. The language of contraception as tantamount to abortion was replaced with a greater emphasis on contraception as an act of defiance against the natural law and thus God the Creator. The emphasis on procreation alone was replaced with language emphasizing both the unitive and procreative aspects. While maintaining Catholic social identity was still important, the language of *Humanae Vitae* and *Evangelium Vitae* emphasized the need to adhere to the norm against contraception out of a sense of reverence for God's creation. At the same time, it raised the specter of dire social consequences should contraception and the contraceptive mentality continue unabated. The emergence of the sexual revolution, brought about by the invention of the birth control pill, and the increasing ubiquity of contraception, all contributed to an environment in which Catholic leaders increasingly defined the Church as swimming against the tide of modern society.

### *Bringing international relations back in*

For political scientists interested in the adoption of international legal documents on reproductive health at the domestic level, it can be tempting to dismiss these rather arcane theological discussions as irrelevant. After all, what do theological arguments over concupiscence and the union of procreative and unitive purposes have to do with transnational norms? Let me offer three answers.

First, the Catholic Church is one of the most potent adversaries of transnational reproductive health norms, as I will show in Chapter Five. But the Church's opposition is neither conjured from thin air nor the product of slavish adherence to some ossified doctrine from ancient history. Instead, the Church has managed to keep one foot planted in an ever-growing body of tradition while keeping another foot planted in the swiftly moving stream of current culture. The salience and constitutiveness of the norm against contraception have not always been as high as they are today, nor have they always been linked to the same sets of issues. The Church no longer teaches that marital intercourse is sinful in itself, though it continues to teach that deliberate refusal to have children without good cause is selfish and sinful. By the same

token, it was not until the reign of Pope John Paul II that the Church linked the norm against contraception directly to abortion, euthanasia and other “pro-life” agenda items through the rhetoric of a “culture of death” versus a “culture of life”. The Church has been responsive to social changes, even if its responses have gone against the prevailing current of popular opinion.

Second, these theological developments have a very real impact on how the Church confronts the issue of contraception in its own policies and actions. It shapes the arguments that its representatives use when confronting governments that seek to implement reproductive health norms. It shapes the issues that it prioritizes and the lengths to which it will go to prevent such norms from taking root. The Church’s theological documents are not just for show but are indeed policy directives for the bishops, priests and religious worldwide. Although Church personnel may implement the directives differently according to their local situations, they are highly unlikely to contradict them head-on.

Finally, theology also indicates what is open to interpretation and where compromises can be made with respect to religious norms. Under Liguori’s teaching regarding “invincibly erroneous” consciences, clergy could use their discretion in rooting out sins of contraception. But with the papal promulgation of *Humanae Vitae* and *Evangelium Vitae*, it was clear that the matter had become far too important to simply ignore. On the other hand, the debates over papal infallibility and the role of conscience remain unresolved, presenting opportunities for greater interpretation which, in turn, may allow for more flexibility in shaping the implementation of reproductive health norms. Put differently, theological arguments and pronouncements can show us the bargaining range that the Church will tolerate for religious norms. This aspect of theology became particularly relevant for international politics when religious norms against contraception were pitted against emerging transnational reproductive health norms in the 1990s.

## **Chapter Five**

### **Reproductive Health Norms and Vatican Resistance: Defensive Sacralization at the Transnational Level**

The last quarter of the twentieth century saw the Catholic Church explicitly situate the matter of contraception in the context of a broader cultural battle to defend the sacredness of human life from what Pope John Paul II called a “culture of death”. The defense of such religious norms, he argued, superseded all other legal commitments. No law could be considered just if it did not respect the sacredness of human life, which the Church regarded not only as a religious duty but also an expression of universal natural law.

At the same time, the international community was beginning to develop a set of competing norms organized around development, the management of population growth, and women’s rights. Such norms would ultimately come to embrace universal access to contraceptives as a human right. Having defensively sacralized the religious norm against contraception as vital to the faith, the Church adopted a harsh stance toward reproductive health norms, as they were called, believing them to be a guise for the propagation of the “contraceptive mentality”. The contestation came to a head at the 1994 International Conference on Population and Development (ICPD) in Cairo, where the delegation from the Holy See worked to undermine the emerging consensus that access to reproductive health (as defined by the delegates) was a human right. Although the Church managed to insert language that rejected abortion as a legitimate means of family planning, it remained unhappy with the resulting Program of Action, which subsequently became a template for states seeking to implement reproductive health norms at the domestic level. That, in turn, set off a series of domestic-level conflicts between the Catholic Church and reproductive health advocates.

My objective in this chapter is to explain what transnational reproductive health norms are, where they came from, and how the Catholic Church contested them during the ICPD. I begin by briefly explaining how transnational reproductive health norms emerged in response to the population control movements of the 1960s and 1970s and were greatly aided by the rise of women’s movements and NGOs. I then discuss the principles articulated in the ICPD Program of Action and show how the Holy See utilized defensive sacralization in an effort to block language pertaining to reproductive health. I argue that this defensive sacralization led to the Holy See becoming trapped in a situation in which it was unable to make any concessions to other delegations, which in turn led to its diplomatic isolation. I also relate the Holy See’s objections to the Fourth World Conference on Women in Beijing in 1995, which attempted to reinforce reproductive health norms. I end with a brief discussion of the UN Millennium Development Goals (MDGs) for promoting reproductive health as a human right. In combination with Chapter Four, this chapter establishes the transnational political context surrounding the debate over reproductive health in the Philippines. In the remaining chapters of the dissertation, I will show how these debates have directly impinged upon the domestic normative conflicts between the Church and the Philippine government.



## Foundations of Reproductive Health Norms

### *Neo-Malthusianism and population control: origins of reproductive health norms*

The modern concept of reproductive health grew out of a backlash to the Neo-Malthusian population control discourse of the 1960s and 1970s, which held that rapid population growth, particularly in the developing world, would overwhelm the supply of natural resources and usher in a host of social ills including poverty, disease, famine and war.<sup>1</sup> In the United States, President Lyndon Johnson was an enthusiastic proponent of Neo-Malthusianism and under his administration, USAID became an important vehicle for facilitating population control efforts through the provision of family planning services.<sup>2</sup>

USAID efforts were also backed by an “epistemic community” of demographers and economists convinced of the Neo-Malthusian thesis, as well as by non-profits such as the Ford and Rockefeller Foundations, the International Planned Parenthood Foundation and the Population Council.<sup>3</sup> These groups advocated the widespread dissemination of family planning techniques in developing countries as the optimal solution to the population problem. Policy Determination 39, issued to all USAID offices worldwide in 1967, declared that the cultivation of family planning programs in developing countries constituted the highest priority and laid down four principles to guide USAID policy. First, overpopulation and underdevelopment were directly related. Second, countries with population problems should prioritize the dissemination of family planning techniques among its citizens. Third, USAID must respect the “sovereignty and sensibilities” of the host countries. Fourth, USAID would not support any family planning or population program unless it was voluntary. Additionally, a country’s implementation of a family planning program could never be a condition of foreign aid.<sup>4</sup>

While the United States insisted on voluntary family planning programs, some governments undertook significantly more coercive approaches to population control, whether to reduce population growth (such as in the case of China’s “One Child Policy” or India’s forced sterilization camps in the 1970s)<sup>5</sup> or increase it (such as in Ceausescu-era Romania’s aggressive surveillance of pregnant women to prevent abortion, which ultimately resulted in Europe’s second-highest maternal mortality rate and tens of thousands of orphaned children whose

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<sup>1</sup> See, for instance: Garrett Hardin, “Multiple Paths to Population Control,” *Family Planning Perspectives* 2, no. 3 (1970); Paul R. Ehrlich, *The Population Bomb* (New York: Ballantine, 1978); Lester Brown, “World Food Resources and Population: The Narrowing Margin,” *Population Bulletin* 36, no. 3 (1981); Herman Daly, “The Economics of the Steady State,” *American Economic Review* 64, no. 2 (1974); Thomas Homer-Dixon, “On the Threshold: Environmental Changes as Causes of Acute Conflict,” *International Security* 16, no. 2 (1991).

<sup>2</sup> Lyndon B. Johnson, “State of the Union Address,” January 10, 1967, <http://www.presidency.ucsb.edu/ws/index.php?pid=28338>.

<sup>3</sup> Paige Whaley Eager, *Global Population Policy: From Population Control to Reproductive Rights* (Aldershot: Ashgate, 2004). 38-39. On epistemic communities, see Peter M. Haas, “Introduction: Epistemic Communities and International Policy Coordination,” *International Organization* 46, no. 1 (1992).

<sup>4</sup> Eager, *Global Population Policy*: 41-42.

<sup>5</sup> Susan E. Short and Fengying Zhai, “Looking Locally at China’s One-Child Policy,” *Studies in Family Planning* 29, no. 4 (1998): 374. Reed Boland, Sudhakar Rao, and George Zeidenstein, “Honoring Human Rights in Population Policies: From Declaration to Action,” in *Population Policies Reconsidered: Health, Empowerment, and Rights*, ed. Gita Sen, Adrienne Germain, and Lincoln C. Chen (Boston: Harvard University Press, 1994), 97-98.

parents could not care for them).<sup>6</sup> In both cases, coercive population policies often grievously harmed those forced to follow them.

### *The backlash against Neo-Malthusianism*

The Neo-Malthusian logic came under attack at the 1974 World Conference on Population in Bucharest, where the Group of 77, representing developing countries, vocally criticized population control and challenged the thesis that it was necessary for economic development. Economic development, they argued, did not *result* from diminished population growth but was instead a *cause* of it. Thus, countries with high rates of population growth should focus on economic development rather than on population control. A slogan popularized by Dr. Karan Singh, India's minister of health, and often repeated during the Bucharest Conference, was: "Development is the best contraceptive."<sup>7</sup> Whereas the draft World Population Plan of Action had emphasized overpopulation, the final document instead emphasized the rights of couples and individuals to decide how to plan their own families and the right of individual states to determine their own population policies.<sup>8</sup> This marked the rapid abandonment of population control discourse. Three other important factors contributed to this normative change: first, a backlash against abortion and family planning in the wake of the *Roe v. Wade* case in the U.S. Supreme Court; second, the rise of the conservative Reagan administration, and third, the emergence of a global feminist movement. We shall now examine these in turn.

### *The conservative ascendancy*

The landmark 1973 decision by the United States Supreme Court in *Roe v. Wade* struck down many state and federal regulations against abortion and dramatically altered the American political landscape by creating a new ideological cleavage: "pro-life" versus "pro-choice". Although this was a domestic matter, because the United States was the driving force behind population control policies, the politics of *Roe v. Wade* had worldwide repercussions for debates over population, family planning and development. Almost immediately after the Supreme Court handed down its decision, opponents of abortion sought to limit its impact. The 1973 Helms Amendment to the Foreign Assistance Act prohibited recipients of U.S. funds for family planning from using them to perform abortions or motivate anyone to undergo them.<sup>9</sup> The rise of the anti-abortion movement in the United States also activated a broad range of conservative religious and political actors (including the Catholic Church) that linked family planning services to abortion.

Second, the election of Ronald Reagan in 1981 marked the rise of a strongly conservative presidency that emphasized the implementation of neoliberal economic policies

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<sup>6</sup> Boland, Rao, and Zeidenstein, "Honoring Human Rights in Population Policies: From Declaration to Action," 97; Chuck Sudetic, "Romania Seeks to Reduce Abortions," *New York Times*, January 17, 1991, <http://www.nytimes.com/1991/01/17/world/romania-seeks-to-reduce-abortions.html>.

<sup>7</sup> George Zeidenstein, "The Conundrum of Population and Reproductive Health Programs in the Early Twenty-First Century," in *Reproductive Health and Human Rights: The Way Forward*, ed. Laura Reichenbach and Mindy Jane Roseman (Philadelphia: University of Pennsylvania Press, 2009), 44.

<sup>8</sup> World Population Conference, "World Population Plan of Action," (1974), §14.

<sup>9</sup> United States Congress. *Foreign Assistance Act of 1961, as amended*, P.L. 87-195, United States Congress (1961, 1961), §104(f).

rather than population control as a primary development solution, tracking well with the idea of development as “the best contraceptive”.<sup>10</sup> As a result, the United States government sought to enact policies that would prohibit or limit the provision of abortion abroad.

At the Second International Conference on Population in Mexico City in 1984, the United States took the delegates by surprise when it announced what became known as the Mexico City Policy or (by its opponents) the “Global Gag Rule”. Under the terms of this policy, foreign NGOs (but not governments) receiving funds from the United States were not only prohibited from using them to perform abortions; they were also prohibited from performing abortions at all except in cases of rape, incest or a threat to the life of the mother, even if they were not using American funds for that purpose. They were also prohibited from referring clients to abortion providers or even advocating for the legalization or the wider availability of abortion, though they could treat post-abortion complications or refer clients to abortion providers if explicitly asked where a safe, legal abortion could be obtained.<sup>11</sup> Additionally, the United States vowed to redirect funding from the United Nations Population Fund (UNFPA) to other family planning programs unless it could prove that none of its resources were being used to provide or advocate for abortion or coercive family planning.<sup>12</sup>

The upshot of this policy was that the United States would no longer fund any organization that had even an indirect connection with the provision of abortion. As a direct consequence, the United States eliminated its funding for the International Planned Parenthood Federation. Under the terms of the 1985 Kemp-Kasten Amendment, which prohibited federal funding of any organization or program that supported or participated in forced abortion or involuntary sterilization, the United States withheld funding from the UNFPA in 1985 and 1986 over its alleged involvement in China’s coercive population control program.<sup>13</sup>

The Reagan administration also backtracked on previous administrations’ policies by declaring that population growth was a “neutral phenomenon”. In a policy statement at the Mexico City Conference, it asserted that population growth could indeed be beneficial and even necessary to economic development. While rapid population growth following the post-World War II “baby boom” had strained social infrastructure, went the argument, it had also fueled economic growth and would have been manageable if not for excessive government interference in the economy. Because governments in developing countries redistributed wealth within society, it argued, families had fewer incentives to save, improve their economic situation and ultimately reach a point where their affluence would result in smaller family size. The solution, then, was to focus on neoliberal economic reforms that would lead to the “side effect” of slower population growth.<sup>14</sup>

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<sup>10</sup> Eager, *Global Population Policy*: 99.

<sup>11</sup> Barbara B. Crane and Jennifer Dusenberry, “Power and Politics in International Funding for Reproductive Health: The US Global Gag Rule,” *Reproductive Health Matters* 12, no. 24 (2004): 128-29.

<sup>12</sup> Eager, *Global Population Policy*: 104.

<sup>13</sup> *Ibid.*, 105.

<sup>14</sup> U.S. Department of State, “Policy Statement of the United States of America at the United Nations International Conference on Population (Second Session),” August 13-16, 1984, 2.

### *The rise of women's movements and the birth of reproductive rights*

Contemporaneous with the conservative backlash against population control was the emergence of a global movement promoting women's health and reproductive rights. Driven in large part by opposition to coercive government population control policies as well as to anti-abortion policies, the movement emphasized that women should have the right to choose for themselves how many children they should have and which methods of family planning they should use.

In 1975, the United Nations announced the UN Decade for Women, which led to the convening of a number of international conferences centered on the topic of women. The Mexico City (1975), Copenhagen (1980) and Nairobi (1985) conferences on women not only raised awareness of women's issues but also helped to knit scattered advocates for women's rights into a broader global movement by allowing them to turn previously domestic matters into international ones.<sup>15</sup> This was indicated by the establishment of women's advocacy organizations such as the International Women's Health Coalition, the Women's Global Network on Reproductive Rights, and Isis International. Such organizations brought feminists together with reproductive health advocates.<sup>16</sup> United by their opposition to family planning as a tool of population control, these new networks reframed family planning as a matter of women's health and women's rights. By the late 1970s, in the context of feminist activism in support of the right to have an abortion, the term "reproductive rights" had come to embrace the idea that women's rights should also include access to abortion.

Another important outcome of the UN Decade for Women was the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted by the UN General Assembly on December 18, 1979 and entered into force on September 3, 1981. The CEDAW was the first document of international law to treat access to family planning services as a right. Articles 10(h) and 12 §1 exhorted states to treat women and men equally in providing access to information on family "health and well-being", including family planning.<sup>17</sup> In addition, it required states to grant women and men "the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights."<sup>18</sup> Abortion was not mentioned, however.

Increasingly, the reproductive rights movement began to look to the human rights community as a way to garner broader legitimacy and appeal. Eager points out three reasons why the human rights community took up reproductive rights and incorporated them into the broader human rights frame. First, the end of the Cold War opened up a discursive space in

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<sup>15</sup> Eager notes that this dynamic bears similarities to the "boomerang" pattern laid out by Keck and Sikkink (1998) in which domestic actors, facing political obstacles within their own countries, elicit the cooperation of transnational advocacy networks in order to place international pressure on their home governments so as to foment domestic change. Eager, *Global Population Policy*: 85 fn 72.

<sup>16</sup> C. Alison McIntosh and Jason L. Finkle, "The Politics of Family Planning: Issues for the Future," *Population and Development Review* 20, no. Supplement: The New Politics of Population: Conflict and Consensus in Family Planning (1994): 269.

<sup>17</sup> United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination against Women," (1979), 10(h), 12§1.

<sup>18</sup> *Ibid.*, 16§1(e).

which new rights could be articulated. Second, the preparatory conferences for the 1993 UN World Conference on Human Rights in Vienna provided an opportunity for reproductive rights to be attached to the human rights agenda. The Vienna Declaration and Program of Action explicitly recognized “a woman’s *right* to accessible and adequate health care and the widest range of family planning services [emphasis added]...”<sup>19</sup> Third, the human rights community began to view women’s human rights with genuine concern, helping to bestow greater legitimacy upon them.<sup>20</sup> Another important factor was the 1992 election of President Bill Clinton in the United States. A Democrat, Clinton was far more receptive to family planning and quickly set about resuming many of the population policies that had been abandoned under the Reagan and Bush administrations, including lifting the Mexico City Policy and resuming funding of the UNFPA and the International Planned Parenthood Federation.

Preparations for another international population conference began in 1989. Rather than a single meeting or a few preparatory meetings prior to the main conference, the ICPD Secretariat decided to spread out the process over approximately 35 meetings and to involve a very wide range of actors including NGOs, which would play a far more visible role than in previous population conferences.<sup>21</sup> Many of the ideas that found their way into the ICPD Program of Action were initially advanced during the three preparatory conferences or “Prepcoms” in 1991, 1993 and 1994, which were intended to solicit input regarding the Program of Action in order to minimize debate at the ICPD itself.

In addition to the Prepcoms, there was also a series of smaller conferences for specific constituencies. One of them, the “Reproductive Health and Justice: International Women’s Conference for Cairo ‘94” meeting in Rio de Janeiro, Brazil (the “Rio Conference”), was instrumental in forging consensus among women’s groups regarding reproductive rights. Pragmatists led by the New York-based International Women’s Health Coalition adopted a “quality of care” frame emphasizing women’s autonomy in controlling their own fertility and having access to a range of contraceptive methods.<sup>22</sup> On the other hand, more radical women’s organizations feared that framing the issue in terms of health care failed to criticize the repressive nature of population policies, the underlying problems of economic inequality, the funneling of wealth into military endeavors, and excessive consumption.<sup>23</sup>

The summary document, known as the Rio Statement, offered a compromise. It framed reproductive rights in terms of reproductive health—which was itself framed as a much broader set of issues that embraced not only family planning but also prenatal and perinatal care, the prevention and treatment of sexually transmitted diseases, “safe, non-compulsory abortion”, and above all, the right of women to decide for themselves how to manage their reproductive health. In keeping with the latter emphasis, the Rio Statement explicitly rejected coercive population control and argued that focusing on fertility as a source of poverty distracted from

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<sup>19</sup> United Nations General Assembly, “Vienna Declaration and Program of Action,” (1993), Art. II, §41.

<sup>20</sup> Eager, *Global Population Policy*: 115-16.

<sup>21</sup> C. Alison; Jason L. Finkle McIntosh, “The Cairo Conference on Population and Development: A New Paradigm?,” *Population and Development Review* 21, no. 2 (1995): 229.

<sup>22</sup> See Jutta M. Joachim, *Agenda Setting, the UN, and NGOs: Gender and Violence and Reproductive Rights* (Washington D.C.: Georgetown University Press, 2007). 144-49.

<sup>23</sup> *Ibid.*, 152.

the more serious problem of unjust economic structures. It also forged an explicit link between reproductive rights and other human rights, including gender equality and basic survival needs such as food, shelter, livelihood, security and education.<sup>24</sup>

Another conference, the 1993 UN Roundtable on Women's Perspectives on Family Planning, Reproductive Rights, and Reproductive Health, held in Ottawa, issued additional recommendations for the ICPD. The final report declared that reproductive rights were human rights. Among other recommendations, the final report also called for increased support for contraceptive research and, most controversially, recommended that unsafe abortion be treated as a public health issue.<sup>25</sup> Women who wished to undergo abortion were to have access to "compassionate counseling, safe abortion services and services for the management of complications of unsafe abortion."<sup>26</sup>

Thus, on the eve of the 1994 ICPD, family planning had been grafted on to the language of human rights norms. Population control, while not completely out of the picture, had been largely rejected as a legitimate rationale for family planning, while demographers and economists worrying about the world's supply of natural resources had been displaced by feminist advocates concerned about women's autonomy and access to proper medical services. The UN Decade for Women and various international conferences provided opportunities for women's rights activists from different countries to knit their separate domestic concerns into a global agenda. The ICPD built on this momentum by articulating a more comprehensive framework for reproductive health as a human right.

### **Reproductive Health as a Human Right at the ICPD**

The ICPD was a landmark conference. It was by far the largest and most wide-ranging of the three UN-sponsored population conferences. Between September 5 and September 13 of 1994, over 4,000 delegates from 180 national governments descended upon Cairo, along with some 4,200 journalists and, in a break with previous population conferences, representatives from over 1,200 NGOs who attended a parallel conference.<sup>27</sup> As a result, the 113-page Program of Action reflected a wide consensus that brought together "populationists", feminists, environmentalists, development agencies and religious actors as well as states. Considering that many of these groups' priorities were often at odds with one another, the fact that they were able to come to any sort of consensus on such a controversial matter is in itself remarkable.

Topics in the Program of Action included urbanization, migration, the environment, gender equality, aging, the family and most controversially, reproductive health and family planning. Although the Preamble of the Program of Action acknowledged that the conference reflected "growing awareness that population, poverty, patterns of production and

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<sup>24</sup> "International Women's Health Conference for Cairo '94," *Development in Practice* 4, no. 3 (1994): 221.

<sup>25</sup> *Recommendations*, Roundtable on Women's Perspectives on Family Planning, Reproductive Rights and Reproductive Health (Ottawa, Canada: 1994).

<sup>26</sup> *Ibid.*

<sup>27</sup> Susan A. Cohen and Cory L. Richards, "The Cairo Consensus: Population, Development and Women," *International Family Planning Perspectives* 20, no. 4 (1994): 150.

consumption and the environment are so closely interconnected that none of them can be considered in isolation”,<sup>28</sup> debate revolved mainly around the issue of reproductive health.

The definition of reproductive health in §7.2 of the Program of Action provided an important foundation for future statements, so it is useful here to pause and examine it in some detail.

Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant.<sup>29</sup>

Here, the Program of Action defined reproductive health in the broadest possible terms. Not only is it simply a matter of treating bona fide medical conditions, but it is also a matter of overall mental and social well-being. Reproductive health also extends to those social and psychological factors that affect a woman’s sexual well-being, maternity and child-rearing, such as discrimination, violence, and women’s autonomy within a family or society at large.

Not surprisingly given prevailing trends, the Program of Action distanced itself from the Neo-Malthusian logic of previous population conferences; indeed, the term “population problem” was not even mentioned. Although the Program of Action acknowledged that stabilizing population growth in developing countries was important for facilitating sustainable development<sup>30</sup>, it was adamant that above all else, individuals’ own decisions must be respected. Family planning was advanced as only one component of a broad agenda to promote sustainable development and poverty reduction. Where the government had an interest in family planning, the Program of Action declared that its goals

should be defined in terms of unmet needs for information and services. Demographic goals, while legitimately the subject of government development strategies, should not be imposed on family planning providers in the form of targets or quotas for the recruitment of clients.<sup>31</sup>

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<sup>28</sup> International Conference on Population and Development, *Program of Action* (Cairo: 1994). §1.5.

<sup>29</sup> *Ibid.*, §7.2.

<sup>30</sup> *Ibid.*, §3.1, §3.14.

<sup>31</sup> *Ibid.*, §7.12.

In other words, governments were to provide resources for individuals who wanted to avail themselves of family planning methods, but by no means were they to force family planning upon unwilling individuals. Thus, the definition of reproductive health emphasized individual autonomy: “Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so.”

A prerequisite of being able to honor individuals’ rights to plan their families as they saw fit was to make available the broadest possible range of family planning techniques. Reproductive health would be meaningless if it proclaimed individual choice but allowed states to provide only one method of family planning, or if states provided methods of family planning but not the knowledge of how to use them properly. The Program of Action therefore declared that men and women had the right to “safe, effective, affordable and acceptable methods of family planning of their choice”. “Other methods...for regulation of fertility which are not against the law” refers to access to abortion. Notably, the Program of Action stated twice that abortion should “in no case...be promoted as a method of family planning”,<sup>32</sup> though it did not call for abortion to be outlawed, only for governments to work to reduce the number of abortions and provide treatment for women suffering from post-abortion complications. The references to abortion would prove to be the most contentious parts of the entire Program of Action.

Because the Program of Action rejected the use of material incentives to promote family planning, the state was now in the business of shaping the *normative* environment in which individuals lived. In societies where there was a strong natalist or patriarchal culture, the state would now have to carve out a new normative space to persuade people to plan their families, inevitably bringing it into conflict with competing local norms. Even before the final Program of Action could be hammered out, though, advocates of reproductive health norms were faced with vocal opposition from the Holy See, whose resistance was to define much of the debate at the final conference in Cairo. In the next section, I relate the Holy See’s objections and explain how they affected the course of the debate over the final draft.

### **The Holy See Mounts Opposition to the ICPD Program of Action**

Although it only held permanent state observer status at the United Nations, the Holy See was by far the most vocal opponent of reproductive health norms at the ICPD. During the conference, it almost single-handedly held up the consensus on reproductive health norms in the interest of preventing the legitimization of contraception and abortion rights. Recall from Chapter Three that defensive sacralization consists of identifying a threat to a sacred object, framing it as such, and mobilizing collective action to defend it. In this section, I discuss both the Holy See’s objections at the conference itself, showing how it framed reproductive health norms as a threat to the family, as well as how it mobilized collective action to pressure national governments.

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<sup>32</sup> Ibid., §7.24, §8.25.



*A threat to the sacredness of human life: the Holy See at Prepcom III*

The Holy See launched its opening salvo against the draft Program of Action at Prepcom III in April 1994. The previous March, Pope John Paul II had met with Dr. Nafis Sadik, the UNFPA Executive Director and Secretary-General of the ICPD. In his talk, he expressed his concern over the potential impact that the Program of Action would have on the family. Development, he argued in an echo of the Bucharest Conference, was the proper prism through which the international community should view population issues. But, he continued, the state should not be involved in making policies regarding sexuality, which he asserted was solely the province of married couples. Instead, the state should provide couples with the freedom to have as many children as they believed they could responsibly raise. Coercive limits on family sizes, he continued, should be abolished and greater emphasis given to reducing maternal and infant mortality and morbidity and to promoting breastfeeding as a means of birth spacing.<sup>33</sup> Up to this point, the Pope and the UN were substantially in agreement. However, the Pope maintained that contraception, sterilization and abortion were absolutely unacceptable even if undertaken voluntarily. “Children”, he wrote, “must not be treated as a burden or inconvenience, but should be cherished as bearers of hope and signs of promise for the future.”<sup>34</sup>

A key passage from the Pope’s talk focused on the sacredness of the family. Quoting his own encyclical, *Centesimus Annus*, the Pope depicted the family as under threat from a “culture of death”.

It is necessary to go back to seeing the family as the sanctuary of life. The family is indeed sacred: It is the place in which life—the gift of God—can be properly welcomed and protected against the many attacks to which it is exposed and can develop in accordance with what constitutes authentic human growth. *In the face of the so-called culture of death, the family is the heart of the culture of life.*

Human ingenuity seems to be directed more toward limiting, suppressing or destroying the sources of life—including recourse to abortion, which unfortunately is so widespread in the world—than toward defending and opening up the possibility of life.<sup>35</sup>

For the Pope, the preservation of the traditional family—a married heterosexual couple raising children—was a highly salient religious norm that was constitutive of the “culture of life”. He also declared that “Human life itself from conception to natural death is sacred”.<sup>36</sup> In line with this, he criticized the draft Program of Action for failing to reiterate the language of the Mexico City declaration stating that abortion should never be promoted as a method of family planning. He also criticized what he saw to be an overly individualistic conception of sexuality.

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<sup>33</sup>Pope John Paul II, “Population Conference Draft Document Criticized,” (1994), <http://www.ewtn.com/library/PAPALDOC/JP2POPUL.HTM>.

<sup>34</sup> *Ibid.*, §7.

<sup>35</sup> *Ibid.*, §2.

<sup>36</sup> *Ibid.*, §2.

“Marriage”, he complained, “is ignored as if it were something of the past. An institution as natural, universal and fundamental as the family cannot be manipulated without causing serious damage to the fabric and stability of society.”<sup>37</sup>

Throughout Prepcom III, the Holy See maintained that the draft Program of Action promoted sexual libertinism, degraded the family, and endorsed abortion on demand. In a speech to the delegates at Prepcom III, Monsignor Diarmuid Martin, Secretary of the Pontifical Council for Justice and Peace and one of the Holy See’s top negotiators, accused reproductive rights advocates of cloaking norms of hedonism in the language of human rights:

it would be extremely dangerous for the international community to proclaim new ‘fundamental human rights’ which, rather than being based on what is essential to the dignity of the human person and the common good of humanity, are based on individual preference or on a particular ideology.<sup>38</sup>

Another illustrative example of how Church officials regarded reproductive rights as tangential to the purposes of the conference comes from Bishop James T. McHugh of Camden, New Jersey, who made the impolitic remark that “this meeting has really shifted into a women’s meeting and we would like to get it back on the question of development.”<sup>39</sup>

Prepcom III ended with the bracketing of 203 items in the draft Program of Action, representing issues where consensus among the delegates could not be reached. 147 were bracketed by the Holy See or countries with majority Catholic populations.<sup>40</sup> This included all of the sections regarding contraception, abortion and access to information on sexual and reproductive health by adolescents. Ironically, while the Holy See had worried about sexual issues dominating the agenda, its unwillingness to compromise brought about that exact outcome as the bracketed issues then became the focus of debate at the ICPD itself the following September.

### *The Holy See at the ICPD*

At the ICPD, the Holy See continued its objections to the bracketed sections. In his opening statement to the conference, Archbishop Renato Martino, who led the delegation, argued that matters of population and development constituted a disproportionately small part of the Program of Action. He sought to emphasize the importance of equitable distribution of economic resources, reducing the debt of the poorest countries, and the building of basic societal infrastructure in agriculture and health care. Martino repeated the Holy See’s concern

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<sup>37</sup> Ibid., §10.

<sup>38</sup> Diarmuid Martin, “Speech to the Population Conference Planning Session,” (1994), <http://www.ewtn.com/library/CURIA/PCJPCAIR.HTM>.

<sup>39</sup> David Toolan, “The Tempest Over Cairo,” *America*, August 27 1994.

<sup>40</sup> Brad Knickerbocker, “As UN Resets Population Policy, Lead Critic Is Catholic Church,” *Christian Science Monitor*, August 4, 1994.

that contemporary sexual norms were founded “above all on personal pleasure and gratification”, leading to irresponsible behavior.<sup>41</sup>

In a key passage, Martino voiced concerns about how efforts to manage reproductive health could be seen as a tacit acceptance of sexual irresponsibility.

One of the great concerns of the Holy See about the Draft Final Document is that, while in identifying behavior which the text itself considers “high-risk” or undesirable, all too often it limits itself primarily to suggestions as to how the “risks’ can be reduced or contained, shying away from proposing a change in such behavior at its roots. No one can deny that society must be aware of the health consequences of irresponsible or immature behavior, but one has to ask: what will be the long-term consequences of the abdication by society of its responsibility to challenge and to attempt to change such undesirable behavior patterns? Even more so, what happens when society tacitly accepts such irresponsible behavior as normal?<sup>42</sup>

This passage encapsulated the Holy See’s chief fear about the bracketed passages: by creating “safety nets” to deal with the consequences of premarital sex, sexually transmitted infections and unintended pregnancy, the Draft Program of Action was helping to make “sex without consequences” safer (or at least appear to be). The Holy See regarded this as putting the cart before the horse—making an immoral activity safer didn’t make it any less immoral; in fact, making it safer would make it more likely to happen. Instead, risky behavior should be addressed at the source: the moral decision-making that led to it in the first place.

Two sections of the Draft Program of Action generated especially heated controversy at the ICPD. Section 8.25 dealt with unwanted pregnancies while Chapter 7 dealt with reproductive rights and reproductive health. In Section 8.25 (see Table 5.1 for the full text of the draft and final versions), the Holy See took issue with the terms “unsafe abortion” and “unwanted pregnancy”, a dispute over terminology that would spill over into domestic-level debates. “Unsafe abortion”, it claimed, was an oxymoron. Abortions were never safe because by definition they caused the death of a fetus. The Holy See also rejected the language of “unwanted pregnancies”, arguing that some pregnancies that might appear to be “unwanted” were actually wanted but the parents (or the mother) were unprepared. Calling such pregnancies “unwanted”, argued the Holy See, depicted pregnancy in a negative light.<sup>43</sup> If human life were a sacred gift from God—and the Church insisted that it was—then it would be deeply offensive to God to treat a pregnancy as an unwanted burden.

After several rounds of revision lasting three days, the delegates arrived at a consensus on 8.25. When the delegation from Holy See suggested further discussion, the attendees

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<sup>41</sup> Renato R. Martino, *Statement of Holy See at the International Conference on Population and Development* (1994). §3.

<sup>42</sup> *Ibid.*, §3.

<sup>43</sup> Marilen J. Danguilan, *Women in Brackets: A Chronicle of Vatican Power and Control* (Manila: Philippine Center for Investigative Journalism, 1997). 94.

erupted in a loud chorus of boos, unprecedented behavior at UN conferences.<sup>44</sup> Though the Holy See continued to express its reservations, it said that it would withhold its assent until the end of the discussion on Chapters 7 and 8 in the interest of allowing the discussion on the rest of the Program of Action to move forward. The final paragraph included the so-called Mexico City Principle that “[i]n no case should abortion be promoted as a method of family planning”, a concession to the Holy See that angered women’s groups at the conference. Whereas the original draft from Prepcom III had emphasized that countries should review their laws on abortion and replace punitive measures with a women’s health framework, the new section explicitly reserved for individual states the right to determine how they would handle abortion. Thus, states could impose punitive measures at their own discretion without any censure from the UN. Still, the new statement retained the language of “safe abortion”, leaving the Holy See dissatisfied.

Chapter 7 on reproductive health and reproductive rights was next on the agenda. The original Prepcom III draft (with the bracketed text) had stated that:

[Sexual and reproductive rights embrace certain human rights that are already recognized in various international human rights documents and in other documents reflecting international consensus.] The cornerstone of [sexual and reproductive health] rests on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, [and the right to the enjoyment of the highest attainable standard of sexual and reproductive health]. It also includes respect for [security of the person and] physical integrity of the human body as expressed in human rights documents, [and the right of couples and individuals to make decisions concerning reproduction free of discrimination, coercion and violence]...<sup>45</sup>

At Prepcom III, the Holy See had bracketed all references to “reproductive health” and “sexual and reproductive rights”, fearing that the terms could be interpreted as a license to engage in extramarital sex. Ultimately, the phrase “sexual and reproductive rights” was abandoned in favor of “reproductive rights”, which still elicited objection from the Holy See.

As in Chapter 8, compromise over Chapter 7 was achieved in part by acknowledging the sovereignty that individual states enjoyed in implementing the Program of Action. A new paragraph was inserted at the beginning of Chapter 7, stating that “This chapter is especially guided by the principles contained in Chapter II and in particular the introductory paragraphs.”<sup>46</sup> This was a reference to the following passage:

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<sup>44</sup> Cohen and Richards, “The Cairo Consensus: Population, Development and Women,” 153.

<sup>45</sup> Danguilan, *Women in Brackets: A Chronicle of Vatican Power and Control*: 103.

<sup>46</sup> International Conference on Population and Development, *Program of Action*: §7.1.

Draft Text of 8.25	Final Text of 8.25
<p>All governments, intergovernmental organizations and relevant NGOs are urged to deal openly and forthrightly with unsafe abortion as a major public health concern.</p>	<p>In no case should abortion be promoted as a method of family planning. All governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family-planning services.</p>
<p>Particular efforts should be made to obtain objective and reliable information on the policies on, incidence of and consequences of abortion in every country. Unwanted pregnancies should be prevented through sexual health education and through expanded and improved family planning services, including proper counseling to reduce the rate of abortion.</p>	<p>Prevention of unwanted pregnancies must always be given the highest priority and every attempt should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate counseling.</p>
<p>Governments are urged to assess the health and social impact of induced abortion, to address the situations that cause women to have recourse to abortion and to provide adequate medical care and counseling. Governments are urged to evaluate and review laws and policies on abortion so that they take into account the commitment to women's health and well-being in accordance with local situations, rather than relying on criminal codes or punitive measures.</p>	<p>Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process.</p>

**Table 5.1: Comparison of Section 8.25 in the draft and final ICPD Programs of Action.**

<p>Although the main objective of public policy is to prevent unwanted pregnancies and reduce the rate of abortion, women should have ready access to quality health-care services that include reliable information, counseling and medical care to enable them to terminate pregnancies in those cases where it is allowed by law, if they so decide and that provide for the management of complications and sequelae of unsafe abortion.] Post-abortion counseling, education and family planning services should be offered promptly so as to prevent repeat abortions.<sup>47</sup></p>	<p>In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counseling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions.<sup>48</sup></p>
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**Table 5.1 (cont'd.): Comparison of Section 8.25 in the draft and final ICPD Programs of Action.**

The implementation of the recommendations contained in the Program of Action is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights.<sup>49</sup>

In other words, while the norms in the Program of Action were expressions of international law, states could choose how to implement them and retained the right to mold them to specific domestic circumstances.

One of the surprising developments at the ICPD was the Holy See's decision to actively cultivate the support of Islamic governments—most notably Iran and Libya—in an effort to build a united front against the draft document's language on abortion. Approximately a month before the conference convened, representatives of the Holy See met in Tehran with Iranian Deputy Foreign Minister Mohammad Hashemi Rafsanjani, who reportedly declared afterward that "The future war is between the religious and the materialists. Collaboration between religious governments in support of outlawing abortion is a fine beginning for the conception of collaboration in other fields."<sup>50</sup> The Vatican ambassador also met with counterparts in Libya, whose media reported that in exchange for Libyan support at Cairo, the Holy See was offering assistance in negotiating with Western countries over the 1988 bombing of a Pan Am jetliner over Lockerbie, Scotland. The Holy See later denied any such tit-for-tat arrangement.<sup>51</sup>

Islamic countries sought to strike language from the draft document implying any kind of universal right to abortion or linking abortion to family planning, women's health or

<sup>47</sup> International Conference on Population and Development, *Draft Program of Action* (1994). §8.25.

<sup>48</sup> International Conference on Population and Development, *Program of Action*: §8.25.

<sup>49</sup> *Ibid.*, Ch. 2.

<sup>50</sup> John Tagliabue, "Vatican Seeks Islamic Allies in U.N. Population Dispute," *New York Times*, August 18, 1994.

<sup>51</sup> *Ibid.*; John Phillips, "Pope Looks to Libya for Support Against Birth Control," *The Times*, August 19, 1994.

population management. Some Islamic countries supported the Holy See's attempts to replace language emphasizing an *individual* right to plan one's family with language that limited such rights to family units.<sup>52</sup> But the Holy See and most Islamic countries differed with respect to contraceptives, which the latter did not regard as absolutely forbidden. Moreover, the Islamic law of *Shari'a* held that abortion could be employed in certain situations (such as when the life of the mother was at stake), though it could never be employed as a means of family planning.<sup>53</sup> Thus, when the Islamic countries joined in the consensus, most expressed a general reservation to those parts of the Program of Action that did not conform to *Shari'a* but made no reservation regarding the promotion of contraceptives or the use of abortion when the mother's life was at stake. A number of predominantly Catholic countries followed suit, declaring that abortion was outlawed (or, in the case of Peru and Nicaragua, outlawed except in cases where the life of the mother was at stake) but not necessarily objecting to family planning or reproductive health per se. Ecuador, Guatemala, Malta and the Holy See were the only predominantly Catholic countries that not only rejected abortion but also expressed general reservations on reproductive health as a human right. Notably, the Philippines—whose president, Fidel Ramos, was a Methodist—did not voice any reservations regarding contraception or abortion. In all, 22 countries expressed some kind of reservation on the final document. All of them were either predominantly Catholic or Muslim.

At the end of the conference, the Holy See surprised all of the participants by announcing that it would join in the consensus on the ICPD Program of Action, albeit partially and with reservations. This was nevertheless a historic event as it marked the first time that the Holy See had joined a consensus on any United Nations population conference (it had refused to endorse the consensus at either the Bucharest or Mexico City Conferences). In Archbishop Martino's final statement to the ICPD, he noted with approval the Program of Action's rejection of all forms of coercion in population policies, its recognition of the need to protect the family as the basic unit of society, as well as its provisions on migration and the improvement of women's education and health care. However, Martino said that the Holy See could not support Chapters 7 and 8 because of language permitting abortion.<sup>54</sup>

#### *Defensive sacralization and the sacralization trap at Cairo*

When looking at the Holy See's actions during the ICPD, it is striking to see just how far it was willing to go in opposing reproductive health norms. The Holy See was almost single-minded in its mission and used the UN's rules of consensus to its advantage, stalling the debate at every turn. It was willing to risk its good will with other countries and its moral credibility in the court of world opinion. Rather than being lauded as a defender of children and traditional families, the Holy See found itself depicted as representing a hidebound culture of patriarchy that sought to oppress women and keep them from making decisions about their own health. Its overtures to Iran and Libya provoked expressions of alarm from Western countries and made it all too easy for pro-reproductive health advocates to paint the Holy See as an oppressive

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<sup>52</sup> Donna Lee Bowen, "Abortion, Islam and the 1994 Cairo Population Conference," *International Journal of Middle East Studies* 29, no. 2 (1997): 177-78.

<sup>53</sup> *Ibid.*, 178.

<sup>54</sup> Renato R. Martino, *Statement on Final Day of UN Conference on Population and Development* (1994).

religious fundamentalist regime. Marilen Danguilan, who was in attendance at the ICPD as a representative of the Philippines to the NGO Forum, lamented that the Holy See's

tirades were much louder, and much more virulent, than its moral arguments and ethical considerations, than its teachings on social justice, on equitably distributing the wealth of the country...and on equality. Its dogmatic and moralistic treatment of day-to-day reality, especially in the areas of sex, sexuality, procreation and reproduction did not resonate much with the delegates or with the audience in the gallery.<sup>55</sup>

Similarly, Egypt's Population Minister, Maher Mahran, expressed frustration when he stated during the conference, "We respect the Vatican. We respect the Pope. But if they are not going to negotiate, why did they come?"<sup>56</sup>

The simple answer to Mahran's question is that the Holy See regarded its obstruction at the ICPD as a natural outgrowth of its defensive sacralization of sex, the family, and the lives of unborn children. In terms of the schema in Chapter Three, the Vatican's diagnostic frame was already well established in papal documents. In Chapter Four, I discussed how *Familiaris Consortio* in 1981 and *Evangelium Vitae* in 1995 framed human life, the traditional family, and the sexual act as absolutely foundational to the faith and under attack by a "culture of death" and a "contraceptive mentality". For the Holy See, developing an international consensus on population and development was far less important than preventing that consensus from legitimizing sexual promiscuity, a contraceptive mentality, and above all abortion. In a statement issued a week before the start of the ICPD, Vatican Press Office Director Joaquin Navarro-Valls spoke in no uncertain terms about how critical the conference was to the Pope. He stated that the conference

presents itself as a crucial challenge to Christianity's most fundamental doctrine on the sanctity of life as it is to come to be and exist in the family. The Holy Father is not merely defending a sort of odd Catholic view about life and family. He is in fact pointing to the key issue on which future humanity must make a choice. This issue of human life and population undergirds all others. A false step here leads to a general disorder of civilization itself. A small error in the beginning leads to a large error in the end, as Aristotle said. This error is precisely what is at issue.<sup>57</sup>

Under such dire circumstances, the loss of diplomatic good will was a small price to pay for protecting the integrity of the faith. Indeed, one could hardly expect the Church to back down after such a definitive statement. Wavering on life issues would, for the Church, be tantamount to giving into the normative threat from the "culture of death" and betraying sacred norms. Because of this, not only was the Holy See willing to pay almost any price to defend those

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<sup>55</sup> Danguilan, *Women in Brackets: A Chronicle of Vatican Power and Control*: 115.

<sup>56</sup> Barbara Crossette, "Vatican Holds Up Abortion Debate at Talks in Cairo," *New York Times*, September 8, 1994.

<sup>57</sup> Joaquin Navarro-Valls, "The Courage to Speak Bluntly," *Wall Street Journal Europe*, September 1, 1994.



norms; in a sense, having constructed human life, the sexual act and the traditional family as constitutive norms of the faith, it could not do otherwise without paying an even greater price in legitimacy and credibility, to say nothing of the perceived cost of divine punishment for betraying God's teachings.

Nevertheless, the Holy See's stubborn resistance was only partially successful. While the Holy See managed to avoid giving in to reproductive health norms by refusing to endorse Chapters 7 and 8, the overwhelming majority of states approved the Program of Action without reservation, including a number of states with Catholic majorities. We can also interpret the Holy See's refusal to endorse Chapters 7 and 8 despite having been the driving force behind their revision as a sign of its failure to sway the delegates. While abortion was explicitly rejected as a form of family planning, the idea of reproductive health as a human right remained. Indeed, the ICPD significantly mainstreamed the concept of reproductive health as a human right and played a major role in setting the agenda for both its advocates and its opponents. The Program of Action created a new vocabulary of reproductive rights and framed contraception as a matter of medical care, female empowerment, and poverty reduction. Grassroots activists could now point to the Program of Action and use it as leverage against domestic governments who had signed on to the consensus but were not implementing them. The consensus, though fractured, was nonetheless a powerful factor in legitimizing the ICPD norms and a source of pressure on anyone who would seek to challenge reproductive health as a human right.

The Holy See's actions at the ICPD can also be interpreted as an example of the sacralization trap. Faced with reproductive rights as a threat to religious norms that it had long constructed as constitutive of the faith, the Holy See rushed to prevent reproductive rights from being legitimized as transnational norms. But the Holy See could not tolerate any references to "unwanted pregnancies", "unsafe abortion", or "reproductive rights" because they fundamentally conflicted with Catholic propositions that every child was a sacred being, that every abortion was inherently unsafe because it killed a child, and that reproductive rights were a usurpation of authority that properly belonged to God, not governments. By refusing to compromise on religious norms, though, the Holy See grew isolated as the other delegates became increasingly impatient trying to accommodate its demands. It was not that the issues in Chapters 7 and 8 were utterly indivisible—for instance, delegates were able to negotiate some of the language against abortion. However, both sides "redlined" mutually incompatible issues that made it impossible for them to achieve any sort of *modus vivendi*. Thus, the Holy See found itself unwilling and even unable to modulate its rhetoric and became trapped by it as other states moved to affirm transnational reproductive health norms. This was a classic case of rhetorical ratcheting.

The ICPD demonstrated that the Holy See, despite its size, could nevertheless punch above its weight. Yet, the Holy See's show of power won it few friends by the end of the conference. Its filibustering on the abortion clause led many to blame it for unnecessarily taking time away from discussion on other population and development-related issues. As the only entity with state status explicitly representing a religious organization, the Holy See's obstruction generated debate over whether it should continue to be accorded an equal place

among other sovereign states at the United Nations and other international conferences.<sup>58</sup> In Finnemore and Sikkink’s classic “norm cascade” model, once the majority of states have rushed to adopt a norm, those who refuse to do so face the prospect of international ostracism and must justify their refusal to adopt new norms. In hindsight, the Holy See had been headed in this direction at least as early as the issuance of *Humanae Vitae* marked its divergence from the norms of the “sexual revolution”. However, the ICPD arguably represents the moment when the Holy See began to slip into the status of an international pariah when it came to sexual norms.

### **The Beijing Conference on Women**

The struggle between the Holy See and reproductive health advocates continued immediately after the conclusion of the ICPD as delegates began preparing for the Fourth World Women’s Conference in 1995 (the “Beijing Conference”), which had followed the women’s conferences in Mexico City, Nairobi and Copenhagen. The conference, which focused on developing an agenda for promoting gender equality, also sought to reinforce many of the norms articulated in the ICPD Program of Action. The Beijing Declaration and Platform for Action reiterated the language on reproductive health from Chapter 7 of the ICPD Program of Action and sought to generate more specific recommendations for implementation. For instance, it recommended the removal of “legal and regulatory and social barriers” to the teaching of sexual and reproductive health issues in formal education,<sup>59</sup> set a goal of reducing worldwide maternal mortality rates by at least 50 percent of 1990 levels by the year 2000, and then by another 50 percent by the year 2015.<sup>60</sup> Notably, given the excision of similar language from the ICPD Program of Action, the Beijing Declaration called on governments to “[c]onsider reviewing laws containing punitive measures against women who have undergone illegal abortions”.<sup>61</sup>

As it had at Cairo, the Holy See strenuously objected to many of the proposals in the Beijing Platform for Action, though it kept a somewhat lower profile and did not engage in filibustering. The Holy See’s choice of Mary Ann Glendon appeared to reflect an attempt to present a more woman-friendly image as well as a willingness to engage feminist arguments rather than to reject them outright—Glendon was an American, a woman and a law professor at Harvard University who had written critically on feminist human rights.<sup>62</sup> Ultimately, the Holy See signed on to the Platform for Action but registered a number of reservations. It registered a general reservation on the entirety of Chapter 4, which dealt with women’s health and included the definition of reproductive health from the ICPD Program of Action. In her statement expressing the Holy See’s reservations, Professor Glendon wrote:

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<sup>58</sup> See, for instance: Yasmin Abdullah, “The Holy See at United Nations Conferences: State or Church?,” *Columbia Law Review* 96, no. 7 (1996).

<sup>59</sup> Beijing Conference on Women, *Beijing Declaration and Platform for Action* (1995). §85(k).

<sup>60</sup> *Ibid.*, §107(i).

<sup>61</sup> *Ibid.*, §107(k).

<sup>62</sup> Thomas J. Reese, *Inside the Vatican: The Politics and Organization of the Catholic Church* (Cambridge: Harvard University Press, 1996). 265.

Surely we can do better than to address the health needs of girls and women by paying disproportionate attention to sexual and reproductive health. Moreover, ambiguous language concerning unqualified control over sexuality and fertility could be interpreted as including societal endorsement of abortion and homosexuality.

A document that respects women's dignity should address the health of the whole woman. A document that respects women's intelligence should devote at least as much attention to literacy as to fertility.<sup>63</sup>

More fundamentally, the Holy See was concerned with the mainstreaming of the concept of gender. During the preparatory conferences it insisted that every use of the word "gender" in the draft Platform of Action be bracketed. It argued that the term should only be used to denote biological differences between male and female. Understanding gender as a social construction implied that it was something that could be changed at will and as such, could be expanded to encompass and legitimize homosexuality, bisexuality and transsexuality, all of which the Holy See rejected as immoral and unnatural.<sup>64</sup> In an open letter to women, which Glendon quoted in her reservations, Pope John Paul II stated that "one can also appreciate that the presence of *a certain diversity of roles* [original emphasis] is in no way prejudicial to women, provided that this diversity is not the result of an arbitrary imposition, but is rather an expression of what is specific to being male and female."<sup>65</sup> The Pope expounded on this theme in a key passage from his 1988 apostolic letter *Mulieris Dignitatem* ("The Dignity of Women").

The personal resources of femininity are certainly no less than the resources of masculinity: they are merely different. Hence a woman, as well as a man, must understand her "fulfillment" as a person, her dignity and vocation, on the basis of these resources, according to the richness of the femininity which she received on the day of creation and which she inherits as an expression of the "image and likeness of God" that is specifically hers.<sup>66</sup>

Here, the Pope was arguing that certain roles were simply not open to one sex because they required someone to be of the opposite sex. Thus, he rejected the elimination of differences between males and females. Male and female were equal in dignity, but God created them to be complementary, not identical. Feminist treatments of gender as a malleable social category were to be rejected, not because they aimed at eliminating oppression against women, but because they sought to do so by de-emphasizing those aspects of femininity that were naturally endowed by God which, for the Pope, were the vocations of being a wife and mother. Any denigration of motherhood or the sacrament of marriage therefore constituted an inherent

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<sup>63</sup> United Nations, "Report of the Fourth World Conference on Women", (October 17, 1995), Ch. V §11.

<sup>64</sup> Holy See, "Declaración de Interpretación del Término "Género" por la Santa Sede," (1995).

<sup>65</sup> Pope John Paul II, "Letter of Pope John Paul II to Women," (1995): §11.

<sup>66</sup> Pope John Paul II, *Mulieris Dignitatem* (1988).

violation of the dignity of women. A culture that promoted sexual promiscuity, contraception and abortion in the name of women's liberation, argued the Pope, was just as demeaning to women as sexual discrimination, exploitation, violence, and the relegation of women to second-class status.<sup>67</sup>

As it had at Cairo, the Holy See also criticized the very notion of a rights-based approach to development, arguing that the current conception of rights bred what Glendon referred to as an "exaggerated individualism" which focused too much on certain issues (e.g. sexual and reproductive rights) and not enough on others (e.g. the Universal Declaration of Human Rights' obligation to provide "special care and assistance" to motherhood).<sup>68</sup> By emphasizing individual autonomy, it argued, a society based primarily on rights would ultimately resemble a collection of atomistic individuals with a limited understanding of the relationships that bound society together.<sup>69</sup>

While the Holy See maintained its stance against reproductive health norms at Beijing, it did not succeed in watering down any of the language pertaining to reproductive health and reproductive rights either. By reiterating the language of reproductive health and reproductive rights at Cairo, the Beijing Platform for Action lent further legitimacy to those norms. Between them, the two statements were important sources of authority for promoting wider access to contraceptives and other means of family planning, as well as for stimulating heated national conversations about sexual ethics and the role of women in society.

### **Post-Beijing Developments in Transnational Reproductive Health Norms**

The Beijing Conference was a high-water mark for proponents of reproductive health norms. By the turn of the century, though, two major developments significantly shaped the transnational promulgation of reproductive health norms and generated conflicting pressures on their implementation. First, in September 2000, the United Nations hosted the Millennium Summit, which established a set of eight internationally agreed-upon "Millennium Development Goals" to be achieved by the year 2015. Second, the inauguration of the morally conservative George W. Bush presidency in the United States heralded a backlash against transnational reproductive health norms and changes in policies supporting their promotion abroad. In this section, I briefly describe these processes and explain how they have shaped the contest over transnational reproductive health norms.

#### *The UN Millennium Development Goals*

The eight Millennium Development Goals laid out in the United Nations Millennium Declaration were: 1.) to eradicate extreme poverty and hunger; 2.) to achieve universal primary education; 3.) to promote gender equality and empower women; 4.) to reduce child mortality; 5.) to improve maternal health; 6.) to combat HIV/AIDS, malaria and other diseases; 7.) to ensure environmental sustainability, and 8.) to develop a global partnership for development.

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<sup>67</sup> John Paul II. Letter of Pope John Paul II to Women, §4-5.

<sup>68</sup> United Nations, "Report of the Fourth World Conference on Women," (1995), Ch. V §11

<sup>69</sup> Doris E. Buss, "Robes, Relics and Rights: The Vatican and the Beijing Conference on Women," *Social Legal Studies* 7 (1998): 355.

MDG 5, the improvement of maternal health, was originally defined as reducing the maternal mortality ratio by three-quarters from 1990 levels by the year 2015. It was to be measured both by the maternal mortality ratio and the proportion of births attended by skilled health personnel (i.e. doctors, nurses or midwives).<sup>70</sup> Initially, the MDGs were regarded by women's health and women's rights activists to be a step backward from the Cairo and Beijing conferences since they did not explicitly seek to improve reproductive health.<sup>71</sup> While contraceptive prevalence and condom usage rates were employed as indicators, they were used only in the context of reducing the incidence of HIV/AIDS. Under pressure from pro-reproductive health NGOs and agencies, however, universal access to reproductive health care by 2015 was incorporated as a second target.<sup>72</sup> Progress in this area is measured by four indicators: the contraceptive prevalence rate, the adolescent birth rate, antenatal care coverage (measured by the number of births with at least one visit and with at least four visits), and the unmet need for family planning, defined as the percentage of women who desire to space or limit their births but who are not using contraception.<sup>73</sup>

Progress in meeting MDG 5 has been mixed. According to the 2010 report on the Millennium Development Goals, the proportion of births attended by skilled health-care personnel increased in all developing regions of the world between 1990 and 2008 with the most dramatic increases in Northern Africa (46% to 80%) and Southeast Asia (46% to 75%) and a worldwide average increase from 53% to 63%.<sup>74</sup> Similarly, the proportion of women attended at least once during pregnancy by skilled health-care personnel increased in developing regions from an average of 64% to 80%.<sup>75</sup>

On the other hand, progress in reducing the number of teen pregnancies and increasing the contraceptive prevalence rate has slowed. In 1990 the number of births per 1,000 aged 15-19 averaged 65 in all developing regions. That figure dropped to 55 in 2000 but to 52 in 2007. Some regions, like Sub-Saharan Africa and Southeast Asia, actually registered *increases* in the adolescent pregnancy rate between 2000 and 2007.<sup>76</sup> Contraceptive prevalence rates among women in developing regions aged 15-49 and married or in union rose from 52% in 1990 to 60% in 2000 but grew much more slowly thereafter, reaching 62% in 2007. Moreover, these rates did not distinguish between "traditional" and "modern" methods of contraception,

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<sup>70</sup> United Nations, "Official List of MDG Indicators Prior to the 2007 Revision," (2003), <http://mdgs.un.org/unsd/mdg/Host.aspx?Content=Indicators/OfficialList2003x.htm>.

<sup>71</sup> See, for instance: Barbara Crossette, "Reproductive Health and the Millennium Development Goals: The Missing Link," *Studies in Family Planning* 36, no. 1 (2005); Marianne Haslegrave and Stan Bernstein, "ICPD Goals: Essential to the Millennium Development Goals," *Reproductive Health Matters* 13, no. 25 (2005); Adrienne Germain and Ruth Dixon-Mueller, "Reproductive Health and the MDGs: Is the Glass Half Full or Half Empty?," *Studies in Family Planning* 36, no. 2 (2005).

<sup>72</sup> United Nations General Assembly, "2005 World Summit Outcome," (2005), A/RES/60/1, par. 57(g). United Nations General Assembly, "Report of the Secretary-General on the Work of the Organization," (2006), A/61/1, par. 24.

<sup>73</sup> United Nations, "The Millennium Development Goals Report," (2008), [http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2008/MDG\\_Report\\_2008\\_En.pdf](http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2008/MDG_Report_2008_En.pdf).

<sup>74</sup> United Nations, "The Millennium Development Goals Report," (2010), [http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2010/MDG\\_Report\\_2010\\_En\\_low%20res.pdf](http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2010/MDG_Report_2010_En_low%20res.pdf).

<sup>75</sup> *Ibid.*, 32.

<sup>76</sup> *Ibid.*, 34.

suggesting that the prevalence of the latter was growing even more slowly. The UN report referred to estimates claiming that fulfilling the unmet need for family planning—that is, women who wish to limit or space births but do not have access to modern contraceptives—could reduce annual maternal deaths by 27 percent by reducing the number of unintended pregnancies from 75 million to 22 million.<sup>77</sup> The slowdown in progress toward MDG 5 may be partly attributable to a declining proportion of foreign development aid being allotted to reproductive health care and family planning. Between 2000 and 2008, aid for family planning dropped from 8.2% of total aid for health to 3.2%.<sup>78</sup>

#### *Effects of the George W. Bush presidency on reproductive health norms implementation*

On his third day in office in January 2001, President George W. Bush reinstated the United States' Mexico City Policy that had been repealed under his predecessor, Bill Clinton. In an executive memorandum to USAID, he wrote, "It is my conviction that taxpayer funds should not be used to pay for abortions or advocate or actively promote abortion, either here or abroad."<sup>79</sup> In May of that same year, the ban was narrowly approved by Congress by a vote of 218 to 210 and incorporated in the annual budget appropriations bill for the State Department. As a direct result of this, numerous family planning organizations worldwide were forced to choose between either halting their engagement in public debates over abortion or losing their funding. For example, in Kenya, the country's two leading family planning organizations, Marie Stopes International and the Family Planning Association of Kenya, were forced to close clinics, raise prices and lay off staff after they refused to sign on to the Mexico City Policy, significantly hampering the reproductive health service infrastructure in the country.<sup>80</sup> In Nepal, the Family Planning Association of Nepal, which had been acting in partnership with USAID and provided approximately 25-30 percent of the country's family planning services, was forced to lay off staff and lost \$400,000 in USAID funding for contraceptives, resulting in shortages.<sup>81</sup>

In addition to reinstating the Mexico City Policy, in July 2002 the Bush Administration revived the Reagan Administration's use of the 1985 Kemp-Kasten Amendment to withhold funds from the UNFPA over its alleged support of China's One Child Policy. Despite a lack of evidence showing that the UNFPA actively lent support to China's coercive policy (on the contrary, a report commissioned by the British Parliament found that the UNFPA was actively working to oppose it), the Bush Administration found that the UNFPA's presence in China freed up resources that the Chinese government could use to promote the One-Child Policy.<sup>82</sup> This, it argued, was sufficient to justify withholding funds, though as Rachel Farkas notes, if the Bush Administration were truly concerned about U.S. funds being used to support the One-Child

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<sup>77</sup> Ibid., 36.

<sup>78</sup> Ibid., 38.

<sup>79</sup> Mike Allen, "Bush Reverses Abortion Aid; U.S. Funds Are Denied to Groups that Promote Procedure Abroad," *Washington Post*, January 23, 2001.

<sup>80</sup> Population Action International, "Access Denied: The Impact of the Global Gag Rule in Kenya (2006 Updates)", (2006), [http://www.populationaction.org/PDFs/Kenya/GGRcase\\_kenya\\_2006.pdf](http://www.populationaction.org/PDFs/Kenya/GGRcase_kenya_2006.pdf).

<sup>81</sup> Population Action International, "Case Study: Nepal ", *Access Denied: U.S. Restrictions on International Family Planning*, (2005), <http://www.populationaction.org/globalgagrule/Nepal.shtml>.

<sup>82</sup> Rachel Farkas, "The Bush Administration's Decision to Defund the United Nations Population Fund and Its Implications for Women in Developing Nations," *Berkeley Women's Law Journal* 18 (2003): 244.

Policy, it could simply have declared that its contributions to the UNFPA could not be used in China.<sup>83</sup> The Administration's refusal to fund UNFPA thus strongly suggests a much more fundamental disagreement with the latter's aims. The ban on funding was not lifted until after Barack Obama was inaugurated president in 2009.

### **Conclusion: Transnational Reproductive Health Norms and Contested Universalities**

We have now laid out the two competing normative traditions. First, the Catholic Church developed a long theological tradition of opposition to contraception. During his reign, Pope John Paul II subsumed the teaching against contraception within a broader frame of the battle between the "culture of death" and the "culture of life", linking contraception to euthanasia, capital punishment, and especially abortion, among other issues. Underpinning all of this was a deep-seated religious norm declaring that human life—particularly that of the unborn—was sacred and universal. Because the Church understood the norm against contraception (and, more broadly, the imperative to defend human life) as under threat, it has engaged in a process of defensive sacralization, arguing that there is no higher priority than to protect the norm to safeguard human life.

Second, the transnational movement to promote reproductive health norms constituted a major threat to the Catholic teachings against contraception and abortion. For reproductive health advocates, access to reproductive health services, including family planning, was primarily a matter of medical necessity and protecting women's rights to freely make decisions about their own sexuality and childbearing. Access to contraceptives, then, was necessary to ensure that women could exercise those rights. Proper family planning, they argued, would reduce the number of unwanted pregnancies as well as the rate of maternal and infant mortality and morbidity. While an undercurrent of Neo-Malthusianism was still discernible in the reasoning that fewer unwanted pregnancies would lead to healthier families and greater economic prosperity, this was not the primary concern of reproductive health advocates, who were more interested in the wellbeing of individual women than in the economic wellbeing of the state, a point that irritated demographers and others who regarded the emphasis on women's sexual autonomy as a distraction from the problems of rapid population growth.

While reproductive health advocates and the Church agreed on the need to prevent coercive government population policies, they disagreed strongly on the language of reproductive rights. For its part, the Church feared that articulating such rights effectively sent the message that there was no need for couples and individuals to take responsibility for the consequences of their sexual choices. It insisted that there could be no right to contradict the natural moral law. Contraception to prevent sexually transmitted infections was still contraception and thus an intrinsic moral wrong; the ends could not justify the means. Contraception to enable reckless sexual pleasure-seeking without consequences was even more morally reprehensible. The problem with reproductive rights, for the Church, was that it went about trying to solve the issue of women's health and development in the wrong way. Rather than ameliorating the consequences of bad moral actions, it argued, societies should work to eliminate those bad moral actions in the first place. Children could never be regarded

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<sup>83</sup> *Ibid.*, 251.

as a burden because they were manifestations of sacred human life; to do so would be tantamount to blasphemy. Thus, overpopulation could never be legitimately solved by setting demographic targets. Indeed, the Church and its allies in conservative governments argued that overpopulation was merely a scapegoat for political corruption and the overconsumption of resources by a select few.

While the Holy See ended up voicing reservations on the final Program of Action, its obstructionist tactics at the ICPD secured revisions in the document that rejected abortion as a method of family planning and emphasized the need to avoid them. It also secured language emphasizing that implementation of reproductive health norms was at the discretion of individual states. Nevertheless, it was unable to strike down the notion of reproductive health as a human right altogether, nor was it able to prevent reproductive health norms from being included in the final—and widely endorsed—Program of Action. Additionally, the Holy See’s uncompromising stance alienated other delegates and contributed to its depiction as an international pariah.

The Holy See maintained its opposition to reproductive health norms at the Beijing Conference on Women. While it abandoned the obstructionist tactics that it employed at the ICPD, it criticized the idea of gender and insisted that there were substantial natural differences between males and females that must be respected. Chief among these were the “vocations” of being a wife and a mother. Similarly, it questioned the notion of a rights-based approach to development. These criticisms appear to have fallen on deaf ears, though, and the Holy See was unable to roll back any of the ICPD language regarding reproductive health as a human right.

Sixteen years after the ICPD, reproductive health norms remain embedded in international consciousness, expressed in the United Nations Millennium Development Goals and supported by a sizable network of NGOs. Nevertheless, it is premature to say that reproductive health norms have been universally internalized at the domestic level, despite the broad international consensus at Cairo. Indeed, if the fight over reproductive health norms at the transnational level appears to have quieted since those tumultuous days in September 1994, it remains highly contentious in individual states, particularly in the developing world.

*The chameleon state: a few thoughts on sovereignty and the reproductive health debate*

The Holy See’s ability to wield such influence in the international debate over reproductive health norms depended heavily upon its status as a state. Without statehood, it would have lacked the standing to hold up debate over the consensus on Chapters 7 and 8 in the ICPD Program of Action. Likewise, it would have lacked the standing to send official delegates to the conference where they could caucus with other like-minded states on the abortion issue. As one of the least populated states in the world, the Holy See was able to use international forums like the ICPD as a way to dramatically augment its political leverage. Absent its internationally recognized status as a state, the Holy See would likely be regarded as little more than the secretariat of an international NGO, albeit a highly influential one. The Church does not—indeed, cannot—avail itself of more conventional state tools for inducing cooperation, such as military coercion or economic sanctions. Its sole effective source of power is its moral authority, which it derives from its cultivation of believers who live within states.



Indeed, it is as an NGO that most people encounter the Catholic Church. No state has the same kind of transnational reach and ability to penetrate local communities as the Church. Churches, Catholic charitable organizations, religious communities, schools and the like are all ultimately subordinated to the Holy See even if in practice they retain significant autonomy. Despite this, Catholics remain citizens of their own countries, not of the Holy See, and generally consider their Catholic identity to mean belonging to a religion and not to a state. It is not entirely inaccurate to say that the Church behaves more like a state at the transnational level but more like an NGO at the sub-national level. Like an NGO, it works through grassroots lobbying to shape moral norms. In particular, the post-Vatican II era has seen national bishops' conferences and local church communities play a much more prominent role in shaping the Church's role in normative debates, with the Holy See marking out the broad religious parameters to follow. As a grassroots NGO, the Church can also frame the adoption of transnational norms by states as violations of state sovereignty—namely, of the state allowing its normative agenda to be set by a transnational agency.

Because of this unique ability to transcend sovereign boundaries, the Catholic Church is able to influence norms at multiple levels of society, from transnational civil society to state-to-state relations to local communities. A state that resists the Church's norms could conceivably find itself attacked from above (in the form of transnational norms shaped by the Holy See) from below (in the form of grassroots movements that support Church norms), and from the side (either directly in the form of the Holy See itself exercising its diplomatic influence or indirectly through its allies within the state and in other states). Having seen how the Church sought to defend religious norms against contraception at the transnational level, we now turn to the Church's role at the domestic level. While the actors are different, the tactics of defensive sacralization and their attendant consequences at the domestic level bear many similarities to those at the transnational level.

## **Chapter Six**

### **Domestic Dimensions of Defensive Sacralization Part I: The Catholic Church and the State in the Philippine Reproductive Health Debate from Marcos to Estrada**

In Chapters Four and Five, I discussed how the Catholic Church's teachings against contraception evolved in response to perceived threats to the sanctity of human life and the procreative act, as well as how transnational reproductive health norms grew out of the population control movement and the women's movements of the 1970s. The emergence of these norms peaked with international conferences on population and on women at the Cairo (1994) and Beijing (1995) conferences, respectively.

However, the diffusion of new norms does not end with their legitimization by the international community; indeed, the more difficult task for many societies is to bring those norms back to the domestic level, implement them in legislation, and generate acceptance for them. This process can be facilitated or hindered by politicians and non-governmental actors at the domestic level and conditioned by pre-existing political conflicts and cultural norms. Frequently, transnational norms must overcome the domestic suspicion that they are merely being imposed from above. This is particularly the case when transnational norms directly challenge practices that people believe to be deeply embedded within local culture.

In Chapters Six and Seven, I shift from the transnational level of analysis to the domestic and discuss the political structures that have enabled the Catholic Church to engage in defensive sacralization against reproductive health norms in the Philippines. While the Philippine state has long expressed support for the promotion of family planning policies and reproductive health norms, exactly what those norms entail and which ones to adopt has been a perennial source of political controversy. The controversy has been exacerbated by the powerful influence of the Catholic Church, which has not only articulated a theology opposing reproductive health norms, but also occupies a prominent political role that enables it to impose material incentives on politicians not to directly challenge it.

I begin this chapter by outlining the political relationship between the Catholic Church and the Philippine state over the course of the Marcos, Aquino, Ramos and Estrada administrations. While the Church has long been an influential social actor in the Philippines ever since Spanish colonization in the 16<sup>th</sup> century, its modern political role dates back to the martial law era and the peaceful EDSA Revolution of 1986 that overthrew Ferdinand Marcos. The precedent of the EDSA Revolution enabled the Church to consistently portray itself as a potential alternative power base to the frequently corrupt state. This combination of mass activism and popular legitimacy has proven to be a significant threat to Philippine politicians, giving them strong incentives to avoid directly antagonizing the Church. In matters that the Church considers to be particularly salient, such as those that deal with the nature of the family and personal morality, it can play the role of a "gatekeeper" to the adoption of new norms, wielding something of an informal veto in those issue areas.<sup>1</sup>

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<sup>1</sup> I have adapted this definition of gatekeepers from Joshua Busby. Joshua W. Busby, "Bono Made Jesse Helms Cry: Jubilee 2000, Debt Relief, and Moral Action in International Politics," *International Studies Quarterly* 51 (2007).

Next, I discuss how the Church has used its political influence to resist the implementation of population management, family planning and reproductive health policies in the Philippines over the course of the first four presidential administrations from Marcos onward. I lay out each presidential administration's broad approach to reproductive health policies and discuss how the Church employed the threat of political opposition as well as theological arguments in order to contest them. In Chapter Seven, I continue my analysis of the relationship between the Church and the Philippine government with the administration of Gloria Macapagal Arroyo. In the conclusion, which can be found at the end of Chapter Seven, I reflect on the changing political power and purpose of the Church over the course of all five administrations and discuss the role that domestic power structures play in shaping defensive sacralization.

### **Ferdinand Marcos and the Catholic Church: The Church as Revolutionary**

With the election of Ferdinand Marcos to the presidency in 1965, the Philippine state entered a period of centralization culminating in Marcos's declaration of martial law in 1972 and his appropriation of emergency powers that gave him both legislative *and* executive power. Ostensibly, martial law was an emergency response to a growing communist insurgency and an increasingly radicalized student population which was pressing for political reform. In reality, though, these were largely pretexts for the consolidation of Marcos's power. Under martial law, Marcos curtailed civil rights, seized media outlets and placed political opponents, labor leaders, and religious personnel under arbitrary arrest, the latter because they were suspected of harboring communist sympathies.<sup>2</sup>

The Catholic Church became a key leader in the opposition to Marcos. One of the most important actors in this regard was the Catholic Bishops' Conference of the Philippines (CBCP), which had been founded in 1945 as the Catholic Welfare Organization to coordinate relief efforts after World War II. The reforms of the Second Vatican Council led in 1965 to a papal decree (*Christus Dominus*) requiring the establishment of national episcopal conferences. Thus, in 1968, the Catholic Welfare Organization became the Catholic Bishops' Conference of the Philippines. The creation of such conferences was significant in that they provided a mechanism for the bishops to meet regularly and develop common approaches to issues facing the regional church.

At first, the CBCP adopted a cautious stance toward martial law, with some bishops supporting Marcos and others calling for civil disobedience. Nevertheless, it insisted that obedience to the government was only legitimate insofar as the government's policies were "truly just and conducive to the attainment of peace in the community".<sup>3</sup> The Marcos regime, according to the Church, was not exempt from higher standards of morality. By appealing to the sacred authority of the Gospel, which it had the authority to interpret, the Church sought to give Catholics a mandate to critically monitor the government. This was an important motif that the Church would return to again and again to justify its direct involvement in politics.

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<sup>2</sup> See Robert L. Youngblood, "Church Opposition to Martial Law in the Philippines," *Asian Survey* 18, no. 5 (1978): 508-13.

<sup>3</sup> Catholic Bishops' Conference of the Philippines, "A Dialogue for Peace", (February 20, 1983), [http://www.cbcponline.net/documents/1980s/1983-dialogue\\_peace.html](http://www.cbcponline.net/documents/1980s/1983-dialogue_peace.html)

In August 1983, though, the Church's ambivalence turned into full-fledged opposition following the assassination of Benigno "Ninoy" Aquino, Jr., a popular senator and Marcos's most vocal critic. The assassination galvanized the Philippine polity, which rallied around Ninoy's widow, Corazon "Cory" Aquino. A self-described "housewife" who belonged to the powerful Cojuangco family, Aquino became an unlikely figurehead for the opposition. In November 1985, Marcos called a snap presidential election. Jaime Cardinal Sin, the Archbishop of Manila, played an important role in persuading Aquino and former opposition senator Salvador Laurel to run against Marcos. On December 28, 1985, Sin exhorted Filipinos to vote in the election, calling it "an exercise of...Christian faith" and a "political act".<sup>4</sup> The CBCP and the Protestant National Council of Churches of the Philippines (NCCP) also backed the National Movement for Free Elections (NAMFREL), an independent monitoring organization established by Catholic laity and staffed in part by clergy and religious. In some areas, all of the Catholic clergy worked for NAMFREL. Additionally, the Church mobilized another 500,000 citizens to monitor the elections.<sup>5</sup>

Marcos declared himself the winner of the February 7, 1986 snap elections, an outcome widely regarded as fraudulent. In a pastoral letter dated February 15, the CBCP declared the elections to be "unparalleled in the fraudulence of their conduct", lending legitimacy to popular outrage and support to the Aquino camp.<sup>6</sup> In addition, the bishops stated that "according to moral principles, a government that assumes or retains power through fraudulent means has no moral basis. For such an access to power is tantamount to a forcible seizure and cannot command the allegiance of the citizenry." They called upon Catholics to undertake non-violent action in accordance with the principles of the Gospel.<sup>7</sup>

Amid widespread demonstrations against the regime, many of which involved large numbers of religious personnel, Defense Minister Juan Ponce Enrile and General Fidel Ramos announced on February 23 that they and their military forces were staging a rebellion against Marcos. Cardinal Sin, speaking through the Church's radio network, Radio Veritas, personally called on Filipinos to block Epifania De Los Santos Avenue (EDSA), a major highway running through Manila, and prevent pro-Marcos forces from reaching the rebels, who were fortified in the military bases of Camps Crame and Aguinaldo. In response, thousands of Catholics, with clergy and religious in the front lines, flooded EDSA and successfully blocked pro-Marcos forces from moving to attack Enrile and Ramos. When what became known as the EDSA Revolution or the "People Power" Revolution ended four days later, Marcos was deposed and exiled to Hawaii and Cory Aquino became president.

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<sup>4</sup> Pastoral letter reprinted in International Observer Delegation, National Democratic Institute for International Affairs, and National Republican Institute for International Affairs, *A Path to Democratic Renewal: A Report on the February 7 Presidential Election in the Philippines* (Washington D.C.: National Democratic Institute for International Affairs and National Republican Institute for International Affairs, 1986). Annex XIX.2, 164-66 , Quoted in: Robert L. Youngblood, "The Corazon Aquino "Miracle" and the Philippine Churches," *Asian Survey* 27, no. 12 (1987): 1244.

<sup>5</sup> Youngblood, "The Corazon Aquino "Miracle" and the Philippine Churches," 1245.

<sup>6</sup> Rosalinda Pineda Ofreneo, "The Catholic Church in Philippine Politics," *Journal of Contemporary Asia* 17, no. 3 (1987): 329.

<sup>7</sup> Teodoro C. Bacani, Jr., *The Church and Politics* (Quezon City: Claretian Publications, 1987). 84-85.

While the Church certainly did not bring down the Marcos regime single-handedly, it nevertheless played a vital role by *legitimizing* disobedience to the state. As a widely respected moral authority, the Church's "imprimatur" meant that anyone who supported the Marcos regime could easily be depicted as being on the wrong side of morality and more to the point, on the wrong side of God. It was a watershed moment for Philippine politics and marked the return of the Catholic Church to political prominence. This, in turn, gave the Church an advantageous position from which to influence social policy, including family planning.

### **Family Planning Policy and the Church in the Marcos Administration**

Between 1969 and 1973, Marcos embarked on a series of initiatives to establish a national population control program. Population growth from 1961 to 1971 averaged 3.00 percent per year, increasing from 27.9 million to 37.6 million. This was accompanied by a faster rise in the urban population, which averaged 3.91 percent per year over the same time period.<sup>8</sup> Total fertility—defined as the average number of children a woman will have during her reproductive lifetime assuming constant age-specific fertility rates—stood at 6.0 births per woman in 1973.<sup>9</sup> In response, Marcos established a Population Commission (POPCOM) in 1969 to conduct studies on the socioeconomic impact of population growth and make policy recommendations, though its responsibilities were soon expanded to include long-range population planning, the establishment of family planning clinics in conjunction with the Department of Health, and the distribution of contraceptives through multiple public and commercial channels.<sup>10</sup>

Insofar as the government did not restrict couples to a maximum number of children, Marcos's population management program was relatively mild, particularly when compared with more coercive regimes like those in China or India. However, the government capped the number of tax exemptions allowed for dependents at four, stipulated that maternity leave benefits would only cover the first four deliveries, mandated that collective bargaining agreements were required to provide family planning services for all employees, and implemented various population education programs into primary and secondary education as well as medical, nursing, midwifery, and social work curricula.<sup>11</sup> The government's efforts were supplemented by contributions from foreign agencies, including USAID, which in 1968 began donating funds to private family planning service providers that totaled an estimated 200 million pesos by the end of 1975. Additional funding came from the UNFPA, which in 1972 signed a five-year, \$5 million agreement with the Philippines for population-related projects. Other agencies that established a presence in the Philippines included the International Planned Parenthood Foundation, the Population Council, the Ford and Rockefeller Foundations,

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<sup>8</sup> World Bank, "World Development Indicators 2009", (2009).

<sup>9</sup> Alejandro N. Herrin and Ernesto M. Pernia, "Population, Human Resources and Employment," in *The Philippine Economy: Development, Policies and Challenges*, ed. Arsenio M. Balisacan and Hal Hill (Oxford: Oxford University Press, 2003), 284.

<sup>10</sup> Philippines. *An Act Establishing a National Policy on Population, Creating the Commission Population and for Other Purposes*, (August 16, 1971). Philippines. *Revising the Population Act of 1971*, Presidential Decree No. 79, 1972), §4(e), §4(f), §5(a), §5(d).

<sup>11</sup> Mercedes B. Concepcion, "Population Policy and Family Planning," in *The Population of the Philippines*, ed. Mercedes B. Concepcion (Manila: Population Institute, University of the Philippines, 1977), 117-18.

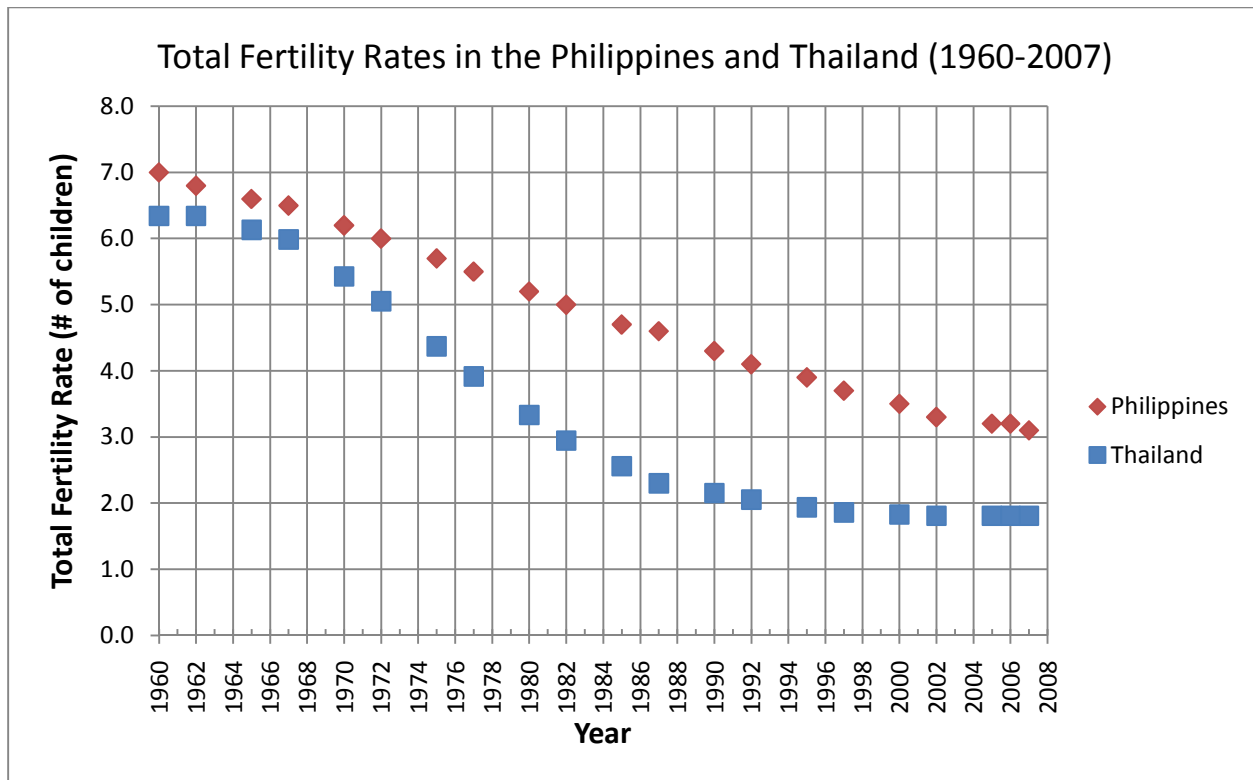


Figure 6.1: Total Fertility Rates in the Philippines and Thailand (1960-2008)<sup>12</sup>

the Pathfinder Fund and Family Planning International Assistance, which was the international division of Planned Parenthood America.<sup>13</sup>

As a result of these policies, population growth began to slow, contraceptive prevalence rates increased and total fertility rates<sup>14</sup> began to decline (see Fig. 6.1 and Fig. 6.2). Population growth, which peaked at 3.1 percent in 1962-63, dropped to just below 3 percent in 1967, reaching 2.79 percent in 1973 and hovering around 2.7 percent until the mid-1980s. Nevertheless, this was hardly a precipitous decline, particularly when compared with Thailand, which had also exhibited an annual population growth of over 3 percent in the early 1960s. Thailand’s aggressive family planning policies in the 1970s brought that figure down to under 2 percent by 1985 and below 1 percent by 1995.

The contraceptive prevalence rate for Filipino women between the ages of 15 and 49 stood at 15.4 percent in 1968. By 1978 that figure had more than doubled to 38.5 percent but even later, never exceeded more than 50 percent. By contrast, even though Thailand’s contraceptive prevalence rate in 1975 was almost identical to the Philippines’ in 1978, that figure soared to nearly two-thirds of women aged 15 to 49 by 1985, while the Philippines maintained a contraceptive prevalence rate of less than 45 percent.<sup>15</sup> Total fertility

<sup>12</sup> World Bank, “World Development Indicators Database.”

<sup>13</sup> Ibid., 121.

<sup>14</sup> See Chapter Two, fn10 for the definition of total fertility rates.

<sup>15</sup> World Bank, “World Development Indicators 2009”.

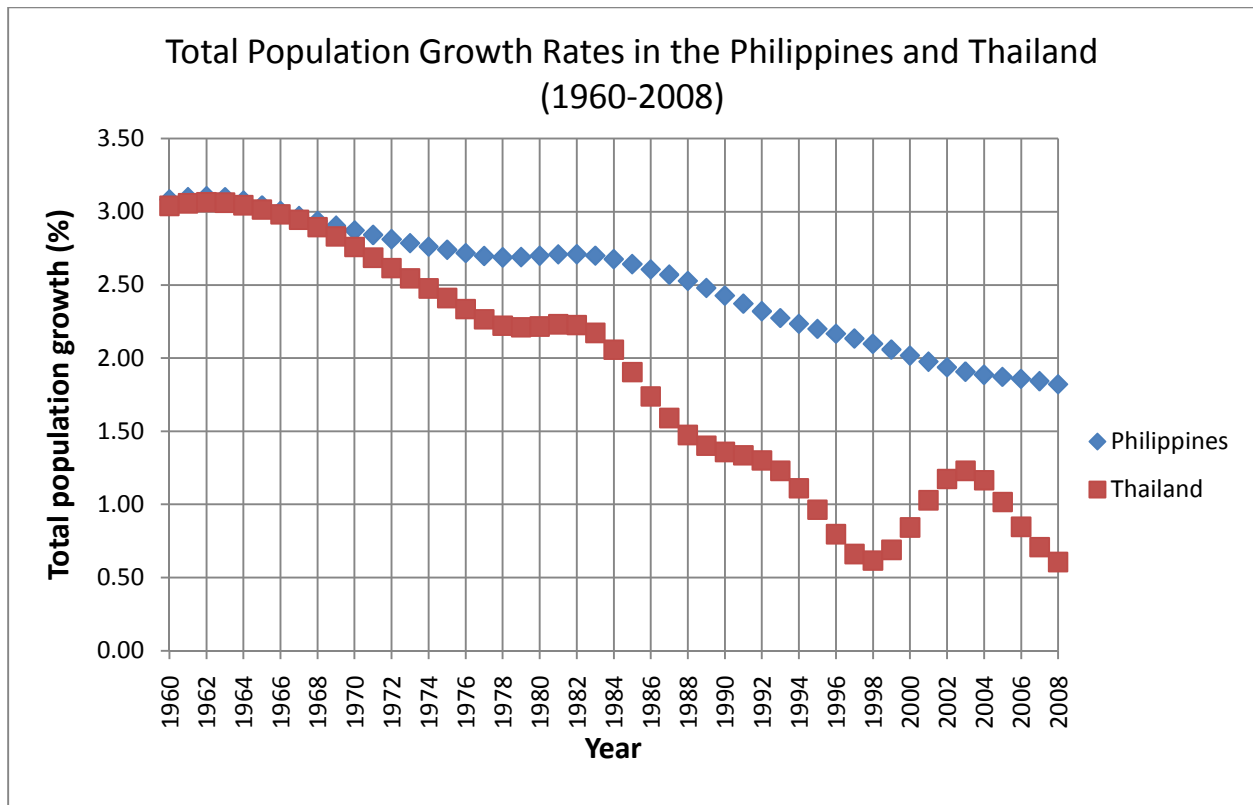


Figure 6.2: Total Population Growth Rates in the Philippines and Thailand (1960-2008)<sup>16</sup>

rates in the Philippines also fell—though again, not as quickly as Thailand’s—from the 1972 figure of 6.0 children to 4.6 children by the end of the Marcos regime in 1986.<sup>17</sup>

#### *The CBCP response to the Marcos population program*

When the new population management program was announced, the CBCP issued two pastoral letters on December 8, 1973. The first was addressed to Catholic hospitals and Catholic medical personnel and reminded them of their obligation to conscientiously object to and recuse themselves from any procedure involving direct abortion, sterilization or the provision of contraception, lest the public believe that they were condoning it.<sup>18</sup>

The second pastoral letter, addressed to Philippine Catholics more broadly, directly criticized the population control policy. It acknowledged that there was rapid population growth in the country and that its goal was not to promote “the unlimited procreation of children” or “a manner of rearing children that is dictated by chance rather than choice.”<sup>19</sup> However, it also argued that poverty was caused primarily by the inequitable distribution of

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Catholic Bishops' Conference of the Philippines, “Moral Norms for Catholic Hospitals and Catholics in Health Services”, (December 8, 1973), [http://www.cbcponline.net/documents/1970s/1973-moral\\_norms.html](http://www.cbcponline.net/documents/1970s/1973-moral_norms.html).

<sup>19</sup> Catholic Bishops' Conference of the Philippines, “Pastoral Letter of the Catholic Hierarchy of the Philippines on the Population Problem and Family Life”, (December 8, 1973), [http://www.cbcponline.net/documents/1970s/1973-population\\_problem.html](http://www.cbcponline.net/documents/1970s/1973-population_problem.html).

resources and a selfish unwillingness by society to care for its neediest members.<sup>20</sup> Even then, the Church emphasized that material wellbeing was to be of secondary concern and openly questioned whether it was right for societies to be single-mindedly concerned with improving it.

...What, for us, are we to cherish and to cultivate as qualities specific to the human way of life? Is it only food, clothing and shelter? Or is not the way of human life specified rather by spiritual endowments such as conscience and freedom and moral integrity? Will we be improving the qualities of the human way of life if in the process of ensuring a sufficiency of food and clothing and shelter, violence is done to conscience and those other endowments of the spirit?<sup>21</sup>

The pastoral letter also raised the concern that the provision of contraception and the implementation of a population management program would breed a “radical and depersonalizing contraceptive mentality”, noting that the Philippine government was now encouraging sterilization whereas it had previously promised not to.<sup>22</sup> The CBCP warned of a slippery slope toward an increasingly impersonal response to the population issue: “from repeat-decision contraceptives to the one-decision surgical sterilization. ...From the voluntary towards the compulsory. All this clearly leads towards the gradual depersonalization of people.”<sup>23</sup>

There are clear parallels between the CBCP’s rhetoric and the warnings enshrined in *Humanae Vitae*, particularly those concerning the fears of mandatory birth limitation. We can see in the pastoral letters several elements of defensive sacralization. First, the very fact that the CBCP was issuing pastoral letters about family planning as a means of population control indicates an effort to raise its salience among the faithful. Second, the CBCP emphasized the linkage between Catholic identity and adherence to the teaching against contraception (which also included any kind of sterilization) by singling out Catholic hospitals and medical personnel and admonishing them to conscientiously object to procedures that the Church taught to be immoral. While it is too far to say that the CBCP was making obedience a *constitutive* norm of being Catholic insofar as disobedience did not by definition exclude someone from the Catholic fold (except, perhaps, in the case of an abortion), it was clear that the CBCP was trying to make the norm *more* constitutive. The CBCP was also putting forth a social stability frame by emphasizing the depersonalization of human life and raising the specter of compulsory family planning, sterilization or even abortion.

Still, when compared with the Church’s activism during the 1990s and beyond, the pastoral letters stand out because throughout the 1970s and early 1980s, Catholic resistance to the population control policy was not widespread. However, this is not particularly surprising when we consider the political context. The military was raiding churches, shutting down

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.



religious media outlets, and arresting scores of clergy and members of religious orders. Simply put, the Church had bigger problems on its hands during this period of extraordinary social upheaval. Population control was a matter for normal politics and as such, was placed on the back burner. Once a semblance of normality had returned, however, it quickly returned to the forefront of the agenda.

### **Cory Aquino and the Catholic Church: The Church as Public Guardian**

For our purposes, the EDSA Revolution had two major effects on the role of the Catholic Church. First, it firmly established the Church as a major political player and the country's most prominent and trusted moral authority. During the Revolution, the Church became an alternative to the state by skillfully using its divine authority to channel popular nationalism. When the Church spoke, it purported to speak not only on behalf of its own doctrines and beliefs but also on behalf of the Filipino masses. When Corazon Aquino became president in 1986, she took office amidst a surge of popular optimism legitimated by the endorsement of the Catholic Church and the acquiescence of the military. Second, the EDSA Revolution laid out a pattern for the removal of sitting executives who, in the opinion of the masses, were no longer fit to govern. The lessons of EDSA were not lost on succeeding presidents, who recognized the Church as a potential power competitor that, in the worst-case scenario, could force them to step down. As a result, every president since Aquino has sought some degree of accommodation with the Church.

One way to describe the Catholic Church's role after the EDSA Revolution is that it had become a policy gatekeeper. While it never was the case that the Church could veto every policy that it disliked, its close relationship with President Aquino meant that few policy changes could occur without its acquiescence. If the Church could not block policies that it found to be against its interests, it could certainly increase the costs to actors who sought to oppose it. Indeed, throughout Aquino's term, the Church was one of the chief defenders of the regime and helped her foil numerous coup attempts as her relationship with the military—and in particular her defense minister, Juan Ponce Enrile—deteriorated over the Church's proposal to mediate talks between the government and communist rebels.<sup>24</sup> In November 1986, the so-called "God Save the Queen" plot, in which Enrile sought to depose Aquino and establish a military junta, was thwarted at the last minute by Gen. Fidel Ramos and Cardinal Sin. The latter contacted Enrile, warned him not to proceed with his plans and insisted that any bloodshed would be on his head.<sup>25</sup> Aquino ordered the military on full alert, spoke out against the coup plot and appealed to the populist spirit of the EDSA Revolution. "If it should be necessary," she said, "I shall once more ask you to take to the streets."<sup>26</sup> Following the failed coup attempt and with the full backing of Cardinal Sin and the Church, Aquino forced Enrile to step down as secretary of defense and appointed Fidel Ramos in his stead.

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<sup>24</sup> "Further on Enrile Criticism", *FBIS Daily Report (Asia and the Pacific)*, (September 26, 1986), FBIS-APA-86-187, 7.

<sup>25</sup> Steven Shirley, *Guided by God: The Legacy of the Catholic Church in Philippine Politics* (Singapore: Marshall Cavendish Academic, 2004). 99.

<sup>26</sup> "Comments on Coup Rumors", *FBIS Daily Report (Asia and the Pacific)*, (1986), FBIS-APA-86-217, 4.

## **Family Planning Policy and the Church in the Aquino Administration**

Because of Aquino's dependence upon the Church for mass political support, she faced strong incentives to accede to its preferences. One of the most important accomplishments of the Aquino administration was the writing of a new constitution in 1987 to replace the one in 1973 that had granted Marcos virtually unlimited executive powers. The constitution established a tripartite governmental structure modeled on the American system with an executive, a bicameral legislature, and a judiciary. The legislature consisted of a 24-member Senate to be chosen at large in national elections, and a House of Representatives that would consist of district representatives and national party-list representatives, the latter of whom would occupy 20 percent of the seats in the House.

The 1987 Constitution was the product of Catholic thinkers. Members of the Constitutional Commission included Bishop Teodoro Bacani, the auxiliary bishop of Manila, and Sister Christine Tan, a nun who had chaired the Association of Major Religious Superiors of Women in the Philippines during the Marcos era and an outspoken activist. Fr. Joaquin Bernas, a Jesuit constitutional lawyer and the president of the Jesuit-run Ateneo de Manila University, was tasked with drafting a provisional constitution to enable the Aquino administration to govern in the meantime. Other constitutional commissioners included laity with close ties to the Church. For instance, Bernardo Villegas, who became Aquino's chief economic adviser, was Senior Vice-President for the Center for Research and Communication, a think tank affiliated with Opus Dei that later became the University of Asia and the Pacific.

Controversially, Aquino decided to appoint the members of the Constitutional Commission instead of having them elected, which angered pro-Marcos supporters. The CBCP, however, threw its support behind the decision to appoint the Commissioners in a pastoral letter in which it favorably compared the process with the 1898 revolutionary government in the Philippines and post-World War II West Germany and pointed out that "our experience with an elected body which wrote the 1973 Constitution was not altogether a happy one."<sup>27</sup>

The 1987 Constitution is a remarkable document because it reflects in many ways a Catholic view of what constitutes a "good" society. Compared with the United States Constitution from which it took much of its inspiration, the Philippine Constitution placed a much heavier emphasis on the role of the state in safeguarding collective welfare over individual freedom. For instance, Article II declares that the government must take an active role in poverty reduction and maintaining full employment. Article XII declared that the goals of the national economy were to ensure "a more equitable distribution of opportunities, income and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people, and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged."<sup>28</sup>

Of particular importance for the topics of reproductive health and contraception is Section 12 of Article II, which declares that

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<sup>27</sup> Catholic Bishops' Conference of the Philippines, "Pastoral Exhortation on the Constitutional Commission and Its Work", (May 18, 1986).

<sup>28</sup> *Constitution of the Republic of the Philippines (1987)*, Art. XII §1.

The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.<sup>29</sup>

This section, which was chiefly sponsored by Bernardo Villegas, acknowledged that the family existed prior to the state and declared that it—not the individual—was the basic element of society. By mandating that the state would protect both the mother and the unborn fetus, the constitution effectively outlawed abortion. In his sponsorship speech, Villegas argued that the proposed section would allow for the protection of the mother in cases when the fertilized ovum failed to be implanted in the uterine lining (also known as an ectopic pregnancy). As to the claim that equally protecting the life of the mother and the unborn fetus would result in a conflict of rights, he dismissed it as a false conflict. The right to life trumped all other rights and women had no right to, as he put it, “evict the temporary resident of her private womb.”<sup>30</sup> In other words, once the egg was fertilized, the resulting ovum was to be protected at all costs. In situations where the life of the mother genuinely could not be saved without ending the life of the unborn child (a situation which Villegas described as “very, very exceptional”), the death of the unborn child would not be blameworthy because it would be an unintended consequence of saving the life of the mother.<sup>31</sup>

Further down, the Constitution devotes the entirety of Article XV to “The Family”. Key provisions included the inviolability of marriage (making the legalization of divorce unconstitutional), the right of spouses to establish a family in accordance with their own religious and moral beliefs, and the right of children to proper care and “special protection” from neglect, abuse, cruelty, exploitation and “other conditions prejudicial to their development.”<sup>32</sup>

In proposing the article before the constitutional commission, Commissioner Teresa Nieva asserted that “[t]he family as a natural society exists prior to the State or any other community. Thus, Pope John Paul II has rightly said that the future of humanity passes by way of the family. From this it follows that the family possesses, as given by the Author of nature Himself, certain inherent and inalienable rights which are intrinsic to its very existence and perpetuity.”<sup>33</sup> In the Philippines, she continued, the family was an especially strong institution and all the more valuable considering that “many cultures, particularly in highly ‘technologized’ countries”, no longer seemed to give the family its proper place in society. Thus, it was imperative for the state to protect the Filipino family “not only for the sake of our own country

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<sup>29</sup> Ibid., Art. II §12.

<sup>30</sup> Joaquin G. Bernas, *The Intent of the 1986 Constitution Writers* (Manila: Rex Book Store, 1995). 118.

<sup>31</sup> Ibid., 120.

<sup>32</sup> *Constitution of the Republic of the Philippines (1987)*, Art. 15.

<sup>33</sup> Joaquin G. Bernas, “Church, Constitution and the RH Bill,” *Philippine Daily Inquirer*, October 13, 2008, 1128-29, [http://opinion.inquirer.net/inquireropinion/columns/view/20081013-166086/Church%2C\\_Constitution\\_and\\_the\\_RH\\_bill](http://opinion.inquirer.net/inquireropinion/columns/view/20081013-166086/Church%2C_Constitution_and_the_RH_bill).

but even for the sake of the rest of the world.”<sup>34</sup> Absent such support, she warned, “we may inevitably capitulate to the powerful forces from without and witness the gradual collapse of our Filipino family system.”<sup>35</sup>

These remarkable passages in the 1987 Constitution resulted from the defensive sacralization by Catholic thinkers who sought to strengthen the linkages between Filipino identity and Catholic morality. For constitutional commissioners like Bacani, Nieva and Villegas, responding to the threat to the unborn was a non-negotiable principle that, in turn, justified a prognostic frame calling for strong measures to preserve the traditional family. By declaring marriage to be “an inviolable social institution” that would be protected by the state, the Constitution effectively outlawed divorce. By declaring that the state would protect both the mother and the life of the unborn from conception, the Constitution also outlawed abortion. It is important to recognize here that the constitutional commissioners were not simply agents of the Vatican. Rather, they were acting independently of the Vatican but in accordance with many of its moral teachings. The religious teachings served as broader norms that shaped the commissioners’ approach to the Constitution.

Although the Constitution guaranteed the separation of church and state, its establishment of constitutive norms circumscribing the bounds of the family that were clearly rooted in Catholic morality raised questions about the specific role of the Church.<sup>36</sup> Notably, a coalition of women’s groups led by the umbrella organization and political party GABRIELA, which claimed to represent some 40,000 members, attempted to ensure more specific constitutional protections for women. They succeeded in inserting a clause in Article II declaring that the state was obligated to protect the lives of the unborn *and* mothers equally, but otherwise largely failed to dilute the Church’s influence.<sup>37</sup> The 1987 Constitution meant that the state would be obligated to scrutinize any family planning program that might pose a threat to the life of the unborn or the mother. Thus, any contraceptive that could potentially be abortifacient was automatically prohibited, as was any contraceptive that the government deemed to pose unacceptable health risks to mothers. For advocates of comprehensive family planning programs, this made it difficult to push for a wide availability of contraceptives since any such program was potentially vulnerable to legal challenge under Article II.

With its newfound political influence and a constitution crafted by Catholic thinkers, the Church was in a strong position to influence family planning and population policy. In 1988, Cardinal Sin published a pastoral letter titled, “The Population Question”, which opposed contraception as a legitimate means of family planning. In it, Sin wrote that Catholics could legitimately exercise “responsible parenthood” only by “the deliberate and generous decision to raise a family” or to engage in periodic abstinence (i.e. natural family planning) “*for grave motives and with due respect for the moral law* [original emphasis]”.<sup>38</sup>

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> See, for instance: “Role of Church in Constitutional Body Viewed”, *FBIS Daily Report (Asia and the Pacific)*, (May 9, 1986), FBIS-APA-86-103, 4.

<sup>37</sup> Ruth Dixon-Mueller and Adrienne Germain, “Population Policy and Feminist Action in Three Developing Countries,” *Population and Development Review* 20 (1994): 210.

<sup>38</sup> Jaime Cardinal Sin, “The Population Question”, (1988). Quoted in: Alejandro N. Herrin, “Population Policy in the Philippines, 1969-2002”, *PIDS Discussion Paper Series*, (September, 2002), 33.

Included with the pastoral letter, which was distributed to parishes throughout the Philippines, was a “Position Paper on the Population Question” describing the Church’s official stance on population in the Philippines. It declared that the Church was not invariably opposed to the regulation of births so long as that decision was made by the couple rather than the state and conducted solely through natural family planning. The direct use of abortion, sterilization or artificial contraception, however, was contrary to God’s law and to be prohibited. That said, the position paper emphasized that while artificial contraception was “objectively wrong”, the Church did not presume to judge the “subjective guilt” of those who used it—a nod to the Liguorian distinction between objective action and the imperative to always follow one’s conscience, even if it were malformed. Finally, the position paper upheld the Church’s longstanding assertion that the unjust distribution of resources in the country was a more pressing problem than population growth. “While we are not absolutely opposed to the slowing down of our growth rate,” it read, “we are against an anti-natalist mentality, and we wish to emphasize the necessity for greater initiative and spirit of enterprise, a more just distribution of wealth and power, and a wiser use of our resources as solutions to our underdevelopment.”<sup>39</sup>

#### *Family planning policy under Aquino*

Under Aquino, family planning policies de-emphasized population growth reduction in favor of maternal and child health. This was strongly signaled by the 1986 transfer of POPCOM from the direct control of the President to the Ministry of Social Welfare and Development, as well as the January 1987 appointment of Mita Pardo de Tavera, a conservative Catholic, as Secretary of Social Welfare and POPCOM Chair. In April 1987, POPCOM issued a Policy Statement expressing the new administration’s views on family planning. The emphasis was no longer on population management but instead on “responsible parenthood” and greater decision-making autonomy for families. The first item under the section titled “Policy Principles” stated that the population program would be oriented “towards the overall improvement of family not just fertility reduction.”<sup>40</sup> The Policy Statement also called for an “integrated approach to the delivery of health, nutrition, and family planning services, a subset of which [was] the integration of value formation, responsible parenthood and family planning as a vital component of comprehensive maternal and child health.”<sup>41</sup>

The upshot of the new Policy Statement was to make family planning a matter of public health rather than economic development and population management. Indeed, in 1988, the POPCOM Board transferred control of its family planning program to the Department of Health.<sup>42</sup> Such an approach rejected the kinds of incentive structures that Marcos had instituted in order to coax parents to have fewer children. Under the Aquino administration, POPCOM drastically scaled back its family planning operations, as indicated by a drop in family planning

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<sup>39</sup> Catholic Bishops’ Conference of the Philippines, “Position Paper on the Population Question”, (1988). Quoted in: Herrin, “Population Policy in the Philippines, 1969-2002”, 34.

<sup>40</sup> “The Philippine Population Program Under the Aquino Administration,” *Philippine Population Journal* 4, no. 1-4 (1988): 107.

<sup>41</sup> *Ibid.*, 108.

<sup>42</sup> Umali, “The Politics of Population Policy-Making in the Philippines: Insights from the Population and Reproductive Health Legislative Proposals,” 61.

personnel to about 200 employees from a high of 10,000 under Marcos.<sup>43</sup> An independent study by the Population Institute of the University of the Philippines found that between 1986 and 1988, the use of birth control among couples declined from 45% to 36%.<sup>44</sup> Meanwhile, the population growth rate remained Asia's highest at approximately 2.5 percent per year.<sup>45</sup>

In January 1989, USAID suspended its funding for population planning activities in the Philippines due to the stagnation of POPCOM's family planning program. This provided the impetus for the Aquino administration to transfer POPCOM to the direct supervision of the president in June 1990.<sup>46</sup> Policy implementation was spearheaded by the Department of Health under Secretary Alfredo Bengzon, who advocated a "cafeteria" approach to family planning in which artificial contraception would be made available alongside natural family planning and other methods. However, he emphasized that the program was not aimed at fertility or population control but rather at promoting the spacing of births among high-risk women, especially the poor, so as to improve child care and education.<sup>47</sup>

The new Philippine Population Program that emerged as a result of the new organization emphasized two areas: first, Reproductive Health/Family Planning and second, Population and Development. In the first area, the Program attempted both to increase the number of married couples utilizing family planning and responsible parenthood practices, and to promote the broader values of responsible parenthood, such as responsible sexuality, delayed marriage, birth spacing and small family size.<sup>48</sup> The apparent reversal was followed by a \$25 million grant from UNFPA and an additional \$40 million from USAID to purchase contraceptives.<sup>49</sup>

Another important legacy of the Aquino administration was the 1991 Local Government Code, which devolved numerous governmental functions to the Philippines' 77 provinces, 60 autonomous cities, 1,548 municipalities and 42,000 *barangays* (villages), collectively known as local governing units (LGUs). This was done in an effort to more easily adapt government policies to local conditions, to make local elected officials more accountable to their constituents, and to make it easier for local residents to be involved in policy decision-making and to have a stake in the polity.

The Local Government Code significantly transformed the structure of health services in the Philippines. The vast majority of frontline service providers, including most hospitals and all rural health care units and *barangay* health stations, were devolved to the control of provincial and sub-provincial governments, while the Department of Health remained responsible for broad policymaking and funding decisions. This had a number of implications for reproductive health services. First, differentials in the finances of local governments meant that there were

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<sup>43</sup> Robert L. Youngblood, "President Ramos, The Church, and Population Policy in the Philippines," *Asian Affairs: An American Review* 25, no. 1 (1998): 8.

<sup>44</sup> *Ibid.*, 9.

<sup>45</sup> World Bank, "World Development Indicators Database."

<sup>46</sup> Youngblood, "President Ramos, The Church, and Population Policy in the Philippines," 9.

<sup>47</sup> *Ibid.*, 9.

<sup>48</sup> Alejandro N. Herrin, "A Review of Population Policy and Program in the Philippines, 1969-2002" (paper presented at the Annual Population Congress, Diliman, Quezon City, Philippines, November 29 2002), 21.

<sup>49</sup> Ramon Isberto, "Philippines: Turning Serious At Last About Population Control," *Inter-Press Service*, June 26, 1990.

greater disparities between poorer and wealthier provinces in the quality of medical services provided. Second, devolution led to greater variability in health policies from LGU to LGU. Some LGUs invested in reproductive health care but many did not, also contributing to disparities in the quality of care. Third, because LGUs now set health policy, they were more vulnerable to local political pressures. In particular, the Catholic Church and other opponents of reproductive health norms could employ a “divide and conquer” strategy to pressure local governments to adopt more conservative reproductive health policies.<sup>50</sup> These policy inconsistencies would later become an important argument for the implementation of a national reproductive health law.

#### *Defensive sacralization at the 1990 CBCP-government dialogue*

The Aquino administration’s adoption of the Philippine Population Program under Secretary Alfredo Bengzon generated a backlash from the CBCP, which in July 1990 threatened to publish a pastoral letter openly criticizing it. In response, President Aquino convened a dialogue in August between the government—represented by Secretary Bengzon, Secretary of Finance Jesus Estanislao, and Undersecretary of Health Mario Taguiwalo—and the CBCP—represented by Episcopal Commission on Family and Life (ECFL) Chair Bishop Jesus Varela, Bishop Teodoro Bacani, Bishop Francisco Claver, Bishop Orlando Quevedo, and Father Vicente San Juan, also of the ECFL.

Following the dialogue, the CBCP agreed to postpone the pastoral letter. In a joint statement issued by the two parties, they agreed to respect the freedom of conscience of individuals and married couples. The government also assured the Church that the family planning program would be aimed only at married couples of reproductive age and not specifically intended to reduce fertility or population growth. Both sides agreed that the legalization of abortion was off-limits, including anything that prevented a fertilized ovum from reaching maturity. The government would make contraceptives available but prohibit any that were discovered to be abortifacient. For its part, the Church acknowledged the freedom of people to disagree with its teachings and pledged to respect “the government’s toleration of other means that the conscience of others may not object to” provided that they were not abortifacient.<sup>51</sup> Despite this convergence of understandings, significant areas of disagreement remained and the talks were intended to be the start of a continuing conversation.

In October, however, the CBCP released the pastoral letter, “Love Is Life”, an abridged version of which was read from the pulpit in churches around the country. The letter openly attacked the Family Planning Program as a “population control program”, warned of local and foreign NGOs that sought to “manipulate family size by promoting values that are incompatible with Christian family living”, and declared that the objective of these groups was to limit family size to two children and achieve “zero population growth” through the distribution of contraceptives. The letter urged people to practice natural family planning, telling

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<sup>50</sup> Rama Lakshminarayanan, “Decentralisation and Its Implications for Reproductive Health: The Philippines Experience,” *Reproductive Health Matters* 11, no. 21 (2003).

<sup>51</sup>Catholic Bishops’ Conference of the Philippines, “Statement of Bishop Jesus Varela (Chairman) on the Church/Government Dialogue on Family Planning”, (August 15, 1990), [http://www.cbcponline.net/documents/1990s/1990-family\\_planning.html](http://www.cbcponline.net/documents/1990s/1990-family_planning.html).

underprivileged couples that “God never abandons those who are heroic and who depend on Him for all things.”<sup>52</sup>

The letter also situated the fight against contraception in the context of a broader global phenomenon. “We are unwittingly caught in a systematic campaign against childbearing. It is a worldwide drive that undermines the value of life. It is evil. This attack on life is an attack on the human person’s capacity to love. Ultimately, it is an attack upon God who is Love.”<sup>53</sup> Here, we see appeals to two of the three broad reasons for defensive sacralization: perceived threat to social stability and an affront to the sacred. The proposed response was straightforward resistance to government policies and a return to natural family planning and the acceptance of children as an absolute good.

Though it was official CBCP policy, “Love Is Life” did not fully reflect the views of everyone involved in the dialogue with the government, according to interviews with sources close to the proceedings. Responsibility for writing the letter fell to three of the bishops: Varela, who chaired the ECFL, Quevedo, and Claver. Varela and his close associate, Fr. Vicente San Juan, were both preservationists on family planning and perceived a major threat to Catholic teachings from the Philippine Population Program. They wrote the initial draft and sent it to Quevedo, Claver, and CBCP President Archbishop Leonardo Legaspi, who was in Rome for a bishops’ synod. Upon receiving the draft, Quevedo and Claver requested to meet with Varela and San Juan to rewrite it. Though they agreed that population control was not an appropriate solution, they also believed that rapid population growth was a problem that had important consequences for the poor and thus needed to be engaged with in a more nuanced manner than had been articulated in the letter.

By then, however, the letter had already been sent to Archbishop Legaspi. According to one cleric familiar with the proceedings, although Legaspi was surprised by its tone, his advisors told him that it had already been approved by the CBCP and that it was not his place to alter the text aside from minor revisions. Consequently, Legaspi sent the letter to be published in the Vatican’s semi-official newspaper, *L’Osservatore Romano*. By doing so, the pastoral letter could no longer be retracted. Predictably, Secretary Bengzon was furious and demanded to speak before the CBCP. Bishop Legaspi granted him the opportunity and Bengzon proceeded to excoriate the bishops for the apparent “betrayal”. According to another cleric, at the end of the speech, Legaspi asked if any of the bishops wished to comment. Dead silence filled the hall and with that, Bengzon left.<sup>54</sup>

This was a classic case of defensive sacralization. It clearly identified a threat to the religious norm against contraception and amplified the urgency of that threat by drawing linkages between contraception and the threats of population control, abortion and the erosion of traditional Filipino values. While it is unlikely that the Church would have been happy with the government’s family planning policy as it stood, any chance of further dialogue collapsed with the issuance of the new pastoral letter. What “Love Is Life” did was to outflank more

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<sup>52</sup> Catholic Bishops' Conference of the Philippines, “Love Is Life: A Pastoral Letter on the Population Control Activities of the Philippine Government and Planned Parenthood Associations”, (October 7, 1990), [http://www.cbcponline.net/documents/1990s/1990-love\\_is\\_life.html](http://www.cbcponline.net/documents/1990s/1990-love_is_life.html).

<sup>53</sup> Ibid.

<sup>54</sup> Interview with Catholic bishop 4, May 17, 2008; interview with Theologian 5, March 26, 2008.



accommodationist bishops by emphasizing the threat that a more liberal family planning policy would pose to the religious norms sanctifying the family and human life. In so doing, it sought to raise both the salience and the constitutiveness of the teachings against contraception.

The act of defensive sacralization also resulted in sacralization trap dynamics. Declaring that advocates of such a policy were “evil” and part of a “systematic campaign” against childbearing might not have had a major effect on the laity in the pews, but they were only secondary audiences. The more important audience for the letter consisted of those religious authorities who were willing to dialogue with the government and the politicians and officials who depended on the Church’s legitimizing power. Defensive sacralization here was a warning to those authorities that any deviation from the established norm would be regarded as an affront to God. As an official statement of the CBCP, the bishops could not simply retract it; doing so would have dangerously undermined the bishops’ unity. For the same reasons, it would have been foolhardy for individual bishops to dissent from the letter. No one wanted to inadvertently convey the impression that contraception was permissible. Unfortunately, the termination of dialogue between the Church and the government heralded the beginning of deep polarization and mistrust between advocates and opponents of reproductive health norms.

### **Fidel Ramos and the Decline of the Church’s Political Influence**

Cory Aquino’s term as president ended in 1992 and her successor, Fidel Ramos, a Protestant, won the election with a plurality of the vote, marking the post-EDSA era’s first peaceful transition of power. Unlike Aquino, Ramos did not have the blessing of the Catholic Church despite their one-time alliance during the EDSA Revolution. During the 1992 elections, Cardinal Sin made no secret of his distaste for Ramos. Despite Aquino’s endorsement of Ramos for the presidency, Sin used the pulpit to condemn him and urge people to vote for his opponent Ramon Mitra instead. In a homily one week before the elections in May 1992, Sin singled out Mitra’s three competitors: Ramos, wealthy industrialist Eduardo “Danding” Cojuangco (Cory’s estranged cousin and a close personal friend of Ferdinand Marcos), and Marcos’s own wife, Imelda. He asked rhetorically, “How can we allow our country to be run by persons who, before God and the Filipino people, are neither willing to admit nor tell the truth about what they have done in the past and what they are doing in the present?”<sup>55</sup> Notably, Sin’s partisan statements were not universally shared by his colleagues in the CBCP. The CBCP itself remained officially neutral and some bishops attempted to distance themselves from Sin’s statements. For instance, Bishops Felix Zafrá of Tagbilaran and Camilo Gregorio of Bacolod both made public statements saying that Sin did not represent the entire Church. Gregorio went so far as to denounce Sin’s Easter “insinuations” against the presidential candidates and declare that the Diocese of Bacolod would remain neutral.<sup>56</sup>

Ramos’s presidency was noted for significant improvements in the Philippine economy. Whereas GDP growth rates had fallen steadily from 1988 to a trough of -.578% in 1991 and the barest hint of a recovery in 1992, the economy recovered quickly and between 1994 and 1997

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<sup>55</sup> Lindsay Murdoch, “Sin Urges Voters to Reject Ramos,” *The Age*, May 5, 1992.

<sup>56</sup> Youngblood, “President Ramos, The Church, and Population Policy in the Philippines,” 11.

annual GDP growth averaged 5.02%.<sup>57</sup> Toward the end of his tenure, Ramos sought to modify the constitution to allow for additional presidential terms beyond the initial six years (called “Charter Change”). This met with fierce opposition from the Catholic Church which, with the support of Cory Aquino, launched a determined campaign against it. Cardinal Sin accused Ramos of failing in his duty to responsibly lead the Philippines and pursuing a naked grab for power. In one statement, he said that Ramos was leading the Philippines “back into the dark ages of pre-martial law political dynasties, warlordism, corruption, sham democracy and debilitating poverty.”<sup>58</sup> The last time a president had tried to change the constitution, opponents warned, it resulted in more than a decade of martial law under Marcos.

On September 21, 1997, the twenty-fifth anniversary of the imposition of martial law, Cardinal Sin and Cory Aquino presided over a huge rally in Luneta Park in Manila, drawing over 500,000 attendees, many clad in yellow—the color that symbolized the EDSA Revolution. In the days leading up to the rally, Manila was subject to nightly noise barrages as churches rang their bells and motorists honked their horns to protest Charter Change.<sup>59</sup> Faced with such a stinging rebuke, Ramos backed down. A few days after the rally, the Supreme Court ruled that the “people’s initiative” mobilized to get signatures for Charter Change could not legally propose amendments to the Constitution. Ramos subsequently abandoned Charter Change.

Once again, the Church demonstrated that it wielded great influence over the masses. While Ramos undoubtedly had had the most successful presidency to date in terms of stimulating economic growth, he underestimated ordinary Filipinos’ fears of a return to autocratic rule. The latter meant that the Church was able to mobilize huge numbers of Filipinos to oppose Charter Change, virtually ensuring that Ramos would lose politically should he attempt to proceed.

### **Family Planning Policy and the Church in the Ramos Administration**

The Aquino family planning program had emphasized maternal and child health and consistently downplayed the population aspect of family planning. By contrast, Ramos saw a robust family planning program linked to population growth as a key element of his economic development strategy. Upon taking office, Ramos declared that the goal of achieving a \$1,000 annual per capita income by 1998 would require a population growth rate below 2 percent.<sup>60</sup> His new Secretary of Health, Juan Flavio, emphasized family planning as a matter of reproductive health and “free choice”, thereby making available a wide range of birth control methods.<sup>61</sup>

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<sup>57</sup> International Monetary Fund, “World Economic Outlook Database,” (2010).

<sup>58</sup> “Filipino Cardinal Fights Re-Election of President,” *Seattle Times*, August 24, 1997. Quoted in: Shirley, *Guided by God: The Legacy of the Catholic Church in Philippine Politics*: 106.

<sup>59</sup> Shirley, *Guided by God: The Legacy of the Catholic Church in Philippine Politics*: 109.

<sup>60</sup> Youngblood, “President Ramos, The Church, and Population Policy in the Philippines,” 12. At the time of Ramos’s inauguration in 1992, the population growth rate was 2.32 percent and in 1998, it dropped to 2.10 percent. World Bank, “World Development Indicators Database.”

<sup>61</sup> Reginald Chua, “There are no easy answers to birth control in the Philippines as economic growth lags behind population expansion and the Catholic beliefs of the majority further cloud the issue,” *South China Morning Post*, September 6, 1992.

While the new family planning policy garnered the support of other religious groups, such as Protestant denominations, the National Council of Churches of the Philippines, and the *Iglesia ni Cristo*, the Catholic Church again regarded it to be a major threat to Philippine morality. Having backed the loser in the presidential election, the Catholic Church was also acting from a much weaker political position than it had been in the past. Since Ramos was a Protestant, he owed no personal deference to the Church, eliminating a significant source of influence. Thus, the Church's fierce response to his family planning policies can be interpreted not only as a defense of Church teachings but also an attempt to ensure that the Church remained a relevant and powerful political force. Fr. James Reuter, who was then the Executive Secretary of the CBCP's Commission on Social Media and Communications, captured the power politics of the struggle when he declared: "We will sabotage the Government's campaign on population control by passive resistance. Any politician who attacks the Catholic Church is committing suicide."<sup>62</sup>

Cardinal Sin, the Philippines' most recognizable Catholic cleric, became the face of the Church's opposition to Ramos and waged an intense battle against the new reproductive health program. The tools of contestation were virtually identical to the ones used during the EDSA Revolution. Sin used the pulpit, pastoral letters, and mass rallies in order to get the Ramos administration to back down. In a pastoral letter on AIDS issued soon after the announcement of the condom distribution program, the CBCP exhorted Catholics to reach out to those afflicted by HIV and to work with social agencies to educate people about the disease. Yet a significant part of the letter was devoted to what the CBCP called "the moral dimension of the disease." After emphasizing that "promiscuous sexual behavior" was the primary cause of HIV transmission, the letter argued that the condom distribution plan "would be tantamount to condoning promiscuity and sexual permissiveness and to fostering indifference to the moral demand as long as negative social and pathological consequences can be avoided." Furthermore, the CBCP asserted that "we have a well-founded anxiety that the drive to promote the acceptability of condom use for the prevention of HIV/AIDS infection is part of the drive to promote the acceptability of condom use for contraception."<sup>63</sup> The way to combat HIV and AIDS, according to the CBCP, was not by making sex safer, but rather by altering sexual values, remaining chaste and shunning extramarital sex. Cardinal Sin followed up the pastoral letter with a huge pro-life rally in Luneta Park, which reportedly drew as many as 500,000 attendees.<sup>64</sup>

In July 1993, as the Ramos administration was preparing to roll out a new family planning program, the CBCP released another pastoral letter, "Save the Family and Live", to commemorate the United Nations' designation of 1994 as the Year of the Family. In it, the CBCP warned of "a subtle attack on human life" in the guise of efforts to improve the quality of life. The letter described the family as "a true church in microcosm" and "the first church for every

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<sup>62</sup> "Filipino Preaching Safe Sex Stirs Church's Ire," *New York Times*, August 4, 1993.

<sup>63</sup> Catholic Bishops' Conference of the Philippines, "In the Compassion of Jesus: A Pastoral Letter on AIDS", (January 23, 1993), <http://www.cbcponline.net/documents/1990s/1993-aids.html>.

<sup>64</sup> Youngblood, "President Ramos, The Church, and Population Policy in the Philippines," 12.

Christian”.<sup>65</sup> Children, then, were holy because they were children of the Covenant between God and the Church. As sacred beings, they merited special protection from the threat of the “contraceptive mentality.” Parents, the letter warned, were beginning to worry about how having children would affect their economic livelihood and were thus beginning to accept the idea that two children are sufficient. Such a calculation, it argued, set a morally dangerous precedent.

For today that standard of only two children per family has been accepted worldwide, irrespective of conditions of life, in poverty-stricken as well as affluent societies. What is replacing esteem for young human life is the appeal of the good life.

As against this calculation in how much love to expend, we must praise and give public recognition to parents even among the poor who manage to raise a large family responsibly. [...]

This is not necessarily to deny material assistance to the poor. But their stance is that of a beggar before Divine Providence. This is the stance of the church of the poor. And here we are affirmed by the witness of many couples. While thinking themselves poor, they actually possess the greatest gift one can have: to be able to love unselfishly.<sup>66</sup>

In these passages, which echoed the CBCP’s 1973 pastoral letter criticizing Marcos’s population management program, there is a clear effort to frame as a religious norm the idea that people should not limit births for economic reasons. If even the poor are able and willing to support large families, then reasons of personal financial difficulty are no reason to eschew having children. Indeed, the conventional sociological wisdom of greater affluence correlating with smaller families is to be turned on its head. The poor, who must depend upon God rather than their own efforts, are the ones truly setting the example for other Catholics to follow. In accepting more children despite their poverty, they are subordinating their economic livelihood to the higher good of unconditional love for their children. The Ramos administration’s family planning policies directly challenged this view; the pastoral letter argued that the acceptance of contraception and sterilization in other countries had led to “the acceptance of abortion, the breakdown of families, the encouragement of pre-marital sex, and the increased incidence of sexually transmitted diseases.” This was a clear statement of threat to religious norms—the problem was not just abortion and pre-marital sex in themselves but the *acceptance* of abortion and the *encouragement* of pre-marital sex, which would constitute a significant normative change.

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<sup>65</sup> Catholic Bishops' Conference of the Philippines, “Save the Family and Live: A Pastoral Letter of the Catholic Bishops' Conference of the Philippines on the Family”, (July 13, 1993), [http://www.cbcponline.net/documents/1990s/1993-save\\_the\\_family.html](http://www.cbcponline.net/documents/1990s/1993-save_the_family.html).

<sup>66</sup> *Ibid.*

The letter also appeared to emphasize the Church's special legitimacy of its claims and upbraided the Ramos administration for refusing to recognize them, stating: "We especially object to the promotion of contraception as an abrasive act of insensitivity to the sentiments of the majority Church whose ethical principles prohibit such practices."<sup>67</sup> Such a statement reflected the Church's politically inferior position—unable to directly influence the president, it resorted to shaming him. But it also served to remind the Ramos administration that the teachings against contraception and abortion were rooted in religious practices and that Catholics were not to be compelled by the state to act in a manner contrary to their beliefs.

Nevertheless, the executive branch continued with the implementation of the new Philippine Population Program Plan (PPPP) for 1993-1998, produced by POPCOM. The PPPP set a population growth rate target of 2.28 percent for 1998 down from 2.46 percent in 1993. The target total fertility rate for 1998 was set for 3.57 children per women from the 1993 rate of 3.85 children.<sup>68</sup> In 1997, POPCOM also implemented the Philippine Population Management Program Directional Plan, which established a six-year goal of promoting reproductive health population policies and programs. "Such programs", according to the Directional Plan, "should go beyond reducing population growth" and "instead, the well-being of women and men [should] be the paramount end."<sup>69</sup> Fertility reduction was not explicitly mentioned as a goal, though Alejandro Herrin has suggested that the wording "created a certain ambiguity as to whether fertility reduction is still a major demographic goal."<sup>70</sup> On the other hand, the Policy Statement also seems to indicate that the Ramos administration was hoping that it would be a by-product of reproductive health policies.

### *The ICPD controversy*

More clashes ensued between the government and the Church over family planning as the date of the ICPD approached. In July 1994, the CBCP released another pastoral letter warning that the decisions made there could "promote a radical change in the concept of what a family is, foster sexual license among the unmarried, and open even wider avenues to the evils of abortion."<sup>71</sup> The Church and pro-life organizations were also angered that Ramos had not included any representatives from their side. In a pastoral letter to the Archdiocese of Manila, in late July 1994, Cardinal Sin declared that "[i]t is now clear that global forces, backed by the wealth of powerful nations, are out to destroy the family by first destroying our children."<sup>72</sup> He called upon Filipinos to join another massive rally in Luneta Park on Sunday August 14, one day before the Feast of the Assumption, a major Catholic holiday honoring the Virgin Mary's entrance into heaven.

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<sup>67</sup> Ibid.

<sup>68</sup> Herrin, "Population Policy in the Philippines, 1969-2002", 23.

<sup>69</sup> "Philippine Population Management Program Directional Plan", (1997). Quoted in Herrin, "Population Policy in the Philippines, 1969-2002", 23.

<sup>70</sup> Herrin, "Population Policy in the Philippines, 1969-2002", 23.

<sup>71</sup> Catholic Bishops' Conference of the Philippines, "Pastoral Statement on the Cairo International Conference on Population and Development", (July 10, 1994), [http://www.cbcponline.net/documents/1990s/1994-pop\\_dev.html](http://www.cbcponline.net/documents/1990s/1994-pop_dev.html).

<sup>72</sup> Oliver Teves, "Cardinal Calls for Protest Against Government Population Program," *Associated Press Worldstream*, July 26, 1994.

The run-up to the 1994 Luneta Park rally revealed familiar motifs among those who opposed reproductive health norms. Religious norms against contraception and abortion were being undermined by external forces who were seeking to impose new norms of immorality upon Philippine society and it was incumbent upon Filipino Catholics to stand up and reject them. Lay organizations like the Council of the Laity of the Philippines, Couples for Christ, Pro-Life Philippines and the Catholic Charismatic Revival of the Philippines, placed full-page advertisements in major newspapers urging Filipino families to “March to Luneta and Shout for Life!”. The text of the ads stated that “the continuance of human life is gravely threatened by forces out to destroy the family” and “cloaked as proponents of individual freedom and equality between the sexes.” It pointed to “international conglomerates who work for the worldwide acceptance of morally aberrant relationships, behavior and methods inimical to families.”<sup>73</sup>

On the day of the rally, Cardinal Sin led the crowd—estimated to number between 200,000 and as many as 1 million—in burning a copy of the Program of Action in effigy and delivered a homily in which he drew parallels between Ramos and Ferdinand Marcos, declaring the need to

expel from our midst a new type of cultural dictatorship being imposed on us by interests alien to our well-being. This dictatorship would like to redefine our families, have us ape the degenerate sexual mores prevalent in so-called developed countries, [and] condition us toward accepting abortion as a means of family planning.”<sup>74</sup>

Some accounts of the rally noted that many of the attendees were clergy, religious, and students from Catholic schools who had been required by their teachers to attend the rally.<sup>75</sup> Attendees on the stage included such major figures as Bishop Teodoro Bacani, Cory Aquino, Manila Mayor Alfredo Lim and Vice-Mayor (and Pro-Life Philippines Chair) Lito Atienza, senators like Francisco “Kit” Tatad and Alberto Romulo, and Boots Anson-Roa, a celebrated film actress and cultural ambassador.<sup>76</sup>

Despite the heated rhetoric, representatives from the government and the Church met immediately following the rally for intensive negotiations that resulted in an agreement over the statement that the Philippine delegation would make at the ICPD. While the two sides remained steadfast in their mutually opposing views on artificial contraception, they agreed that the Philippine delegation would oppose abortion and any attempt to define homosexual relationships as comprising a family.<sup>77</sup> They also agreed to treat human life as “sacred”, “paramount and non-negotiable”, to regard the family as “the basic unit of society” and the

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<sup>73</sup> Danguilan, *Women in Brackets: A Chronicle of Vatican Power and Control*: 62.

<sup>74</sup> Rita Raagas, “Church Blasts Philippine Government,” *United Press International*, August 14, 1994.

<sup>75</sup> See, for instance: Danguilan, *Women in Brackets: A Chronicle of Vatican Power and Control*: 66; Eileen Guerrero, “Thousands Heed Church Call; Rally Against Population Controls,” *Associated Press Worldstream*, August 14, 1994; Nirmal Ghosh, “Pro-Life Rally in Manila Fails to Draw Target of 1 Million People,” *Agence France Presse*, August 15, 1994.

<sup>76</sup> Danguilan, *Women in Brackets: A Chronicle of Vatican Power and Control*: 67.

<sup>77</sup> “Church, Philippine Government Reach Accord,” *United Press International*, August 16, 1994.

“primary reason for government initiatives in human development”, to treat women’s and men’s rights equally, and to respect freedom of conscience and individuals’ and couples’ decisions to found their families in accordance with their religious and moral convictions “and the demands of responsible parenthood.”<sup>78</sup>

These principles did not appear to constitute a major deviation for either the Church or the state. The 1987 Constitution already prohibited abortion and declared that the state had a responsibility to protect the institutions of marriage and the family. Likewise, the freedom of people to establish families in accordance with their own moral and religious convictions had already been laid out in the Constitution. Bishop Jesus Varela and National Economic Development Authority (NEDA) Director-General Cielito Habito, who chaired the Church and government panels that drafted the principles, issued a joint statement declaring that “the Church’s main concerns on the ICPD Draft ‘Program of Action’ [had been] resolved, being in accordance with the Philippine Constitution, laws, ethics, customs and values.”<sup>79</sup>

Ramos also agreed to include representatives from the Church and the Muslim community in the government delegation to Cairo, removing two women’s health advocates—Dr. Florence Tadiar and Dr. Marilen Danguilan, both of whom had attended the PrepComs—and making them observers to the ICPD NGO conference instead. Under pressure from the Church, Ramos also replaced Health Secretary Juan Flavier, who was supposed to lead the Philippine delegation to Cairo, with NEDA Director-General Cielito Habito, though he resisted calls to remove Flavier from the delegation entirely. At the Church’s recommendation, he also added Henrietta de Villa of the electoral watchdog group Parish Pastoral Council for Responsible Voting to the delegation. He also added Dimasangky Pundato—executive director of the Office of Muslim Affairs.<sup>80</sup>

During the ICPD, the Philippine delegation remained relatively muted on the subject of family planning and abortion. While the Holy See struck down several draft statements, arguing that they legitimized abortion, the Philippines indicated its approval of them. According to Marilen Danguilan, this prompted Henrietta de Villa, the Church’s hand-picked member of the Philippine delegation, to criticize her colleagues for not openly supporting the Holy See.<sup>81</sup> Nevertheless, the final ICPD Program of Action satisfied the Ramos administration and the Philippine delegation signed on to it without any reservation.

Tensions between the Church and the government over family planning continued to simmer after the ICPD. In 1995, the CBCP issued a pastoral letter criticizing the Beijing Conference on Women and characterizing it as seeking “to impose on all governments of the world a secular humanistic philosophy which promotes contraception, abortion and sterilization.”<sup>82</sup> But by 1996, the family planning debate was overshadowed by the Charter Change controversy and the Church’s attentions were focused elsewhere. In 1998, the

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<sup>78</sup> Quoted in: Danguilan, *Women in Brackets: A Chronicle of Vatican Power and Control*: 72-73.

<sup>79</sup> Quoted in: *ibid.*, 73.

<sup>80</sup> “Philippines-Population: Manila to Send Mixed Panel to Cairo,” *Inter Press Service*, August 30, 1994.

<sup>81</sup> Danguilan, *Women in Brackets: A Chronicle of Vatican Power and Control*: 95.

<sup>82</sup> Catholic Bishops’ Conference of the Philippines, “‘I Will Make a Suitable Companion for Him’ (Genesis 2:18),” *Asia Focus* (1995). Quoted in: Youngblood, “President Ramos, The Church, and Population Policy in the Philippines,” 15.

Department of Health promulgated Administrative Order 1-A, which established the Reproductive Health Program. The program was quite comprehensive in its scope and included ten elements: 1.) family planning; 2.) maternal and child health and nutrition; 3.) prevention and treatment of reproductive tract infections; 4.) prevention and management of abortion and its complications; 5.) breast and reproductive tract cancers; 6.) education and counseling on sexuality and sexual health; 7.) adolescent health; 8.) violence against women and children; 9.) men's reproductive health, and 10.) infertility prevention and treatment. While ambitious, the Reproductive Health Program was slow to implement. Three years after its introduction, POPCOM stated that it had only addressed three of the issues: maternal and child health and nutrition, reproductive tract infections, and breast and reproductive tract cancers.<sup>83</sup>

The relationship between the Church and the Ramos government over reproductive health norms reflected familiar patterns of contestation. While the Ramos administration sought to promote reproductive health norms as a means of raising the standard of living, the Church continued to insist that no legitimization of contraception was permissible. Although Ramos attempted to forge ahead anyway, he was limited by the ability of the Church to mobilize political opposition against him. Even though Ramos was not Catholic and did not rely as heavily upon the Church for support as Corazon Aquino had, he also wanted to avoid a confrontation, particularly after he began to move toward Charter Change and provoked the Church's ire. This led him back down from his original plan to seek an additional term in office and to allow pro-Catholic representatives to join the Philippine delegation to the ICPD. Even though the Church was in a *relatively* weakened political position (at least compared to during the Aquino administration), it nevertheless demonstrated its ability to act as a check on the government's power.

### **Joseph Estrada and the Return of EDSA Politics**

If the Church's relationship with Ramos was tense, then its relationship with his successor was downright hostile. Joseph Estrada (known to the public by the affectionate nickname "Erap") was elected president in 1998 by a landslide with 40 percent of the vote in a crowded slate of eleven candidates. The elections were remarkably free of corruption and the vote tallies of the Commission on Elections and independent monitors like NAMFREL corresponded closely.<sup>84</sup> A popular action film star, Estrada had developed a reputation through his movies as a Robin Hood-like champion of the poor, though he himself was the product of a privileged upbringing. His populist platform: "Erap para sa mahirap" ("Erap is for the poor"), met with resounding success at the polls.

Like Ramos, Estrada's candidacy was also fiercely opposed by some Church leaders, largely because of his profligate lifestyle (he was known to have fathered several children out of wedlock and was also fond of drinking and gambling). In May 1998, the CBCP issued a Pastoral Exhortation calling for fair elections and decrying the monetization of politics and society's moral decay. In a section titled, "The Necessity of Voting the Right People into Office", the CBCP called upon voters to judge candidates not according to their policies and platforms which, it

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<sup>83</sup> Lalaine Viado, "Politics and Religious Conservatism in Health Sector Reforms, Maternal Mortality and Abortion in the Philippines", (2005), 8.

<sup>84</sup> Gabriella R. Montinola, "The Philippines in 1998: Opportunity Amid Crisis," *Asian Survey* 39, no. 1 (1999): 65-66.



stated, were virtually identical, but rather according to their moral character, including their conduct in private life and in their marital affairs.<sup>85</sup> When Estrada was sworn into office on June 30, Cardinal Sin was conspicuously absent from the ceremony.

### *EDSA II and the political resurgence of the Catholic Church*

When allegations surfaced in October 2000 that Estrada was profiting from *jueteng*, an illegal gambling racket, he faced impeachment charges and the Church launched a concerted effort to oust him. Estrada's vice-president, Gloria Macapagal Arroyo, quickly resigned from his cabinet and joined Cory Aquino, Fidel Ramos, Cardinal Sin and members of the business community in calling for Estrada's ouster. Indeed, it is notable that Cardinal Sin called upon Estrada to step down two days *before* the CBCP issued its own statement and barely a day after the initial accusations were announced at a press conference.<sup>86</sup> During a Mass on October 17, Sin urged Estrada to step down, saying that "resignation is a heroic act and only brave men do that." Addressing Estrada, he said, "Do not be afraid of the truth. The truth is you have lost the moral ascendancy to govern us."<sup>87</sup>

"EDSA II" or "EDSA Dos", as it was sometimes called, saw the Church and its allies convene mass rallies self-consciously intended to evoke the same spirit of "People Power" that had toppled Marcos. Though public opinion did not at first support calls for Estrada's ouster—an October 16 poll by Pulse Asia found that 53 percent of Manila residents wanted him to remain in office—the Church was able to successfully forge alliances with military groups and members of the business community, indicated by an October 18 rally in the Makati financial district that drew some 6,000 protestors, including clergy and business leaders.<sup>88</sup> On November 4, the Catholic Church organized an anti-Estrada rally that reportedly drew over 100,000 demonstrators. The rally took place at the EDSA Shrine, a small church built along the highway in 1989 to commemorate the EDSA Revolution. The location was highly symbolic and clearly designed to evoke the memories of the People Power Revolution that had ousted Marcos over a decade earlier.<sup>89</sup>

Estrada's political allies quickly abandoned him as the impeachment trial got underway in the Senate. When the Senate voted to suppress evidence that was believed to support the case against Estrada, though, the prosecution walked out on January 17, 2001, prompting four days of popular demonstrations outside the presidential palace at Malacañang calling for Estrada's resignation, as well as prayer vigils at the EDSA Shrine. On January 19, the military announced that it was officially withdrawing support from Estrada and the next day, Estrada stepped down and left Malacañang by river barge, vowing to return and fight his ouster. Meanwhile, Gloria Macapagal Arroyo, the daughter of former president Diosdado Macapagal,

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<sup>85</sup> See: Catholic Bishops' Conference of the Philippines, "Pastoral Exhortation on the 1998 Elections", (January 31, 1998), [http://www.cbcponline.net/documents/1990s/1998-1998\\_elections.html](http://www.cbcponline.net/documents/1990s/1998-1998_elections.html). Catholic Bishops' Conference of the Philippines, "Catechism on the Church and Politics", (May 11, 1998), [http://www.cbcponline.net/documents/1990s/1998-church\\_politics.html](http://www.cbcponline.net/documents/1990s/1998-church_politics.html).

<sup>86</sup> Armando Doronila, *The Fall of Joseph Estrada* (Makati City: Philippine Daily Inquirer and Armando Doronila, 2001). 85. Shirley, *Guided by God: The Legacy of the Catholic Church in Philippine Politics*: 135.

<sup>87</sup> Dirk Beveridge, "Philippines Opens Impeachment Trial," *Associate Press*, December 7, 2000.

<sup>88</sup> Shirley, *Guided by God: The Legacy of the Catholic Church in Philippine Politics*: 138.

<sup>89</sup> *ibid.*, 141.

was sworn into office as president with Cardinal Sin at her side. Estrada had been president for less than three years.

The bloodless rebellion of EDSA II marked the return of the Church as a populist kingmaker and a policy gatekeeper able to impose major political costs on the president. After two presidents who had refused to heed the Church, Malacañang now once again housed an executive who relied upon the Church for her base of support. The CBCP hailed this turn of events. Archbishop Orlando Quevedo, the president of the CBCP, declared that “[b]y his immoral actions, in less than two years of public office that left the presidency in moral disarray and almost brought economy to the verge of complete collapse, [Estrada] has lost his moral[s]. [...] He must realize that he has been totally rejected, that’s the incontrovertible reality.”<sup>90</sup> As if to cement the notion that it was divine intervention that forced Marcos and Estrada out of office, in February the Vatican erected a marker at the EDSA Shrine declaring it to be holy ground.<sup>91</sup> Estrada later attempted to challenge the legitimacy of the Arroyo administration at the Supreme Court but ultimately lost.

The left-leaning Philippine Daily Inquirer celebrated EDSA II as “remarkable” because “Filipinos demonstrated that they can change disgraced leaders with pressure from the streets within constitutional and legal methods, and without shedding blood.”<sup>92</sup> But EDSA II also raised serious questions about the stability of the Philippine executive branch. While the first EDSA Revolution brought down a dictatorship ruling by martial law and established ostensibly democratic institutions in their place, EDSA II short-circuited those institutions by abandoning the impeachment proceedings in favor of direct action. Moreover, by consciously linking the anti-Marcos and anti-Estrada rallies together, the Church helped not only to legitimize popular rebellion but also to normalize it with an established script. There is little doubt that Estrada was indeed corrupt, but if the Church could legitimately mobilize public opinion to dethrone a popularly elected president and bypass normal institutional procedures, then could it not do so if a president failed to adhere to other moral standards set by the Church?<sup>93</sup>

### **Planning, Interrupted: Family Planning Policies in the Estrada Administration**

Although the Estrada administration’s reproductive health policies were cut short by his ouster, they left two important legacies that continued to exert influence under the administration of Gloria Macapagal Arroyo. First, there was a more decisive shift from the setting of demographic targets to a reproductive health approach. Second, the administration established an

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<sup>90</sup> Barbara Mae Dacanay, “Estrada Has Lost Right to Govern - Church,” *Gulf News*, January 25, 2001.

<sup>91</sup> Interestingly, later reports indicated that on Jan. 18, 2001, the Vatican had actually opposed the Church’s direct involvement in trying to oust Estrada, citing fears that doing so would jeopardize Catholic missions in Vietnam, China and Russia by depicting them as potential political subversives. According to these reports, Sin had threatened to resign as Archbishop of Manila if prevented from going ahead. Juliet Labog-Javellana, “Sources Say: Sin Opposed Vatican Order, Pushed EDSA II,” *Philippine Daily Inquirer*, January 21, 2008, [http://services.inquirer.net/print/print.php?article\\_id=20080121-113651](http://services.inquirer.net/print/print.php?article_id=20080121-113651).

<sup>92</sup> “Opinion: Triumph of the People,” *Philippine Daily Inquirer*, January 21, 2001.

<sup>93</sup> For a good discussion of the implications of “People Power” movements for democratic consolidation in the Philippines, see Dante B. Gatmaytan, “It’s All the Rage: Popular Uprisings and Philippine Democracy,” *Pacific Rim Law and Policy Journal* 15, no. 1 (2006).

agreement with USAID to gradually phase out the latter's supply of contraceptives in favor of greater national self-reliance.

Initially, Estrada's family planning policies did not deviate substantially from Ramos's. The Philippine Population Management Program Directional Plan of 1998-2001 was carried over from the Ramos administration. In 1999, NEDA issued the Medium-Term Philippine Development Plan of 1999-2004, which called for intensified "provision of family planning services to address unmet needs of married couples and other continuing users."<sup>94</sup> However, it was possible to detect a shift away from the early Ramos administration's emphasis on meeting demographic targets and a new emphasis on reproductive health.

In 2000, the Department of Health issued Administrative Order 43, which laid out a framework for strengthening the 1998 Philippine Reproductive Health Program. The order began with an explicit reference to the Philippines' status as a signatory to the ICPD Program of Action and articulated a two-part approach to implementing reproductive health: 1.) "Integrating services, emphasizing quality and expanding coverage through partnership with local government units, non-governmental organizations and the private sectors within the framework of the Health Sector Reform Agenda", and 2.) "Improving the general health of all Filipinos, promoting personal responsibility and empowering communities to exercise reproductive health rights within the framework of the National Objectives for Health."<sup>95</sup>

Notably, the policy framework set as its primary goal "universal access to quality RH care". Demographic targets were conspicuously absent and an addendum to the order called for a shift from setting demographic goals to promoting reproductive health, and for a shift to individual care rather than macro-level population policies, whose success it characterized as "only moderate."<sup>96</sup> Still, despite the de-emphasis on meeting demographic targets in favor of an individual-centered reproductive health framework, the Philippine Population Management Program Directional Plan of 2001-2004, issued by POPCOM, did specify numerical targets. Using varying total fertility rates of 2.1, 2.7 and 2.9, the Plan estimated that replacement fertility of 2.1 children per couple could be achieved by the year 2004, 2007 or 2010, respectively.<sup>97</sup> However, with Estrada's ouster and the beginning of the Arroyo regime, the demographic target was de-emphasized once again.

Another important legacy of the Estrada administration's policies was a move toward greater "self-reliance" in contraceptive provision. Since the beginning of the Philippines' family planning program in 1968, USAID had been a primary source of funding for family planning activities. Throughout the 1990s, it provided 80 percent of the contraceptives distributed by the Philippine government, though contraceptive commodities constituted only 18 percent of the USAID family planning budget in the Philippines; the rest was allocated to capacity building and technical assistance to the government.<sup>98</sup>

In 1999, the Estrada administration advanced plans for a Contraceptive Independence Initiative intended to wean the Philippines off foreign donations of contraceptives and develop

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<sup>94</sup> Quoted in: Herrin, "Population Policy in the Philippines, 1969-2002", 24.

<sup>95</sup> Department of Health, "Administrative Order 43: Reproductive Health Policy," (2000).

<sup>96</sup> Ibid.

<sup>97</sup> Herrin, "Population Policy in the Philippines, 1969-2002", 25.

<sup>98</sup> "Towards Contraceptive Self-Reliance (CSR) in the Philippines: USAID Initiative 2002-2006", (June 30, 2003), 8.

its own capacity to provide them. In cooperation with the government, USAID developed the Contraceptive Self-Reliance Program, which was designed to gradually reduce donations of contraceptives, target their distribution to the poorest segments of Philippine society, and stimulate the private sector in order to meet the demand from other segments. In a 2003 working paper, USAID estimated that it would completely phase out donations of birth control pills and injectables by 2008.<sup>99</sup> This was no small task. According to the National Demographic and Health Surveys, between 1993 and 2002 approximately 70% of all contraceptive commodities obtained in the Philippines were distributed by the government (the majority of which were sourced from USAID). Most of the remaining commodities were distributed through private hospitals, clinics and pharmacies. In 2002, a scant 0.3% of contraceptive commodities were distributed through NGOs.<sup>100</sup> Trying to get the private and non-profit non-governmental sectors to make up for that shortfall was a challenging task made more difficult by the sudden change in presidential administration.

Though the Estrada administration's family planning policies were quickly overshadowed by Estrada's corruption scandals and the events that ultimately led to EDSA II, the shift away from demographic targets and the move toward "contraceptive self-reliance" helped to lay the groundwork for the Arroyo regime and its decided lack of enthusiasm for promoting reproductive health norms.

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<sup>99</sup> USAID, "Towards Contraceptive Self-Reliance (CSR) in the Philippines: USAID Initiative 2002-2006 (Working Paper)", (June 30, 2003).

<sup>100</sup> Alejandro N. Herrin et al., "An Evaluation of the Philippine Population Management Program (PPMP)", *Discussion Paper Series*, (December, 2003), 7.



## **Chapter Seven**

### **Domestic Dimensions of Defensive Sacralization Part II: The Catholic Church and the State in the Philippine Reproductive Health Debate under Arroyo**

When Gloria Macapagal Arroyo became president in 2001 after the ouster of Joseph Estrada, it was with the enthusiastic support of the Catholic Church, which initially hailed her as a refreshing change from the rampant corruption of the Estrada administration. Over the course of Arroyo's presidency, however, she and her close political associates became implicated in a number of serious scandals that severely marred her credibility, in one case nearly provoking another "People Power" revolution to oust her. While many in the Church openly deplored the corruption of Philippine politics under Arroyo, they also regarded her as a strong pro-life president who was committed to upholding Catholic teachings against artificial contraception. While Arroyo did not call for an outright ban on artificial contraceptives or a rejection of the ICPD Program of Action, she implemented policies that allowed the Catholic Church a significant degree of freedom to propagate religious norms against contraception. Nevertheless, insofar as the administration continued to promote artificial family planning in certain contexts, it still attracted criticism from authorities within the Church. As legislators began to introduce reproductive health bills, this led to some of the most serious contestation in the Philippines between the Catholic Church and pro-reproductive health advocates since the run-up to the 1994 ICPD.

In this chapter, I discuss the Arroyo administration's stance toward reproductive health norms and the unsuccessful efforts to implement a national reproductive health policy. I begin by describing how the Church provided crucial political support to Arroyo and helped stave off various challenges to her authority. I then show how Arroyo actively courted the approval of the Church by establishing various policies favoring opponents of reproductive health norms, such as allowing for local variation in family planning policies, banning "emergency contraceptive" pills, and actively promoting natural family planning. I also discuss the development of national reproductive health bills, all of which failed to pass, focusing the bulk of my analysis on the recent controversy over House Bill 5043 in the 14<sup>th</sup> Congress. While Arroyo indicated some flexibility with respect to tolerating artificial contraception, the Catholic Church maintained an uncompromising stance, leading to an ambiguous and at-times strained partnership. In the conclusion, I reflect on how the domestic political context in the Philippines has shaped the Church's defensive sacralization against reproductive health norms.

#### **Church-State Relations under the Arroyo Administration**

Arroyo's presidency got off to a promising start. Under her watch, the Philippine economy grew at a rapid clip, with real GDP growing at an average annual rate of 5.42 percent between 2001 and 2008.<sup>1</sup> Much of this growth was driven by domestic consumption which, in turn, was driven

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<sup>1</sup> Calculated from National Economic and Development Authority of the Philippines. "Gross National Product and Gross Domestic Product by Industrial Origin at Constant 1985 Prices", *Economic Indicators Online*, [http://localweb.neda.gov.ph/cgi-bin/st2.cgi?eds/db/national/national/national\\_accounts\\_phil\\_a.sc](http://localweb.neda.gov.ph/cgi-bin/st2.cgi?eds/db/national/national/national_accounts_phil_a.sc).

by an increase in remittances from abroad. Public spending also rose significantly. Yet the gap between the wealthy and the poor grew. According to the World Bank, the percentage of Filipinos living in poverty grew from 30 percent in 2003 to 32.95 percent in 2006.<sup>2</sup>

More troubling, though, was the fact that Arroyo's presidency was marred by a number of corruption scandals, this despite her inaugural pledge that "[o]ur politics of personality and patronage must give way to a new politics of party programs and processes of dialogue with the people."<sup>3</sup> Despite promising to simply serve out the rest of Estrada's term and then step down, Arroyo announced that she would run in the 2004 presidential election. Because of Estrada's resignation, Arroyo was able to circumvent the constitutional provision limiting presidents to a single six-year term, ultimately serving a full six-year term plus the three and a half year balance of Estrada's (2001-2010).

Although she won with 40 percent of the vote, Arroyo faced allegations that she had rigged the election in her favor. In June 2005, audio recordings surfaced that were alleged to be phone conversations between her and COMELEC Commissioner Virgilio Garcillano that took place during the vote-counting process. Such an exchange by itself was inappropriate, but it was Arroyo and Garcillano's apparent conspiracy to rig the election in her favor (an allegation that both vehemently denied) that provoked popular outrage. The so-called "Hello Garci" scandal resulted in a major shake-up in the Philippine government. Ten cabinet members and a number of Arroyo's congressional supporters resigned and, along with former president Cory Aquino, urged Arroyo to do likewise, though she handily survived an impeachment vote in the House of Representatives (158-51-6 opposed to impeachment).<sup>4</sup>

In a deviation from the script established by the EDSA revolutions, the CBCP did not issue a call for resignation. In a July 2005 pastoral letter, it characterized the political situation as one of widespread confusion. "In this grave situation, various groups take advantage of one another, manipulate situations for their own agenda and create confusion among our people sometimes by projecting speculation or suspicion as proven fact, with the aim of grabbing power."<sup>5</sup> The CBCP noted that the government had lost the trust of the people and called for a return to moral government and adherence to the Constitution. It also warned Arroyo not to disregard others' calls for impeachment proceedings or truth commissions which, it pointed out, were not contrary to the Gospel.<sup>6</sup> But the CBCP also stated that given the confusing exchange of accusations and the lack of a definitive and verified basis for Arroyo's conduct, it could not call for her resignation.

The CBCP's statement significantly attenuated the momentum to push Arroyo out of office. Indeed, in February 2006, anti-Arroyo forces led by a rebel army faction attempted to

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<sup>2</sup> World Bank, "Philippines Leads Peers with 7.3% GDP Growth but Slowdown Expected for 2008 (news release)," April 1, 2008. Cited in: Nathan Gilbert Quimpo, "The Philippines: Predatory Regime, Growing Authoritarian Features," *Pacific Review* 22, no. 3 (2009): 336.

<sup>3</sup> "New President Gloria Macapagal-Arroyo Delivers Inaugural Address," *BBC Summary of World Broadcasts*, January 22, 2001.

<sup>4</sup> Eva-Lotta E. Hedman, "The Philippines in 2005: Old Dynamics, New Conjecture," *Asian Survey* 46, no. 1 (2006): 188.

<sup>5</sup> Catholic Bishops' Conference of the Philippines, "Restoring Trust: A Plea for Moral Values in Philippine Politics," July 9, 2005, <http://www.cbcponline.net/documents/2000s/html/restoringtrust.html>.

<sup>6</sup> *Ibid.*

mount a third “People Power” revolution to oust her. With the support of the military, however, Arroyo quickly shut down the rally and dispatched tanks and soldiers to block EDSA, where the rally was to take place. She then issued an emergency order banning all rallies under pain of arrest. What might have been another People Power revolution collapsed as riot troops dispersed the protesters with water cannons and truncheons. Three weeks later, the emergency order was lifted. Though the Supreme Court later ruled that the emergency order had been illegal, Arroyo remained in office.<sup>7</sup>

#### *A changing political role for the Catholic Church?*

In July 2006, the CBCP surprised observers again with its “Pastoral Letter on Social Concerns of the Catholic Bishops’ Conference of the Philippines”. The letter, which was produced at the CBCP’s annual plenary retreat, discussed the role of the Church in politics and the moves to impeach Arroyo over the “Hello Garci” scandal. With regard to the former, it stated that the Church could not involve itself in partisan politics, though it maintained a “duty to pass moral judgments even in matters political”, and that “it is not her responsibility to provide any political blueprint for the just ordering of society”.<sup>8</sup> With regard to impeachment, however, the CBCP issued a strikingly ambiguous statement:

24.1. We are undoubtedly for the search for truth. Therefore, in all sincerity we respect the position of individuals or groups that wish to continue using the impeachment process to arrive at the truth.

24.2. But as Bishops reflecting and acting together as a body in plenary assembly, in the light of previous circumstances, we are not inclined at the present moment to favor the impeachment process as the means for establishing the truth. For unless the process and its rules as well as the mindsets of all participating parties, pro and con, are guided by no other motive than genuine concern for the common good, impeachment will once again serve as an unproductive political exercise, dismaying every citizen, and deepening the citizen's negative perception of politicians, left, right and center.<sup>9</sup>

The statement put the CBCP in an awkward position. On the one hand, the CBCP stated that it respected those who wished to use impeachment as a way of discovering the truth of the “Hello Garci” scandal. This was a nod to those bishops who had individually supported impeachment proceedings. In the same breath, however, the CBCP declared that impeachment would be “an unproductive political exercise” and foster cynicism about politicians unless it were to be done in an apolitical and completely altruistic manner. Yet, the impeachment of a sitting president could never be anything but politically charged, as demonstrated by the effort to impeach Estrada. Given the vested interest of Arroyo and her allies in preventing any

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<sup>7</sup> Sheila S. Coronel, “The Philippines in 2006: Democracy and Its Discontents,” *Asian Survey* 47, no. 1 (2007): 176.

<sup>8</sup> Catholic Bishops' Conference of the Philippines, “Shepherding and Prophesying in Hope: A CBCP Pastoral Letter on Social Concerns,” July 10, 2006, <http://www.cbcponline.net/statements/statementonsocialconcerns.html>.

<sup>9</sup> *Ibid.*



evidence regarding “Hello Garci” from coming to light, it was not clear how the truth could otherwise be ascertained, imperfect as the impeachment process might be.

As for the fear that citizens’ views of politicians would be tarnished by a political impeachment, the CBCP’s statement seemed out of touch with reality given the long history of cynicism toward the *trapos* (traditional politicians) and the notorious corruption that pervaded Philippine politics. In fact, the CBCP itself came under accusations of cynicism when several bishops announced that they had been offered cash by representatives from Malacañang during a meeting between the bishops and the government at the plenary. While several bishops publicly turned down the attempted bribes, it was not clear how many bishops had been offered cash or other favors by the administration or, if they had, whether they had refused them. The administration, for its part, denied the accusations, but the damage had been done. When the CBCP declared that it would not support impeachment against Arroyo, there was public speculation as to whether Malacañang had influenced the decision.

The Church’s relatively neutral stance represented a departure from its approach to Ramos and Estrada, a development that was no doubt influenced by the death of Cardinal Sin in June 2005. Without Sin’s leadership and fiery charisma (or a successor with comparable qualities), the CBCP adopted a less overtly political role. As Rhoderick John Abellanosa points out in his analysis of the CBCP after Sin, “we cannot expect a *collectively extreme and radical position* from the CBCP on very partisan issues like President Gloria Macapagal Arroyo’s impeachment or resignation.”<sup>10</sup> [Emphasis original] In a 2010 interview with the *Manila Times*, Lingayen-Dagupan Archbishop Oscar Cruz, who had recently retired as president of the CBCP, confirmed that the EDSA Revolutions had never been the CBCP’s idea but were instead products of Sin’s own initiative. Cruz went on to quote Bishop Emeritus Francisco Claver of Bontoc-Lagawe—the one responsible for authoring the CBCP’s denunciation of Marcos prior to the EDSA Revolution—as saying that openly calling for Arroyo’s resignation could have weakened the Philippines’ democratic structures.<sup>11</sup>

Another important factor in the CBCP’s subtle shift away from direct political involvement was the election of Pope Benedict XVI to succeed Pope John Paul II in April 2005. Unlike the charismatic and populist John Paul, who played a Sin-like role in helping to topple the communist regime in Poland, Benedict is much more reserved and at home in the halls of academia than among the crowds of the faithful. In terms of theological emphasis, Benedict has focused on the evangelization of Europe, combating moral relativism and healing schisms between the Church and traditional Catholics who rejected the reforms of Vatican II. In his first encyclical, *Deus Caritas Est* (“On Christian Love”), he offered a clear formulation of the relationship between the Church and the state.

The Church cannot and must not take upon herself the political battle to bring about the most just society possible. She cannot and must not replace the State.

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<sup>10</sup> Rhoderick John S. Abellanosa, “The CBCP and Philippine Politics: 2005 and After,” *Asia-Pacific Social Science Review* 8, no. 1 (2008): 86.

<sup>11</sup> “People Power was Cardinal Sin’s Initiative, not the CBCP’s,” *Manila Times*, February 21, 2010, <http://www.manilatimes.net/index.php/component/content/article/42-rokstories/11959-people-power-was-cardinal-sins-initiative-not-the-cbcps->.

Yet at the same time she cannot and must not remain on the sidelines in the fight for justice. She has to play her part through rational argument and she has to reawaken the spiritual energy without which justice, which always demands sacrifice, cannot prevail and prosper. A just society must be the achievement of politics, not of the Church. Yet the promotion of justice through efforts to bring about openness of mind and will to the demands of the common good is something which concerns the Church deeply.<sup>12</sup>

Here, the Church's goal was defined as providing clarity to the faithful about the moral teachings relevant to social issues, but implementation in the political realm was to be the province of secular politics.

Contrast the statement from the encyclical, "A just society must be the achievement of politics, not of the Church", with the CBCP's 1997 Pastoral Exhortation on Philippine Politics, which declared that the renewal and evangelization of politics were integral to the Church's mission, though it conceded that the Church was not to play a partisan role in endorsing particular candidates.

...[T]here is a duty for the Christian Catholic to transform politics by the Gospel. The Church, God's people, must evangelize politics. God's call to the Church is to preach the integral Gospel, the Gospel with all its social dimensions. [...]

Pastoral action in the political sphere should also take the form of active advocacy. [...] In solidarity civil society must articulate their support for laws, policies, and structural changes that will improve our lives in society and our political processes. It must lobby to defeat bills that militate against the aspirations of the poor, the integral development of our people, the integrity of creation, moral values in the family, the welfare of women, children and the young.<sup>13</sup>

While both the encyclical and the CBCP's pastoral exhortation affirmed a role for the Church in evangelizing politics, the latter clearly called for a more active participatory role, which was in keeping with the Philippine experience. In light of this context, we can see how the CBCP's July 2005 pastoral letter was not just a function of Sin's departure but also a reflection of the Vatican's new emphasis on the *catechetical* role of the Church in politics. The CBCP was not saying that the Church needed to exit politics altogether, but by following the lead of the Pope and moving away from the activism of Cardinal Sin, it was also furthering the dismantlement of "People Power" as a means of achieving the Church's social objectives.

The new precedent established in the "Hello Garci" scandal became evident in 2008 when Arroyo was once again embroiled in a major scandal that instigated popular calls for her to step down. This time, the scandal revolved around a \$329 million deal in April 2007 between

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<sup>12</sup> Pope Benedict XVI, *Deus Caritas Est* (2005). 28.

<sup>13</sup> Catholic Bishops' Conference of the Philippines, "Pastoral Exhortation on Philippine Politics", (September 16, 1997), [http://www.cbcponline.net/documents/1990s/1997-philippine\\_politics.html](http://www.cbcponline.net/documents/1990s/1997-philippine_politics.html).

the Philippine government and the Chinese telecommunications firm ZTE to build a national broadband network. The scandal implicated COMELEC Chairman Benjamin Abalos, who allegedly demanded \$130 million in kickbacks from ZTE in exchange for a no-bid contract and bribed José “Joey” de Venecia III, the chief executive of another company competing for the same contract (and the son of the Speaker of the House), to back down. In addition, President Arroyo’s husband, Jose Miguel “Mike” Arroyo, was accused of intimidating de Venecia to withdraw his bid for the contract. Though Arroyo had canceled the ZTE deal in October 2007, the Senate launched an investigation, but when it began conducting hearings on the deal, it was hampered by Executive Order 464, which Arroyo had promulgated in 2005 to prevent any administration official from testifying in legislative hearings without her permission. The Senate’s star witness, Jun Lozada, president of the government-run Philippine Forest Company and a technical advisor to the ZTE deal, became an unlikely target of public adulation for his role in blowing the whistle on Abalos and Arroyo as well as his allegedly having done so under constant threat of violent retaliation.

As the scandal unfolded throughout the early part of 2008, there was growing popular sentiment calling for President Arroyo to step down. Crowds staged noise barrages and rallies along major thoroughfares in Manila. The Church played a significant role. The Association of Major Religious Superiors sheltered Lozada when he sought sanctuary claiming that his life was in danger. Clergy and religious from De La Salle University and Ateneo de Manila University hosted rallies and Masses supporting Lozada and calling upon President Arroyo to allow administration officials to testify before the Senate. Nevertheless, the CBCP refused to join the calls for Arroyo’s resignation, though individual bishops did, such as Archbishop Oscar Cruz of Lingayen-Dagupan. Instead, the CBCP appealed to Arroyo to lift Executive Order 464 and allow administration officials to testify before the Senate about the scandal. Under pressure from the CBCP, Arroyo relented and revoked it.<sup>14</sup> In July 2008, the Supreme Court ruled that because Arroyo had canceled the deal, the question of whether it had violated constitutional law was moot. This effectively ended the controversy.

The Church’s responses to Arroyo were a marked departure from the days of Cardinal Sin and EDSA II, when Sin seemed as if he were looking for any opportunity to get rid of Estrada. The Church, in a sense, had provided cover for individuals and groups who wanted to effect regime change through mass action. In contrast, the CBCP was much more circumspect about direct political intervention under Arroyo and preferred to let Catholics determine for themselves how to shape the polity according to broad moral principles that the Church laid down. Without the Church to legitimize “People Power”, it seemed that any anti-Arroyo movement was destined to founder.

### **Family Planning Politics in the Arroyo Administration**

As early as the 1998 vice-presidential election, Arroyo had explicitly stated that she would adopt the Catholic Church’s position on family planning.<sup>15</sup> Although she hedged her position by professing to uphold the right of individuals to choose which kind of family planning methods

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<sup>14</sup> See “Philippine Leader Lifts Executive Probe Ban; Bishops Laud Move,” *BBC Monitoring Asia Pacific*, March 6, 2008.

<sup>15</sup> “Population Issue Off-Limits,” *Business Daily*, March 23, 1998.

they could use, her actual policies limited the availability of modern artificial contraceptives and generally obstructed the implementation of reproductive health norms.

In her first speech on reproductive health as president, delivered to the Asia Pacific Conference on Reproductive Health, Arroyo maintained an ambiguous position by declaring that “I will be open to the adoption of new technologies in family planning that are applicable in our particular social context.”<sup>16</sup> Conspicuously, though, she omitted any mention of promoting artificial contraception, a move which was widely interpreted as meaning support only for natural family planning methods, which were acceptable to the Church. Indeed, that same month, Tomas Osias, the chair of POPCOM, announced that the government would collaborate with the Church in developing responsible parenthood education modules. “The [Catholic] Church and the State have no disagreements about promoting reproductive health”, he said. “What we want both is to give couples and the public at large an informed choice and then they will be empowered.”<sup>17</sup> Arroyo, who held a Ph.D. in economics and had served as a professor of economics at Ateneo de Manila University, also downplayed the potential risks that rapid population growth would pose to the economy. In a 2002 radio interview, she argued that projections that the Philippines’ population would double by 2031 did not worry her “because the world’s population will also more or less double, and it is not only our problem, it’s the whole world’s”, adding that “technology always overtakes Armageddon.”<sup>18</sup> This echoed the objections of Catholic pro-life activists who regarded population growth as a red herring to justify contraception.

Arroyo’s first Secretary of Health, Manuel Dayrit, who served from 2001 to 2005, implemented a number of policies that reflected a more Church-friendly approach to reproductive health. The Department of Health, which had maintained responsibility for family planning since it had been transferred from POPCOM in 1986, was given full authority over POPCOM in 2003 by presidential order.<sup>19</sup> This had the effect of further weakening POPCOM’s autonomy and diminishing the population aspect of family planning policy.

Arroyo’s preference against artificial contraception was visible throughout her family planning policies. Her first family planning policy, Administrative Order 50-A, issued in September 2001 by the Department of Health, eschewed demographic targets and instead framed family planning as primarily a matter of reducing maternal and infant mortality rates as well as the number of abortions. Nowhere in the administrative order was there any mention of the ICPD norms and the administrative order only mentioned reproductive rights in the context

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<sup>16</sup> “GMA Tells 'Politically Correct' Policy on Family Planning,” *Businessworld*, February 16, 2001.

<sup>17</sup> Norman Bordadora, “Gov’t, Church to Collaborate on Reproductive Health Issue,” *Philippine Daily Inquirer*, February 10, 2001.

<sup>18</sup> Mynardo Macaraig, “State Apathy, Church Hamper Philippine Population Control Moves,” *Agence France Presse*, June 3, 2002.

<sup>19</sup> Prior to this, POPCOM had been under the jurisdiction of NEDA since 1991 and then under the direct authority of the president in 1990, to which it had been transferred from the Ministry of Social Welfare and Development. Umali, “The Politics of Population Policy-Making in the Philippines: Insights from the Population and Reproductive Health Legislative Proposals,” 61.

of fulfilling the unmet need for birth spacing and limitation; it did so without defining reproductive rights.<sup>20</sup>

The administrative order also mentioned that all forms of modern family planning would be made available at medical facilities run by the Department of Health, including pills, condoms, injectables, IUDs, natural family planning, breastfeeding, tubal ligations and vasectomies. Because of the 1991 Local Government Code, though, only about 70 hospitals nationwide were run directly by the national government. As of 2006, there were a total of 1,921 hospitals and 16,191 *barangay* health stations in the country, according to the National Statistical Coordination Board (NSCB). Figures for rural health units were not available in 2006, but in 2005 the NSCB found there were 2,266 in the country.<sup>21</sup> Thus, the requirement to stock modern family planning commodities affected only a small set of the most prominent national hospitals.

#### *Cooperation with the Church and the banning of Postinor*

One of the Department of Health's more visible initiatives was the removal of the emergency contraceptive pill Postinor from the list of approved drugs by the Philippine Bureau of Food and Drugs in December 2001. Postinor, the trade name of levonorgestrel, is a post-coital contraceptive that is effective at preventing pregnancy if taken within 72 hours of unprotected sex. Sometimes called the "emergency contraceptive" or "morning after" pill, it works by altering hormonal levels, thus preventing implantation of the fertilized embryo within the uterine wall.

In 2000, the Bureau of Food and Drugs certified Postinor for distribution in the Philippines, whereupon it was made available to rape victims at public hospitals. The premise for this decision was an understanding that life began when the fertilized embryo was implanted in the uterine wall, a definition also held by the World Health Organization. On the other hand, the Catholic definition, which was also used in the 1987 Constitution, declared that life began at the "moment of conception". When conception began, and whether it occurred before or after implantation, became the center of the debate over Postinor.

In July 2001, Dayrit ordered an investigation into whether or not Postinor was abortifacient as defined by the Philippine constitution. The investigation was instigated by a formal complaint by the *Abaypamilya* Foundation, an association of pro-life families and parents established that year by Jo Imbong, who was legal counsel for the CBCP and who worked closely with its Episcopal Commission on Family and Life.<sup>22</sup> *Abaypamilya* assembled written testimony by medical professionals arguing that life began at fertilization and that preventing implantation constituted abortion, thus making Postinor illegal. In October 2001, the Bureau of Food and Drugs reported to Dayrit their findings that Postinor was indeed

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<sup>20</sup> Dept. of Health, Office of the Secretary. Republic of the Philippines. *National Family Planning Policy*, Administrative Order 50-A s. 2001, (September 17, 2001).

<sup>21</sup> National Statistics Coordination Board, "Statistics - Vital, Health and Nutrition," [http://www.nscb.gov.ph/secstat/d\\_vital.asp](http://www.nscb.gov.ph/secstat/d_vital.asp).

<sup>22</sup> Bea C. Culpin, "Profile: Jo Aurea 'Jo' Imbong," (2010), <http://www.abs-cbnnews.com/research/2010-candidate-profiles/05/05/10/profile-jo-aurea-%E2%80%9Cjo%E2%80%9D-imbong>.

abortifacient. In December 2001, Postinor was summarily removed from the list of approved drugs.

Externally, *Abaypamilya* did not hinge its arguments against Postinor on the Catholic faith or religion. Instead, it relied upon the legitimacy conferred by medical professionals in order to convince the DOH that Postinor was violating a secular constitutional law. However, beneath the surface, it was possible to detect religious motives. *Abaypamilya* had a close relationship with the CBCP through Jo Imbong. Key segments of the medical testimony provided to the Bureau of Food and Drugs were written by John Wilks—an Australian pharmacist who directed Pharmacists for Life International—and Dr. Dianne Nutwell Irving, a consultant with the Catholic Medical Association in the United States, both of whom employed medical evidence to refute the claim that life begins only at implantation.<sup>23</sup> Pharmacists for Life International was a subsidiary branch of Human Life International, a major independent Catholic pro-life organization based in the United States but with a strong presence in the Philippines. More fundamentally, the constitutional definition that human life began at conception was the product of emphatically Catholic ideas, as discussed earlier.

The Postinor case illustrates one of the ways in which the Catholic Church has been able to push back against emerging reproductive health norms without explicitly employing the language of religious norms. In an interview, a prominent pro-life activist explained to me that the Church tends to avoid religious arguments “because it can be construed as the Church meddling in secular matters, but when secular matters impinge on the dignity of the human person and human rights, which affect the well-being, salvation, and internal good of the human person, the Church has a duty to speak out.”<sup>24</sup> The activist went on to argue that there was no divergence between Catholic teaching and the constitution, concluding that “in that respect, I can say that what is legal here in the constitution is also moral.”<sup>25</sup>

### *Promotion of natural family planning*

Another area in which the Arroyo administration and the Church found common cause was in the propagation of modern natural family planning methods as alternatives to artificial contraceptives. Modern natural family planning, unlike the “rhythm” or “calendar” method endorsed in Pope Pius XII’s Allocution to Midwives, relies on physiological cues in the woman’s body in order to determine periods of fertility and infertility. For example, the Billings Ovulation Method (BOM), the most widely used modern natural family planning method, relies upon tracking changes in the consistency of a woman’s cervical mucus in order to determine her fertile and infertile periods.

In November 2001, Dayrit announced the formation of a new program to emphasize the use of NFP, citing figures stating that 53 percent of Filipino women “in union” did not utilize any family planning and that only 14 percent were aware about their own fertility periods. Dayrit’s stated rationale for emphasizing natural family planning was to increase the range of family planning choices available to women. “Our policy is that it’s still an individual choice. The

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<sup>23</sup>Philippine Bureau of Food and Drugs, “Letter to Manuel Dayrit”, (October 10, 2001), <http://simbahayan.tripod.com/B5-bfadvspostinor.html>.

<sup>24</sup> Interview with Pro-life activist 4, June 9, 2008.

<sup>25</sup> *Ibid.*

people will choose as they see fit. The government's policy is to make as broad an option as possible", he said.<sup>26</sup> Arroyo was quoted as saying that she hoped to increase the percentage of NFP users by 20 percent.<sup>27</sup> In June 2002, the Department of Health issued Administrative Order 125, establishing a five-year National NFP Strategic Plan. In the introductory section, the plan emphasized the low rate of modern contraceptive methods and the potential for cooperation with the Catholic Church, which accepted NFP as the only legitimate means of family planning, as well as the possibility that NFP could be used by couples when other contraceptives like pills or condoms ran out.<sup>28</sup>

In order to facilitate the dissemination of NFP methods, the Department of Health in 2003 allocated 50 million pesos (approximately \$1.2 million) to Couples for Christ, the largest charismatic Catholic lay organization in the Philippines, to offer NFP instruction through its network. On its website, Couples for Christ describes itself as

a movement intended for the renewal and strengthening of Christian family life. The members have committed themselves to the Lord and to one another so that they may grow in maturity as men and women of God and fulfill their primary vocation of raising up families under the lordship of Jesus Christ and for the service of the Kingdom of God.<sup>29</sup>

Further down, Couples of Christ describes itself as confronting a threat to the family:

It is God's plan that the family be the basic unit of society. However, there are many forces in the world today that would, wittingly or unwittingly, destroy the very foundations of the family. CFC wants to rise in defense of the family, which is God's work. CFC wants to bring God's strength and light to those who are struggling to be truly Christian families in the modern world.<sup>30</sup>

Founded as a small group of couples in 1981, Couples for Christ grew to encompass 1.2 million members by its 25<sup>th</sup> anniversary.<sup>31</sup> Its primary structure consists of groups of four to six couples called "households" that meet on a weekly basis for faith-sharing, often with an emphasis on family issues. Households, in turn, are organized into larger chapters and clusters that are typically affiliated with a local parish.

Couples for Christ's position was identical to the Church's, supporting natural family planning but opposing artificial contraceptives, which seemed to be at odds with Dayrit's argument that women could use both in tandem. Dayrit approached Couples for Christ directly rather than selecting them through a competitive bidding process, arguing that they were the

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<sup>26</sup> "Wrong Policies Bred High Birth Rate?," *Manila Standard*, November 18, 2001.

<sup>27</sup> "Philippine Leader to Actively Promote 'Natural' Population Control," *Agence France Presse*, July 26, 2002.

<sup>28</sup> Department of Health. Republic of the Philippines. "Administrative Order No. 125 s.2002", (June 5, 2002).

<sup>29</sup> Couples for Christ, "About CFC: Our Community," [http://www.couplesforchristglobal.org/index.php?option=com\\_content&view=article&id=15&Itemid=3](http://www.couplesforchristglobal.org/index.php?option=com_content&view=article&id=15&Itemid=3).

<sup>30</sup> *Ibid.*

<sup>31</sup> Roberto E.N. Rivera, "The Couples for Christ: Suborganizational Framing and Sociopolitical Mobilization in the Catholic Charismatic Renewal" (Ph.D. dissertation, University of Notre Dame, 2008), 2.

only organization in the Philippines capable of mounting a nationwide natural family planning campaign and that the government funds were only for operational costs, not for salary or honoraria.<sup>32</sup> In response, Couples for Christ proposed using funding to instruct members in becoming natural family planning trainers and then to offer training to local governments and parishes. According to one of my interviewees, an official at Couples for Christ, the result was a dramatic increase in the number of natural family planning trainers in Couples for Christ communities—over 500 were accredited, about 150 of whom went on to conduct training in other communities. At the end of the program, the organization returned about 24 million pesos to the Department of Health.<sup>33</sup> It is important to note here that while Couples for Christ maintained close relations with the official Catholic Church as a member of the Council of the Laity of the Philippines, it was and remains an independent organization and not subject to ecclesial control.<sup>34</sup>

On the other hand, Dayrit's decision to contract with Couples for Christ drew criticism from reproductive health advocates, including Florence Tayzon, the assistant representative of the United Nations Population Fund in the Philippines, who claimed that the money that Dayrit allocated for their activities had been previously provided by the UNFPA to the Estrada administration for the purchase of contraceptives.<sup>35</sup> The Arroyo administration denied the allegations but Dayrit was ambiguous about how the money had been handled, saying first that it had been returned to the Treasury—though if the money was not being used for its stated purposes it should have been returned to the United Nations—and then subsequently claiming that the government had never received money from the UNFPA.<sup>36</sup>

Like the Postinor case, the Couples for Christ case illustrates the close links that the Arroyo administration forged with the Church, as well as its preference for promoting the Church's teachings, though it stopped short of calling for an outright ban on artificial contraceptives. While Dayrit had earlier indicated agnosticism for natural family planning versus artificial contraceptives, this statement was belied by the government's support of Couples for Christ, which actively opposed contraception as damaging to the family. Indeed, at a press conference in August 2004, Dayrit declared that the Department of Health and the government were not in the business of providing contraceptives and that the government would not be purchasing any more contraceptives.

It's not our responsibility to plan the size of Filipino families or control the population. It is not the Health Department's responsibility to provide contraceptives. That's not my job as Secretary of Health. [...] Don't [expect] the Health Department to control population because if you do, you will be

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<sup>32</sup> Kristine L. Alave and Jeffrey O. Valisno, "Dayrit: Natural Planning Better Than Contraceptives," *Businessworld (Philippines)*, October 22, 2004.

<sup>33</sup> Interview with Couples for Christ official, May 21, 2008.

<sup>34</sup> Interestingly, the CBCP did not automatically endorse the contract with the government, with CBCP counsel Jo Imbong saying that she needed to review the memorandum of agreement first, suggesting an absence of coordination between the Church and Couples for Christ. Kristine L. Alave, "Church Leaders Voice Reservation over DoH, Couples Contract," *BusinessWorld (Philippines)*, October 29, 2004.

<sup>35</sup> "Contraceptives: Who Should Foot the Bill?," *Philippine Daily Inquirer*, October 26, 2003.

<sup>36</sup> Dennis Gasgonia, "GMA Diverted P70M in UN Contraceptives Funds - UNFPA," *Daily Tribune*, October 24, 2003.



extremely disappointed. It's not going to work—and you can quote me on that. [...] Don't expect [President Arroyo] to say that population is a problem or that she will work to bring [the population growth rate] down.<sup>37</sup>

Considering that the Department of Health was responsible for the family planning program and had direct administrative control over POPCOM, this statement seemed to mean that the central government was washing its hands of the population issue. But even laying aside concerns about population growth, at the level of the family, Dayrit's refusal to provide artificial contraceptives would also affect those women who wanted to use them to space or limit births.

#### *Mixed signals? The *Ligtas Buntis* campaign of 2005*

Dayrit's statement repudiating the government's role in providing contraceptives was soon challenged by the actions of his own Department. Acting with the approval of President Arroyo, in February of 2005, Dayrit and the Department of Health commenced a month-long campaign to raise awareness of family planning practices. Dubbed *Ligtas Buntis* ("safe pregnancy"), the campaign involved the employment of some 15,000 health workers who would target poor urban *barangays* for door-to-door advocacy of family planning techniques. The goal was to reach two million men and women of reproductive age.

In introducing the program, Dayrit claimed that the Department of Health estimated that of the 70 percent of Filipinos not using any form of family planning, about 30 percent did not even know the relationship between fertility and sex.<sup>38</sup> Strikingly, the government partnered with ALAGAD, a political party that emphasized population management and reproductive health advocacy. ALAGAD members and government workers would distribute contraceptives as well, though these were from existing government stocks and not from new purchases of contraceptives.<sup>39</sup> The timing of the campaign was significant as well since it coincided with the approval of House Bill 3773 by the Committee on Women, the first reproductive health bill to be approved by a congressional committee and sent to the floor for sponsorship (which is discussed later in this chapter).

The *Ligtas Buntis* campaign came under fire from both advocates and opponents of reproductive health norms. Advocates of reproductive health norms argued that the campaign amounted to an incomplete process of socialization unless the government was serious about ensuring a regular supply of artificial contraceptives. Mercedes Concepcion, a member of POPCOM, argued that the campaign would merely stimulate demand for family planning that would be left unmet by the government.<sup>40</sup> The Church, for its part, mounted opposition to *Ligtas Buntis* through the issuance of a CBCP pastoral letter, "Hold On To Your Precious Gift",

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<sup>37</sup> Blanche S. Rivera, "Controlling Population Not DOH's Job - Dayrit," *Philippine Daily Inquirer*, August 31, 2004.

<sup>38</sup> "'Ligtas Buntis' Program," *BusinessWorld*, March 1, 2005.

<sup>39</sup> Blanche S. Rivera, "DOH Going Door-to-Door on Birth Control Campaign," *Philippine Daily Inquirer*, January 13, 2005.

<sup>40</sup> Blanche S. Rivera, "Family Planning Drive Sans Pills Won't Work, Say Critics," *Philippine Daily Inquirer*, January 31, 2005.

which criticized both House Bill 3773 as well as the *Ligtas Buntis* information campaign, which it characterized as an invasion of privacy.

In this program, *barangay* health workers will interview couples, map and make a master list of families after house-to-house, door-to-door, and person-to-person “surveys” on their fertility control methods used. Sexuality education, contraceptive pills and devices will be dispensed. The surveys will be recorded, reported, and monitored. Everything will be documented.

[...]

The “*Ligtas Buntis*” Program is not simply what it claims to be: an information campaign for “maternal health.” It violates and mocks the privacy and autonomy of couples and families. It desecrates the sanctity of marriage and family life.<sup>41</sup>

For the Church, the concept of reproductive rights could be nothing other than a cynical guise for population control. The provision of information by itself could not be a neutral action because it constituted the propagation of a competing norm. This is what allowed the Church to make the apparent leap from information provision to the dire language of “desecrat[ing] the sanctity of marriage and family life.”

In May, Dayrit resigned his post as Secretary of Health amid speculation that he was being replaced to make room for Francisco Duque, the former president of the Philippine Health Insurance Corporation who had helped Arroyo secure votes in the last presidential election by distributing free health insurance cards (emblazoned with Arroyo’s picture) to indigent patients.<sup>42</sup> During his confirmation hearings, Duque indicated that he would undertake a thorough review of *Ligtas Buntis* before deciding whether to continue the campaign after “wide-ranging” consultations with legislators, the Catholic Church, and Department of Health employees.<sup>43</sup> In July, Duque gave the go-ahead for a continuation of *Ligtas Buntis* but stated that the program would have to be on hold until a new source of funding could be found.<sup>44</sup> The program was ultimately shelved.

The fluid way in which the Arroyo administration moved from an NFP-only program to the promotion of a wide range of family planning methods and back illustrates how Arroyo sought to appeal to both supporters and opponents of reproductive health. Despite the program’s success in reaching a large group of people, it satisfied neither side. Of particular note is the fact that relations between Arroyo and the Church warmed considerably after the end of the *Ligtas Buntis* campaign. Arroyo’s first and only speech to the Plenary Meeting of the UN General Assembly in September 2005, two months after Duque suspended *Ligtas Buntis*, sought to link the practice of natural family planning to Catholicism. Prior to the Plenary, Arroyo

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<sup>41</sup> Catholic Bishops’ Conference of the Philippines, “Hold On To Your Precious Gift”, (February 18, 2005).

<sup>42</sup> “Dayrit to DOH Personnel: Support My Successor,” *Philippine Star*, May 19, 2005, <http://www.philstar.com/Article.aspx?articleId=278299>.

<sup>43</sup> Christian V. Esguerra, “DOH Chief May Abort ‘Ligtas Buntis’,” *Philippine Daily Inquirer*, 2005.

<sup>44</sup> “Ligtas Buntis Program,” *BusinessWorld*, July 12, 2005.

had met with representatives of the CBCP. In her speech, she mentioned her commitment to natural family planning. The relevant excerpt follows:

Religions are the bedrock of cultures and civilizations. Religions must be respected as we pursue development. We expect the United Nations to be sensitive to the deep Catholicism of the vast majority of the Filipino people. The funding given by the United Nations to our national Government for reproductive health will be dedicated to training married couples in a natural family planning technology which the World Health Organization has found effective compared with artificial contraceptives.

The Population Council of New York has found that artificial contraception contributes only 2 per cent to the decline of birth rates, while the combination of improving the economic condition of the family, urbanization and breastfeeding contributes 98 per cent. Thus we ask the United Nations and donor countries to direct their assistance towards the improvement of family productivity and income.<sup>45</sup>

Arroyo's statement raised eyebrows in the reproductive health advocacy community. Rhodora Roy-Raterta, executive director of the Family Planning Organization of the Philippines, said that the Arroyo government was "bending to the policies of the Church."<sup>46</sup> Similarly, the prominent columnist Rina Jimenez-David was sharply critical of Arroyo and faulted her for misuse of data. Jimenez-David cited Dr. Jean Marc Olive, the World Health Organization representative to the Asian region, as stating that the failure rate of NFP methods, even when used perfectly, was about 12.5 percent when compared with oral contraceptives (0.3 percent). Likewise, the Population Council itself claimed that it had conducted no such study showing that artificial contraceptives contributed only 2 percent to fertility reduction.<sup>47</sup>

The timing of Arroyo's statement to the General Assembly did not go unnoticed, either, coming just three months after the "Hello Garci" scandal and the subsequent shake-up of her cabinet. Arroyo was no doubt keenly aware of the critical role that the Catholic Church played in legitimizing her administration and the importance of its refusal to call for her impeachment. Her statement earned the approbation of the CBCP. Archbishop Paciano Aniceto, chair of the Episcopal Commission on Family and Life, declared during a press conference in November 2005, "We've been through a lot of governments in the past and it is only this government that has made clear its principle to respect the family life principles of the Church, especially on the natural family planning."<sup>48</sup> Given Arroyo's tenuous political position and the fact that the CBCP

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<sup>45</sup> *Verbatim Record of the 6th Plenary Meeting of the 60th Session of the United Nations General Assembly*, September 15 2005, 25.

<sup>46</sup> Johanna Son, "Philippines: Leaders Afraid to Cross Church on Contraception," *Inter-Press Service*, November 20, 2005.

<sup>47</sup> Rina Jimenez David, "Lies and Deception," *Philippine Daily Inquirer*, November 1, 2005.

<sup>48</sup> Leslie Ann G. Aquino, "Church Supports GMA on Use of Funds for Natural Family Planning," *Manila Bulletin*, November 4, 2005.

did not push for her ouster, the latter's response was perceived by some observers as a "quid pro quo".<sup>49</sup>

### *The USAID phase-out*

Contemporaneous with the Arroyo administration's push for natural family planning was USAID's phase-out of contraceptive supplies. As the chief provider of contraceptive supplies to the Philippines, USAID had sought to gradually make the Philippines self-sufficient in meeting its own family planning supply needs. This was to be accomplished by cultivating a private market and by setting up a public distribution network to provide contraceptives to areas that might not be serviced by the private sector. As I discussed in Chapter Seven, President Estrada had established an arrangement via the Contraceptive Independence Initiative to ramp up domestic production and procurement of contraceptives prior to the USAID withdrawal. USAID stopped shipping condoms to the Philippines in 2003, birth control pills in 2007, and injectables in 2008.<sup>50</sup>

Because of the sudden change in administration, USAID's phase-out was no longer met by a corresponding increase in domestic contraceptive production and distribution. In 2000, the Department of Health allocated approximately \$1.5 million for contraceptive procurement, but this money was diverted due to Estrada's ouster. Between 2002 and 2006, the government did not allocate any money for the purchase of artificial contraceptives.<sup>51</sup> Indeed, in 2003, when asked by a journalist if she would use government funds to purchase contraceptives to replace the USAID supply, Arroyo responded with a flat "no" and said that she expected NGOs to pick up the slack instead.<sup>52</sup>

Despite Arroyo's refusal, legislators did attempt to appropriate funds for the purchase of contraceptives. For example, when planning the budget for 2005, Congress proposed to allot approximately \$1.78 million for the procurement of condoms and other artificial contraceptives. However, they faced opposition from Dayrit, who insisted that no funds be allocated without President Arroyo's explicit permission. "While the DOH has taken over from the Commission on Population as the conduit for contraceptives," he told Congress, "the Department will maintain the policy of abdicating its role to the private sector and local government units."<sup>53</sup> Albay Congressman Edcel Lagman, a major proponent of reproductive health norms, stated, "There is no law banning the procurement of condoms and other contraceptives, so why is the DOH implementing [such a policy]? The Department's bias is incomprehensible in the face of overpopulation and unwanted pregnancies."<sup>54</sup>

In 2007, a similar effort led by Lagman to allocate \$3.6 million to LGUs for the purchase of modern artificial contraceptives foundered when the Department of Health, then led by

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<sup>49</sup> Ibid.

<sup>50</sup> Abigail Kwok, "US Keeps Off Contraceptive Controversy," *Philippine Daily Inquirer News Online*, October 1, 2010, <http://philippines.usaid.gov/newsroom/us-keeps-contraceptives-controversy>.

<sup>51</sup> Romeo B. Lee, Lourdes P. Nacionales, and Luis Pedroso, "The Influence of Local Policy on Contraceptive Provision and Use in Three Locales in the Philippines," *Reproductive Health Matters* 17, no. 34 (2009): 100.

<sup>52</sup> Rina Jimenez David, "Living with Sin: The Catholic Hierarchy and Reproductive Rights in the Philippines," *Conscience*, June 22 2003.

<sup>53</sup> "DOH Has P100M It Won't Touch," *Manila Standard*, September 24, 2004.

<sup>54</sup> Ibid.

Secretary Duque, stalled on the writing of guidelines for disbursement. Duque insisted that funds be disbursed based on LGUs' ability to "meet the minimum standards on local availability and access to natural family planning" and "the extent that LGUs have already borne the burden of providing family planning services for free to poor clients."<sup>55</sup> Since guidelines were not finalized before the end of the year, the money appropriated for modern contraceptives was returned to the general fund as mandated by budgetary rules and never disbursed.<sup>56</sup>

### **National Reproductive Health Legislation in the Arroyo Administration**

The Arroyo administration also saw the eruption of controversy over several pieces of proposed legislation attempting to establish a formal national reproductive health policy. These bills drew heavily on the ICPD Program of Action's definitions of reproductive health and reproductive rights, constituting efforts to introduce transnational reproductive health norms into the domestic sphere. Several factors accounted for the more aggressive push for family planning policy.

First, the Philippines had signed the UN Millennium Declaration in 2000, committing it to MDG 5, reducing the maternal mortality ratio by three-quarters from 1990 levels by the year 2015. Second, the impending withdrawal of USAID from contraceptive provision generated concerns among legislators regarding how the Philippines should become self-sufficient in meeting family planning needs. Third, for reproductive health and women's rights advocates, the lack of a national reproductive health policy foreshadowed a patchwork of contrasting local reproductive health policies. In Metro Manila itself, the cities of Manila and Quezon City adopted dramatically contrasting municipal reproductive health policies. Under the mayorship of José "Lito" Atienza, who chaired Pro-Life Philippines, a major pro-life advocacy organization closely associated with the Church, Manila banned the sale and distribution of all contraceptives, arrested street vendors who sold condoms, and intimidated women's health clinics into shutting down.<sup>57</sup> By contrast, neighboring Quezon City embraced reproductive health norms and pushed through a controversial ordinance requiring the municipal government to provide reproductive health services, including free tubal ligations upon request, management of post-abortion complications, and sexual education from the fifth grade through high school.<sup>58</sup>

Throughout the Arroyo administration, legislators advanced numerous bills seeking to implement a national reproductive health policy. None of them made it past the second reading and the vast majority died in committee.<sup>59</sup> In general, though, the trend seems to be moving

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<sup>55</sup> Jaileen F. Jimeno, "Fund for Contraceptives Remains Unspent While LGUs Wait for Guidelines," Philippine Center for Investigative Journalism, <http://www.pcij.org/blog/?p=1904>.

<sup>56</sup> Lee, Nacionales, and Pedroso, "The Influence of Local Policy on Contraceptive Provision and Use in Three Locales in the Philippines," 100.

<sup>57</sup> "Manila Mayor Orders Crackdown on Selling of Abortion Pills," *Xinhua*, May 26, 2005. "Imposing Misery: The Impact of Manila's Ban on Contraception", (2007), 28-29.

<sup>58</sup> "An Ordinance Establishing a Quezon City Population and Reproductive Health Management Policy."

<sup>59</sup> In the Philippine legislative process, a bill is first introduced into either the House or the Senate, whereupon it is given a First Reading in the chamber. After the First Reading, the bill is referred to an appropriate congressional committee, which holds hearings. If the committee deems the bill suitable for approval, it prepares a report and submits it to the Rules Committee. The Rules Committee, in turn, can place the bill in the calendar for a Second

toward greater acceptance of reproductive health norms among lawmakers as indicated by such bills being terminated at higher and higher levels. In the next section, I examine three of the most significant reproductive health bills in the 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> Congresses (2001 to 2010) and discuss how the Church responded to them.

#### *Reproductive health legislation in the 12th Congress – House Bill 4110*

The first such bill was introduced by Bellaflor Angara-Castillo and Darlene Antonio-Custodio in 2001 as the “Reproductive Health Care Agenda Act of 2001”. Significantly, it included the ICPD definition of reproductive health, demonstrating the influence of transnational norms.<sup>60</sup> HB 4110 framed access to reproductive health as a matter of human rights and only mentioned population in passing. It declared that

The state recognizes and guarantees the human rights of all persons that include, the right to equality and equity, the right to development, the right to reproductive health, the right to education and the right to choose and make decisions for themselves.

The state shall ensure the universal access to reproductive health, services, information and education. The advancement and protection of women’s human rights shall be central to the State’s efforts to address reproductive health care.<sup>61</sup>

The bill called for the establishment of a National Reproductive Health Management Committee led by the Department of Health and comprised of representatives from POPCOM, the Department of Interior and Local Government, and the National Commission on the Role of Filipino Women. The Committee, in turn, was to undertake a full review of all laws that infringed upon sexual and reproductive health and rights.<sup>62</sup>

Among the notable provisions in the bill were calls for the “full range of family planning methods” including both natural family planning and artificial contraceptives.<sup>63</sup> The bill also called for getting rid of restrictions on contraception including “excessive regulation,

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Reading. It is during the Second Reading that the bill is openly debated in the chamber and subject to amendment before being put to a vote. If the bill passes the Second Reading, then it is calendared for a Third Reading for final passage (without any amendments allowed). If the bill passes one house, it must go through the same procedure in the other house. Any differences between the Senate and House versions of the bill must be harmonized through a conference committee. When both houses have approved a bill, it is then sent to the president, who may sign or veto it. Members of the House serve a maximum of three 3-year terms while senators serve a maximum of two 6-year terms. Any bill that does not pass by the end of the three-year Congress automatically fails and, if its proponents want to try and pass it again, must start from the beginning of the process with the new Congress.

<sup>60</sup> See p. 107 of this dissertation for the definition adopted in the ICPD Program of Action.

<sup>61</sup> House of Representatives. Republic of the Philippines. *Reproductive Health Care Agenda Act of 2001*, HB 4110, 12th Cong., 1st Reg. Sess. 2001), §2.

<sup>62</sup> *Ibid.*, §5(c).

<sup>63</sup> *Ibid.*, §5(d)(2)(b). Oral contraceptives, IUDs, voluntary sterilization and emergency contraception were specifically included.

requirements for third-party authorizations, and prohibitions on the dissemination of information regarding contraceptives”,<sup>64</sup> aiming squarely at anti-contraception ordinances like Manila’s. The bill took a further step by proposing fines of up to 20,000 pesos and/or imprisonment of up to six months for any restrictions on the provision of reproductive health information. It also required the integration of sexual and reproductive health education in public and private schools from middle school on through the secondary and tertiary education system, as well as the provision of such information at all government and private places of employment.<sup>65</sup>

Not surprisingly, HB 4110’s broad-ranging proposals generated a backlash from the Catholic Church, which quickly voiced its opposition and vowed to fight it. On May 31, 2003, the CBCP issued a pastoral statement titled, “We Must Reject House Bill 4110”. The pastoral statement dismissed the terms “reproductive health care” and “reproductive rights” as “subtle” but deceptive ideas sourced from the ICPD definition, which allowed for abortion. By undertaking a thorough review of all laws that could infringe upon sexual and reproductive health, the CBCP warned, the government could end up undermining both the laws against abortion and the moral teachings underpinning them.<sup>66</sup>

The CBCP also took issue with HB 4110’s call for the provision of the “full range” of contraceptives, arguing that since IUDs, pills, injectables and implants prevented implantation of the embryo in the uterine lining, they were abortifacient. As before, it rejected the notion that poverty was caused by population growth, declaring instead that “development is a result of a more complex interplay of education, good governance, integrity and transparency, trade, industry, agriculture, etc.”<sup>67</sup> The CBCP warned that the bill effectively muted the sacred procreative nature of sex and that it would foster “an amoral culture...that relegates morality and sacredness to the fringes of human life.”<sup>68</sup> It concluded by declaring: “we are confident that our Catholic legislators will act in accordance with the moral beliefs they have received from God through His Church.”<sup>69</sup>

The CBCP statement set the tone for Catholic opposition to the bill. Like previous statements, it drew upon social stability motives, punishment/reward motives and reverence motives in framing the religious norms against contraception as highly salient and constitutive. In emphasizing the threat of having morality marginalized by the condoning of abortion, the statement drew upon social stability motives for adhering to the religious norm. By explicitly emphasizing reverence for the sacredness of sex as a procreative act performed in cooperation with God and rejecting it as “simply a health issue”, the statement emphasized the need to be reverent of the religious norm for its own sake.<sup>70</sup> And by pointing out in a not-too-subtle manner that Catholic politicians themselves were to act in accordance with Catholic beliefs, the CBCP hinted at punishment/reward motives in the form of potential political pressure on

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<sup>64</sup> Ibid., §5(d)(4).

<sup>65</sup> Ibid., §5(a).

<sup>66</sup> Catholic Bishops’ Conference of the Philippines, “We Must Reject House Bill 4110”, (May 31, 2003), <http://www.rcam.org/cbcp/hb4110statement.htm>.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

supporters of the bill. President Arroyo, speaking during the State of the Union Address in July at the beginning of the third regular session of the 12th Congress, declared: “Pro-life *pa rin ako* [I am also pro-life]. I will veto any bill that will try to smuggle in abortion.”<sup>71</sup> Ultimately, HB 4110 languished in the Committee on Health until the end of the Congress, whereupon it expired.

### *Reproductive health legislation in the 13th Congress: HB 3773*

The Thirteenth Congress convened for its first session in late July 2004 and quickly saw the introduction of new bills to promote reproductive health as a social norm and establish institutions to implement it. House Bills 16, 2029, 2042 and 2550 were all introduced in the House but later integrated into a single substitute bill, HB 3773, which was titled, “The Responsible Parenthood and Population Management Act of 2005”. HB 3773 is notable for being the first of the Arroyo-era reproductive health bills to make it to the second reading in Congress, which occurred on December 12, 2005. Although the chief sponsors of the bill were allowed to deliver sponsorship speeches, the bill was not taken up for debate for the remainder of the Congress.

The bill was chiefly sponsored by four representatives: Josefina Joson of Nueva Ecija in central Luzon, who chaired the House Committee on Women; Edcel Lagman, who had represented the province of Albay in the region of Bicol between 1987 and 1998 and was elected to a new term in 2004; Ferjenel Biron, a physician representing a district in Iloilo in the Visayas; Eduardo Roquero, also a physician by training who represented the city of San Jose del Monte in the province of Bulacan, near Manila. A total of 113 congressional representatives ultimately became sponsors of the bill, though four of them later withdrew their sponsorship.<sup>72</sup> The bill began by declaring that:

The State shall adopt an integrated and comprehensive national policy on responsible parenthood, effective population management and sustainable human development that values the dignity of every human person and afford full protection to people’s rights. These rights include the right to equality and equity, the right to development, *the right to reproductive health* [emphasis added], the right to education, and the right to choose and make independent decisions on the number, spacing and timing of their children in accordance with one’s religious convictions, cultural beliefs and the demands of responsible parenthood.<sup>73</sup>

Unlike HB 4110, HB 3773 was much more focused on population management as integrally related to reproductive health norms. In a section titled, “Guiding Principles”, the bill offered several rationales, including the statement that “[t]he limited resources of the country

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<sup>71</sup> Gloria Macapagal Arroyo, “State of the Nation Address, 12th Congress, 3rd Regular Session”, (July 28, 2003), [http://www.congress.gov.ph/download/journals\\_12/12\\_3rs\\_sona.pdf](http://www.congress.gov.ph/download/journals_12/12_3rs_sona.pdf).

<sup>72</sup> The congressional representatives who withdrew authorship were Rozzano Rufino B. Biazon, Pedro M. Pancho, Roger G. Mercado, and Mary Ann L. Susano.

<sup>73</sup> House of Representatives. Republic of the Philippines. *Responsible Parenthood and Population Management Act of 2005*, HB 3773, 13th Cong., 1st Reg. Sess. 2005), §2.



cannot be suffered to be spread so thinly to service a burgeoning multitude that makes the allocations grossly inadequate and effectively meaningless.”<sup>74</sup> The greater emphasis on population was perhaps most clearly visible in the bill’s highly controversial definition of population management, which included encouraging parents to limit themselves to two children per family and granting preference to children from such families in receiving college scholarships, promoting “an optimum fertility rate vis-à-vis equitable allocation and utilization of resources”, and stemming the tide of migration from the provinces to urban centers.<sup>75</sup> Other provisions called for the freedom of parents and couples to determine the number and spacing of their children and to receive comprehensive information on reproductive health and sexuality from “qualified State workers and professional private practitioners”, protecting gender equality and women’s rights, ensuring that reproductive health was the concern of both the national and local governments, and preventing abortion while simultaneously providing for post-abortion care.<sup>76</sup>

Many of the main provisions in HB 3773 mirrored those in HB 4110. For instance, reproductive health and reproductive health rights were again defined according to the ICPD definition. Like HB 4110, responsible parenthood was also defined as “the will and the ability to respond to the needs and aspirations of the family and children” (in contrast to the definition from *Humanae Vitae*, which defined it as parents’ awareness of their obligations to observe the natural law and God’s precepts in determining how many children to have and how to raise them).<sup>77</sup> Also like HB 4110, HB 3773 sought to establish a formal Reproductive Health and Population Management Council to address reproductive health and population matters, comprising cabinet-level officials representing relevant sectors. The commission would be co-chaired by the Secretary of Health and the Director-General of NEDA.<sup>78</sup> HB 3773 also proposed penalties for impeding the implementation of reproductive health, but the new bill went significantly further. Whereas HB 4110 only proposed fines on those who restricted the dissemination of reproductive health information, HB 3773 proposed penalties for a much wider range of violations, including knowingly spreading disinformation about reproductive health care or refusing to render reproductive health services on religious grounds.<sup>79</sup>

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<sup>74</sup> Ibid., §3(b).

<sup>75</sup> Ibid., §4(l); §12.

<sup>76</sup> Ibid., §3.

<sup>77</sup> Ibid., §4(a).

<sup>78</sup> Ibid., §5.

<sup>79</sup> Ibid., §16-17. The full set of punishable offenses included:

- 1.) knowingly withholding or restricting the dissemination of reproductive health information, including knowledge of available family planning methods;
- 2.) demanding third-party authorization before performing voluntary sterilization or tubal ligation on anyone of legal age;
- 3.) preventing the delivery of reproductive health services, whether deliberately or through gross negligence;
- 4.) willfully spreading disinformation about reproductive health care;

As it had with HB 4110, the Church responded negatively to HB 3773, which was being promulgated simultaneously with the *Ligtas Buntis* campaign. In “Hold On To Your Precious Gift”, a pastoral letter issued in February 2005, the CBCP condemned both the pending bill and the *Ligtas Buntis* campaign. As a pastoral letter, it laid out the broad policy direction of the CBCP and set the tone for other opponents of the reproductive health bill. The letter insisted that human life began at fertilization. The population management provision, in particular, sparked great concern and the letter drew a connection between it and the Marcos population control policies.

Two major points are worth noting about the pastoral letter in reference to HB 3773. First, it asserted that “the central idea” behind the reproductive health legislation was not health-related at all but “to reduce our population purportedly to spur economic growth.”<sup>80</sup> This, the CBCP argued, was folly. The Marcos population control policies of the 1970s had succeeded in reducing the growth rate of the Philippines’ population over time without any noticeable change in poverty. “If this population trend continues—and it will if we remain unmoved—the Philippines, much to its peril, will lose precious human capital.”<sup>81</sup> One might argue that the high rates of unemployment (11.3%) and underemployment (16.1%) in the Philippines<sup>82</sup> would seem to fly in the face of this, but it is also important to remember that for the Church, the economic utility of a person is irrelevant to their intrinsic worth. While this does not mean that the Church calls for irresponsible procreation, the perceived lowering of the threshold for what is an acceptable family size was by definition the “contraceptive mentality” at work. By framing the reproductive health bill as a population control measure, the Church was able to sidestep the charge that it was appealing only to religious criteria. In so doing, the Church was able to broaden the threat to affect not just Catholics but the entire Filipino nation as well.

Second, as it had emphasized during the debate over HB 4110, the pastoral letter declared that no Christian could “write or support measures which contradict the basic rights of families and the fundamental imperatives of faith and morals.” Citing the Vatican’s document, “On the Participation of Catholics in Political Life”, the letter declared that “Christian leaders have both a political and moral obligation to safeguard ‘the laws of nature and of nature’s God’. Failure in this duty is a betrayal of public trust and an open defiance of your Faith.”<sup>83</sup> This latter statement represented an attempt to increase both the salience and the constitutiveness of the

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5.) refusing to offer health care services or information to anyone on the basis of the health care provider’s attributes such as marital status, sexual orientation, or religion (though the bill allowed for health care providers to conscientiously object so long as the patient in question was not facing an emergency and so long as the provider referred the patient to another provider).

Public officials who would seek to impede the delivery of reproductive health services at the local or national levels were also explicitly targeted and threatened with dismissal. Additionally, the bill would have prohibited any employer from requiring a female employee or applicant to be subject to sterilization or to use any form of contraception as a condition of employment.

<sup>80</sup> Catholic Bishops’ Conference of the Philippines, “Hold On To Your Precious Gift”.

<sup>81</sup> Ibid.

<sup>82</sup> National Statistics Office, “Philippine Labor Force Survey (January 2005) “  
<http://www.census.gov.ph/data/pressrelease/2005/lf0501tx.html>.

<sup>83</sup> Catholic Bishops’ Conference of the Philippines, “Hold On To Your Precious Gift”.

religious norm against contraception and, more broadly, the religious norm to defend the sanctity of human life. Christian leaders were specifically identified as having a religious duty to uphold Christian teachings in public policy. Political support for reproductive health legislation, the letter claimed, was incompatible with one's Christian identity. Unlike a political party affiliation or a professional identity, one's religious identity was to be regarded as salient in every moral situation, regardless of whether or not the state was secular.

### *Reproductive health legislation in the 14<sup>th</sup> Congress: HB 5043*

With the failure of HB 3773 to pass the 13<sup>th</sup> Congress, legislators launched a new effort to pass reproductive health legislation in the 14<sup>th</sup> Congress in September 2008 with House Bill 5043. HB 5043, like HB 3773, was intended to consolidate four bills (HB 17, HB 812, HB 3970 and HB 2753) that had been introduced into the Congress earlier. It was co-sponsored by Representatives Edcel Lagman, Janette Garin, Ana Theresia Hontiveros-Baraquel (all three of whom had also co-sponsored HB 3773), Narciso Santiago III, and Mark Llandro Mendoza.

In many ways, HB 5043 mirrored HB 3773. However, there was a notable shift in the emphasis of the bill toward reproductive health and a corresponding de-emphasis on population. Whereas HB 3773 had been called the "Responsible Parenthood and Population Management Act", HB 5043 was called the "Reproductive Health and Population Development Act". The difference could be seen, for example, in the contrasting definitions of "population management" in HB 3773 (described above) and HB 5043's definition of "population development":

A program that aims to (1) help couples and parents achieve their desired family size; (2) improve reproductive health of individuals by addressing reproductive health problems; (3) contribute to decreased maternal and infant mortality rates and early child mortality; (4) reduce incidence of teenage pregnancy; and (5) enable government to achieve a balanced population distribution.<sup>84</sup>

While the management of population growth was clearly part of the agenda, the emphasis here had shifted to protecting maternal and child health and helping couples and parents achieve *their* desired family size, though the state would "encourage them to have two children as the ideal family size."<sup>85</sup> HB 5043 also removed the concrete incentive of granting preference for college scholarships to students from two-child families.

The emphasis on reproductive health over population could also be seen in several new provisions. The bill mandated that all cities and municipalities "shall endeavor" to have a minimum of one midwife for every 150 deliveries per year. It mandated that every province and city "shall endeavor to ensure" that for every 500,000 residents there were at least four

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<sup>84</sup> House of Representatives. Republic of the Philippines. *An Act Providing for a National Policy on Reproductive Health, Responsible Parenthood and Population Development, and for Other Purposes*, HB 5043, 14th Cong., 1st Reg. Sess. 2008), §4(r).

<sup>85</sup> *Ibid.*, §16.

hospitals capable of providing basic emergency obstetric care<sup>86</sup> and at least one hospital that provided comprehensive emergency obstetric care.<sup>87</sup> The bill also mandated that all LGUs, national and local government hospitals, and other public health units were to conduct in-depth studies of the causes of maternal deaths in an effort to improve their services. A new section on “hospital-based family planning” also mandated that tubal ligations, vasectomies, IUD insertions and other contraceptive techniques requiring professional medical assistance would be provided by all government hospitals and covered by the national health insurance program for indigent patients. Particularly controversial was a new measure which would have officially designated birth control pills, IUDs, injectables and “other allied reproductive health products and supplies” as “essential medicines and supplies which shall form part of the National Drug Formulary”.<sup>88</sup> As “essential medicines”, such supplies would be required to be regularly on hand in hospitals and other health units in sufficient quantities to ensure an uninterrupted supply.

What HB 3773 termed “reproductive health and sexuality education” for children from fifth-graders to high school seniors was changed simply to “reproductive health education”. The content of the curriculum was largely intact, though there was now a nod to the bill’s voluntary emphasis in the form of a provision to teach students about “natural and modern family planning methods to promote reproductive health” and “achieve desired family size”. The previous bill had also called for “safe sex” to be included in the reproductive health education curriculum. HB 5043 changed it to “responsible sexuality”.<sup>89</sup> Other provisions that carried over from HB 3773 were penalties for impeding the provision of reproductive health programs or services or providing disinformation regarding them. The provision was changed from “willful disinformation” to “malicious” disinformation, which could be interpreted as a concession to pro-life groups who sought to contest the scientific data regarding the safety of contraceptives and other family planning procedures out of a genuine belief that they had the right data.<sup>90</sup>

Aside from these changes, the broad thrust of HB 5043 was very similar to that of HB 3773: guaranteeing that the Philippine state would provide universal access to reproductive health care services, supplies and information in the interest of helping women and couples achieve their desired family size. Reproductive health continued to be defined as a right. Notably, the international sources of reproductive health norms were explicitly mentioned for the first time in HB 5043 in the opening statement: “The State upholds and promotes responsible parenthood, informed choice, birth spacing and respect for life *in conformity with internationally recognized human rights standards* [emphasis added].”<sup>91</sup>

By this time, though, the RH Bill had become one of the most prominent political causes in the Philippine consciousness. Both pro-RH and anti-RH groups were fully mobilized to contest

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<sup>86</sup> HB 5043 defined basic emergency obstetric care as including at a minimum 1.) administration of parenteral antibiotics; 2.) administration of parenteral oxytocic drugs; 3.) administration of parenteral anticonvulsants for pre-eclampsia and eclampsia; 4.) manual removal of placenta, and 5.) assisted vaginal delivery. *Ibid.*, §4(k).

<sup>87</sup> HB 5043 defined comprehensive emergency obstetric care as including, in addition to the services in basic emergency obstetric care, caesarean section and blood transfusions. *Ibid.*, §4(l).

<sup>88</sup> *Ibid.*, §10.

<sup>89</sup> *Ibid.*, §12.

<sup>90</sup> *Ibid.*, §21(e).

<sup>91</sup> *Ibid.*, §2.

HB 5043's passage. HB 5043 became—and remains as of June 2011—arguably the most controversial piece of Philippine domestic legislation for its time. Although the bill did not explicitly attempt to overturn the constitutional ban on abortion, the rancorous nature of the debate invites comparisons with the controversy over *Roe v. Wade* in the United States or the debate over same-sex marriage. As they had in the past, actors representing the Catholic Church mounted a major attack on the bill, utilizing defensive sacralization as a rhetorical strategy. Such defensive sacralization was applied both externally to legislative supporters of the RH Bill as well as internally to those supporters in the Catholic Church who sought limited accommodation with them. In Chapter Eight, I will explain this process of defensive sacralization in more detail.

### **Conclusion: The Domestic Dimensions of Defensive Sacralization**

Throughout the Philippines' modern history, when faced with proposals to make contraceptives more widespread, to make the state take an active role in population management, or to promote the notion of reproductive health as a human right, the Church consistently responded with defensive sacralization. Remember that the three elements of defensive sacralization are: 1.) the identification of a threat to a religious norm, 2.) the raising of the salience and constitutiveness of the religious norm in the collective consciousness of religious believers, and 3.) the mobilization of religious believers in defense of the religious object. We can detect all three elements throughout the Marcos, Aquino and Ramos administrations (Estrada's whose brief tenure and struggle with the Church over the events leading to EDSA II overshadowed any debates over family planning), but it is also important to note that these elements do not remain confined to the domestic level. Because of the transnational connections within the Catholic Church and the links between the domestic debate over reproductive health norms and the broader transnational debate, defensive sacralization at the domestic level was influenced by the latter.

The Philippine Catholic Church's specific acts of resistance to contraception were shaped by *both* transnational and domestic factors. At the transnational level, its status as part of a worldwide Catholic Church whose broad moral theological stances were set by the Holy See provided it with a general orientation. *Humanae Vitae*, *Evangelium Vitae*, the Allocution to Midwives and other papal encyclicals, pronouncements and official teachings established a basic set of religious norms for the Philippine Church to follow. The ideas that human life was sacred, that contraception corrupted the integrity of marriage, or that a preoccupation with material comforts could breed a dehumanizing "contraceptive mentality" all flowed from transnational Catholic teachings. These teachings, in essence, defined the religious norm against contraception as under attack for a variety of reasons. Thus, we can say that the first and second elements of defensive sacralization—the identification of a threat to a religious norm and the raising of its salience and constitutiveness—took place at the Holy See. But the audience for this kind of defensive sacralization was primarily made up of clergy and religious, not the laity. It was up to the Church working within particular societies to translate those exhortations into action by convincing others that defensive sacralization was also necessary.

At the domestic level, defensive sacralization was conditioned by the particular political environment faced by the Catholic Church. Here, the Church enjoyed a number of major

advantages, particularly following the 1986 EDSA Revolution. Indeed, when one considers the political power of the Catholic Church in the modern Philippines, all roads lead to EDSA. It was the EDSA Revolution that transformed the Catholic Church from a heavily repressed institution into a major political force to be reckoned with. By providing the moral thrust of the effort to oust Ferdinand Marcos, the Church became the vanguard of popular nationalism (though its legitimacy was doubtless augmented by its lengthy presence in the Philippines and its reputation as a relatively incorruptible institution). Although the Church did not overthrow Marcos alone, its moral legitimacy and the charismatic leadership of Cardinal Sin emboldened the crowds and greatly facilitated his ouster.

Perhaps more importantly, it was the Church that largely guided Cory Aquino to the presidency and, once there, provided crucial advice to the new president. Aquino's close relationship with Cardinal Sin and willingness to consult him on a wide range of issues gave the Church strong influence over the lawmaking process, as reflected in the process of crafting the 1987 Constitution. Thenceforth, the Church could wield its ability to legitimize political disobedience and mobilize huge numbers of loyal demonstrators as leverage over political allies and enemies alike. On moral issues, the Church could not be ignored. In particular, by banning abortion and guaranteeing to protect the life of both the mother and the unborn child from conception, the 1987 Constitution established boundaries beyond which future legislation on reproductive health norms could not go. Likewise, the Aquino administration initially pushed for the development of a family planning policy that was more geared toward maternal and child health rather than population management.

When the Aquino administration sought to develop a more robust family planning program, including the provision of contraceptives, the Church responded with hostility and strong political opposition, offering a much more determined and vocal response to family planning policies than it had under Marcos. Moreover, its opposition provided a credible challenge to the Aquino administration, which depended much more on the Church's legitimization of its politics than Marcos had. Efforts to develop a dialogue between the Church and the government foundered when the CBCP issued the 1990 pastoral letter "Love Is Life", which framed contraception as a dire affront to God and completely non-negotiable. In so doing, religious norm preservationists within the CBCP were able to ensure that the organization adopted a position against the state that brooked no compromise. As a result, the CBCP and the government were locked into a polarized struggle over family planning, a situation that can be described as a "sacralization trap".

The Church, then, became a gatekeeper, able to interpose itself between the government and policy goals that were at odds with Catholic teaching. This did not make the Church all-powerful, of course; it was certainly not the only center of power in Philippine politics. It is also true that the Philippines had not yet signed on to the ICPD Program of Action and indeed, the notion of reproductive health as a transnational human rights norm had not yet been formally articulated. Nevertheless, the domestic political context that resulted from the EDSA Revolution and the influence of the Catholic Church as a gatekeeper to new norms meant that if the Philippine government ever were to sign on to reproductive health norms, it would face an uphill battle with the Catholic Church.

The administration of Aquino's successor, Fidel Ramos, saw the deepening of polarized relations between the Catholic Church and the government as well as a decline in the Church's influence in family planning policy. Because Ramos was Protestant, he was not as susceptible to Catholic appeals for him to oppose reproductive health norms on the basis of personal Catholic belief, though he could not ignore the influence of the Church either. Ramos's continuous sparring with the Church over his proposed reproductive health program reached a fever pitch as the 1994 ICPD approached. Nevertheless, the Philippines signed the ICPD Program of Action and did not protest any of the passages regarding reproductive health. Under Ramos, the Philippines established a formal Reproductive Health Program in defiance of the Church, though implementation was weak. The Church's political power was also on display in Ramos's failed attempt to implement Charter Change. Although the Church did not launch a full-scale attempt to oust him, the threat of mass mobilization was an important element in Ramos's backing down from his prior commitments.

Relations between the Church and the government were even worse under the Estrada administration. As it had with Ramos, the Church actively opposed Estrada's bid for the presidency. Once it became clear that Estrada was also involved in *jueteng* rackets, the Church was at the forefront of efforts to oust him, using its moral legitimacy and the memory of the 1986 EDSA Revolution to force him to resign. Estrada's short presidency left little opportunity to further develop reproductive health policies, but by initiating the Contraceptive Self-Reliance Initiative and moving away from demographic targets, Estrada unwittingly set the stage for his successor to dismantle the nascent efforts to build a reproductive health program.

#### *The lingering legacy of "People Power"*

If the Catholic Church's global defensive sacralization against reproductive health norms was a war, then the Philippines represented something like the beaches of Normandy on D-Day. Like every battlefield, there are unique local features that commanders (or bishops or NGOs or local politicians) can use to their advantage, requiring them to adopt different tactics (or framing rhetoric or political maneuvers). For the Philippine Catholic Church, whose advocacy was in the service of a global moral cause, the deeply resonant cultural scripts of the EDSA Revolution and "People Power" were roughly analogous to the high ground, useful in the local context but not necessarily relevant beyond it.

In the Philippines, "People Power" has proven to be extremely useful to defensive sacralization. Catholic leaders' invocation of the EDSA Revolution situates threats to religious norms within a broader narrative of resistance to the state or, more precisely, resistance to political elites within the state who promote policies harmful to Catholic interests. Drawing on such a powerful national symbol also emphasizes that allegiance to the Philippine nation does not necessarily imply allegiance to the Philippine government, particularly if one is forced to sacrifice one's religious and moral values to protect the latter. Combined with the Catholic Church's legitimacy and reputation as a political watchdog that nevertheless stands above the fray of normal politics, framing defensive sacralization in terms of People Power serves to reinforce the idea that the Church is a separate and superior authority to the state. Along with the Church's formidable mass mobilization capabilities, all this is likely to give pause to any politician considering a showdown with the Church over its religious norms.

With the death of the charismatic Cardinal Sin and a less interventionist tone from the Vatican, it is less certain that “People Power” will continue to be employed as a means of deposing unpopular presidents before they serve out their terms. That said, it would be premature to dismiss “People Power” as no longer relevant to Philippine politics. Mass mobilization á la EDSA can be regarded as a standard part of the “repertoire of contention” in the Philippines and especially within the Catholic Church.<sup>92</sup> The very term “People Power” evokes the now-familiar script of a popular, non-violent mass movement spearheaded (but not manufactured) by the Church against a corrupt politician who has lost popular legitimacy. Because the EDSA Revolution itself is such a universally recognizable and powerful symbol in the national consciousness, it continues to be used as a framing device for motivating Filipino audiences to act according to their moral convictions.

For example, at a 10,000-strong rally called “Filipinos United for Life” in the Metro Manila municipality of Pasay City on February 13, 2011, Bishop Emeritus Teodoro Bacani delivered a homily calling upon President Benigno “Noy” Aquino III to oppose the Reproductive Health Bill being considered in the legislature. “I think President Noy would like to have a people power supporting him rather than an enemy”, he declared before the crowd.<sup>93</sup> In October 2010, the CBCP announced that if the Reproductive Health Bill were to be signed into law, the Church reserved the right to call for a campaign of civil disobedience. CBCP Secretary-General Msgr. Juanito Figura returned to the same principle that was used to justify resistance to the Marcos regime:

When a law or state policy or state program is not in consonance with what the faith teaches so from that perspective, if the local church in the Philippines or the hierarchy in the Philippines decide to call for disobedience because of this possibility of enacting the controversial Reproductive Health bill and the distribution of artificial contraceptives the bishops would have a moral reason to do that. [...] [A]ccording to the same Church principles, if a law or state policy is against Christian teachings, persons, Christians, Catholics are not bound by conscience to obey that.<sup>94</sup>

The Church has also invoked the EDSA Revolution in other contexts. For example, in February 2009, Bishop Socrates Villegas called for “People Power” to block the restarting of a nuclear power plant in the province of Bataan. “Let us stand up for one another as what [sic] we did during EDSA 1986”, he told audience members during a prayer rally held to protest the plant’s re-commissioning. He criticized lawmakers who supported the plant as “betraying” the

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<sup>92</sup> Charles Tilly, *Regimes and Repertoires* (Chicago: University of Chicago Press, 2006).

<sup>93</sup> “PNoy Has 2 Options - People Power for or against Him,” *CBCP News*, February 14, 2011, <http://www.cbcnews.com/?q=node/14648>.

<sup>94</sup> “Church Leaders Say ‘Civil Disobedience a Possibility,’” *CBCP News*, October 3, 2010, <http://www.cbcnews.com/?q=node/13320>.



spirit of the EDSA Revolution. “They are enemies of the poor and weak. They are not our friends. They are not on the side of God. They are living for themselves only.”<sup>95</sup>

Having seen first-hand how “People Power” brought about the downfall of her predecessor, Arroyo made a conscious effort to placate the Church. She was open about her intention to adhere to Catholic doctrines when it came to reproductive health legislation and to veto any legislation crossing her desk that defied the Church’s teaching on that matter. At the same time, momentum for reproductive health legislation was building, driven by the elimination of USAID contraceptive supplies and given greater salience by the signing of the UN Millennium Declaration. While legislators sought to craft a national law to standardize the disparate local policies governing reproductive health, the Catholic Church launched determined opposition to it, this despite clauses in the bills prohibiting abortion and de-emphasizing population management (such as the removal of economic incentives for having fewer children). Arroyo largely stayed out of the fray and never had to make good on her threat to veto any legislation.

Thus far, we have established the Catholic Church’s ability to serve as a “gatekeeper” to the implementation of new norms. This role both derived from and continues to draw strength from its implied ability to mobilize “People Power” against political foes, including those in favor of reproductive health legislation. Yet, the present narrative until now has treated the Catholic Church and its allies as a single unit aimed at preventing the implementation of reproductive health norms at seemingly any political cost. In Chapter Eight, I demonstrate that there is indeed a diversity of views within this group regarding reproductive health norms and show how defensive sacralization is used as a means of maintaining organizational unity within the Philippine Catholic Church.

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<sup>95</sup> “People Power against Nuke Plant Sought,” *CBCP News*, February 23, 2009, <http://www.cbcnews.com/?q=node/7546>.

## **Chapter Eight**

### **An Intractable Dispute? How the Sacralization Trap Hampers Agreement in the Philippine Reproductive Health Debate**

Over the course of the past five chapters I have shown how the Catholic Church's teachings against contraception have played a significant role in hindering the Philippines' implementation of transnational reproductive health norms, even though the Philippine government has signed on to international legal agreements promising to do so. The Church's efforts in the Philippines have been significantly bolstered by its status as a moral authority, its deep and broad penetration into Philippine society, and its ability to legitimize or delegitimize popular opposition to presidential administrations.

But I also argued that a structural explanation, while important, is insufficient to explain the Catholic Church's rigid adherence to the teaching against contraception and its willingness to invest enormous amounts of time, energy and expense into fighting transnational reproductive health norms. Of great significance is the fact that the Catholic Church and many of its followers have constructed the teaching against contraception as constitutive of belonging to the faith, highly salient, and under threat from encroaching secular forces that promote a "contraceptive mentality". Especially under Pope John Paul II, the Church has linked contraception to abortion through the "master frame" of the "culture of life against the culture of death." Defending against reproductive health norms, then, was a religious imperative worth holding up an international consensus for, as the Church demonstrated at the 1994 ICPD. Defending the lives of unborn children remains a central and non-negotiable component of the Catholic faith. As Pope Benedict XVI stated,

Not all moral issues have the same moral weight as abortion and euthanasia. For example, if a Catholic were to be at odds with the Holy Father on the application of capital punishment or on the decision to wage war, he would not for that reason be considered unworthy to present himself to receive Holy Communion. There may be a legitimate diversity of opinion even among Catholics about waging war and applying the death penalty, but not, however, with regard to abortion and euthanasia.<sup>1</sup>

Yet, while the Church is unequivocal about the immoral nature of abortion and contraception, it would be inaccurate to characterize all clergy, theologians and laity as being in lockstep with one another. Contrary to popular perception, the Catholic Church is not a completely unitary and coherent organization. While there are official teachings, there is also lively debate about the best ways to apply those teachings and in some cases outright disagreement. Contraception and reproductive health are no exceptions. These differences are worth noting for three main reasons. First, they highlight how even a relatively centralized religion like Roman Catholicism can harbor multiple and conflicting interpretations of religious norms. This raises the obvious question of how to arbitrate among competing religious

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<sup>1</sup> Joseph Ratzinger, "Worthiness to Receive Communion - General Principles", (2004).

interpretations. Appealing to the authority of the Pope and the teachings of the Church can sometimes be helpful in resolving such questions, but as we saw in the last several chapters, *Humanae Vitae* has done little to deter efforts to make access to contraception a human right despite its having been issued by the highest authority in the Church. Religious believers examine their particular social contexts and apply religious norms accordingly. If Noakes and Johnston are right, then the less relevant a frame is to people's lived experiences, the less that frame will resonate with audiences and the less likely they will be to accept its explanations and interpretations of how the world works.

Second, differences in religious interpretation enable norm entrepreneurs on both sides of the reproductive health debate to legitimize their positions. In Chapter Three, I categorized actors into three ideal types based on their position on a given religious norm. Preservationists believe that a religious norm is under threat from competing norms and seek to mobilize in its defense. Accommodationists hold that there is some benefit to religious norms being accommodated to competing norms. Finally, rejectionists openly reject religious norms. We would expect preservationists to use religious arguments in defense of religious norms, but accommodationists may also find the use of religious arguments attractive because it gives them a way to defend themselves against the charge that they are desecrating the sacred ideas that underpin religious norms. Where believers (and lawmakers who must justify themselves before believers) find themselves torn between commitment to Catholic beliefs and reproductive health norms, religious interpretations that support an accommodationist stance can provide them with a way of resolving the two. This sets the stage for a clash of arguments between preservationists and accommodationists as both sides attempt to demonstrate that their theological views are superior to each other's. The challenge is to maintain a legitimate connection with religious teaching while simultaneously resonating with audiences' lived experiences. For preservationists, a powerful concern is that the cultural *zeitgeist* has strayed so far from religious teaching that only radical conversion is possible to realign the two.

Third, differences in religious interpretation can give rise to polarization via the sacralization trap. As I discussed in Chapter Three, a chief aim of defensive sacralization is to clarify the boundaries between "true" and "false" religious followers. By singling out a certain religious norm as constitutive and under attack, preservationists seek to discredit accommodationists who propose that religious believers can eat their cake and have it too. Defensive sacralization forces all relevant actors into two categories: the faithful, who are willing to defend the religious norm wholeheartedly and without exception, and heretics, who distort religious teaching and attempt to pass it off as legitimate. Because defensively sacralized religious norms are by definition highly salient, and high salience necessarily requires that other religious norms be less salient, it follows that religious identities will increasingly come to be defined by one's position on that religious norm.

In this chapter, I discuss how defensive sacralization has influenced the intra-religious debates over reproductive health norms in the Philippines. I begin with a general discussion of preservationists, accommodationists and rejectionists in the Philippine reproductive health debate and then explain how defensive sacralization has resulted in the phenomena of audience binding, rhetorical ratcheting, polarization and self-marginalization. I then illustrate both preservationist and accommodationist interpretations of three key issues in the current

debate, namely 1.) the role of individual conscience (as opposed to government prescription) in arbitrating the use of artificial contraceptives, 2.) disputes over natural family planning, and 3.) whether Catholic politicians can legitimately support reproductive health legislation and whether they can consequently be excluded from the community of the faithful. In these three cases, I discuss both preservationist and accommodationist views and show how the sacralization trap dynamics generated by defensive sacralization have influenced norm adoption.

My research is based primarily on 61 in-depth, semi-structured field interviews in the Philippines conducted between January and June of 2008, and again in January of 2009, mostly in the Metro Manila area with some conducted in the province of Pampanga north of Manila. I spoke with clergy, theologians, academics, officials, NGO representatives and lay activists involved in the reproductive health debate in the Philippines. The purpose of the interviews was to understand how actors with different religious and political orientations toward the reproductive health norm justified their respective positions, what techniques and strategies they used to promote their positions, the extent to which their religious beliefs shaped their political outlook, and the conditions under which they foresaw any possibility of cooperation between opponents and supporters of reproductive health norms.

Because of the highly sensitive nature of the debate over reproductive health, many of my interviewees requested anonymity. Wherever possible, I have deliberately obscured their identities in order to protect their confidentiality. It is an indication of the polarized nature of the reproductive health debate in the Philippines that during a follow-up interview, one of my subjects, a women's rights activist, told me that she had not known if I was truly a legitimate researcher or a "spy" for opponents of reproductive health norms. Another one of my interviewees, a Catholic activist opposed to reproductive health norms, insisted on videotaping the interview because he was concerned that his opponents would distort what was said. By the same token, I found many of my interviewees through snowball sampling and was referred to them through trusted intermediaries rather than through "cold calling".

By examining how different Catholic actors vary in their interpretation of these issues, I seek to show how the collision between religious and other competing norms is not inevitable but instead the product of conscious mobilization which, in turn, depends on different interpretations of religious doctrine. While encyclicals and other religious documents issued by the Holy See are important in that they set the boundaries of appropriate moral behavior, such documents are interpreted and implemented by local clergy and laity. Theological debates here are relevant, but so too is the packaging of theological teachings for mass consumption, which often plays a much more visible role in mobilizing religious actors. Thus, how actors *construct* religious norms and their relationship to other norms significantly shapes the course of the debate. In order to understand how transnational norms are likely to fare against religious norms, we need to examine how local religious actors understand the relationship between the two and what factors go into shaping their response to transnational norms.

### **Preservationists, Accommodationists and Rejectionists in the RH Debate**

In Chapter Three, I divided actors into three categories based on their attitudes toward a given religious norm: preservationists, accommodationists and rejectionists. In this section, I briefly

map out key actors in these three categories in the context of the Philippine reproductive health controversy.

Prominent organizations that fall under the preservationist category in the Philippines reproductive health debate include pro-life advocacy groups such as Human Life International and Pro-Life Philippines, the Catholic political party *Ang Kapatiran* (“the brotherhood”), and the CBCP’s own Episcopal Commission on Family and Life. The Catholic Church officially adopts a preservationist stance that understands human life—and more specifically the life of the unborn child—to be sacred because it is a divine gift from God. This does not prevent the Church from defending those norms on the basis of the other motives, however. Preservationists argue, for instance, that the implementation of reproductive health norms will ultimately lead to depopulation and a consequent decline in the Philippines’ economic productivity. Another common preservationist argument is that the widespread availability and legitimization of artificial contraceptives will lead to the treatment of sex as purely an instrument of self-gratification, leading to a deterioration of social morality.

For preservationists, the worst consequence of the internalization of reproductive health norms would be the normalization of a contraceptive mentality which, in turn, would lead to the acceptance of abortion. It is the preservationists who initiated the process of defensive sacralization by emphasizing the sacred and immutable nature of the Church’s teachings. One lay activist I spoke with encapsulated the preservationist view when she explained to me how she saw the link between contraception and the deterioration of both the sacred nature of sex and thus social stability. As she understood it, contraception was a violation of the natural moral law and efforts by reproductive health advocates to make it more widely available were dragging the Philippines headlong into moral relativism. She explicitly cited *Humanae Vitae* and *Evangelium Vitae*, arguing that marital sex “is not just a sexual act [but]...a sacred act, ...a sacred union, a sacred covenant.” Echoing Pope John Paul II’s concerns in *Evangelium Vitae* about the erosion of the social contract, she asserted that advocates of contraception were attempting to overturn religious principles in a bid to establish a new kind of society where norms of marriage were based solely on personal preference. “This goes to anarchy”, she concluded. “There will be no more standards in terms of rules. Where are the laws that are really indestructible?”<sup>2</sup> Importantly, for preservationists like this lay activist, there is no separation between religious ideas and social outcomes since the morality prescribed by religious belief (or the absence thereof) is necessarily reflected in human action. Thus, it makes no sense to talk about the separation of church and state except to ensure that the state does not interfere with religion’s role of prescribing moral norms.

Rejectionists in the reproductive health debate include groups that openly contest the Catholic Church’s teachings on contraception. Because of this direct contradiction of the Church’s position, virtually all organized rejectionists operate outside the structure of the Church. For instance, the *Iglesia ni Cristo*, an indigenous Christian church based on the teachings of its charismatic founder, Felix Manalo, accepts the principle that parents have a responsibility to plan their families. Manalo’s grandson and the *Iglesia ni Cristo*’s executive minister, Eduardo Manalo, endorsed HB 5043 in a 2010 letter to Rogelio Espina, the Chairman

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<sup>2</sup> Interview with Pro-life activist 3, June 5, 2008.

of the House Committee on Population and Family Relations. Citing the First Letter to Timothy, Manalo declared that “The Bible states that a parent who does not provide for the needs of his own household is worse than an unbeliever (1 Tim 5:8).”<sup>3</sup> Artificial contraception, Manalo argued, was permitted in Christian doctrine so long as it was not abortifacient. Interestingly, Manalo explicitly condemned natural family planning, arguing that it was immoral because it contradicted Paul’s directive in the First Letter to the Corinthians that spouses not deprive each other of marital intercourse for extended periods of time. He wrote: “[A]ny abstinence at all for the married couple is supposed to be with the mutual consent of husband and wife and not for the purpose of preventing pregnancies (1 Cor. 7:3-5).”<sup>4</sup>

Strict rejectionists that openly and directly reject the Catholic Church’s teaching on contraceptives are relatively few and far between, however. Even supporters of the Reproductive Health Bill have taken pains to argue that reproductive health norms can be consistent with Catholic teachings, rather than completely rejecting those teachings altogether. For instance, GABRIELA Women’s Party, a political party that grew out of GABRIELA, a coalition of women’s liberation NGOs, has been a staunch supporter of reproductive health legislation but has emphasized that such legislation contains provisions that the Church should find laudable.<sup>5</sup> The efforts to accommodate the Catholic Church are a nod to its political power and ability to wield influence over veto actors. Absent the Church’s influence, organizations like GABRIELA would not need to frame reproductive health legislation and the norms enshrined therein as compatible with Church teaching. Thus, it is more accurate to define the battle over reproductive health as between preservationists and accommodationists and, more specifically, over where the lines can be drawn between what is acceptable to Catholic teaching and what is beyond the pale. My analysis will therefore concentrate on actors from these two categories.

This brings us to accommodationists, who believe that there is some possibility for accommodation between Catholic teaching and the implementation of reproductive health norms in Philippine society. There is a fairly wide middle ground in between the preservationists and the rejectionists and a major part of the debate over reproductive health norms involves determining what is non-negotiable and what is not. Accommodationists vary in their willingness to accept reproductive health norms. Many are concerned that reproductive health norms might nevertheless infringe upon the ability of Catholics to practice their faith. For instance, proposals for mandatory sex education in schools have sparked opposition from some accommodationists who want to ensure that Catholic schools will be exempt from the requirement. On the other hand, some advocates of reproductive health norms have argued that artificial contraception can be permitted even under Catholic teaching because people are allowed to follow their own consciences. This latter interpretation, however, is far from a consensus, and even theologians who agree with it argue that it applies only in extraordinary circumstances and can easily be subject to abuse. Although this is technically an

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<sup>3</sup> Eduardo Manalo, “Letter to Reglio Espina”, (October 12, 2010), <http://blogwatch.tv/news/iglesia-ni-cristo-and-other-church-group-pro-rh-bill-position/>.

<sup>4</sup> Ibid.

<sup>5</sup> See, for instance: GABRIELA Women's Party, “Malacañang-CBCP Responsible Parenthood Bill Should Not Delay RH Legislation – GABRIELA Solon (Press Release),” January 26, 2011, <http://www.gabrielawomensparty.net/news/press-releases/malacanang-cbcp-responsible-parenthood-bill-should-not-delay-rh-legislation-gab-0>.

accommodationist view of reproductive health norms, it is one that many otherwise accommodationist clergy would find uncomfortable. Accommodationists have advanced arguments appealing to the role of individual conscience (rather than the state) in arbitrating the use of contraceptives, implicitly restricting the political role of the Catholic Church in favor of a hortatory role. They have also advanced arguments appealing to religious freedom and the fact that not all Filipinos are Catholic.

When new transnational norms must compete with existing local norms, accommodationists become particularly important because they can legitimize new norms by making them compatible with existing norms and culture. This can involve a certain amount of not only reframing but also actual modification, a process that Amitav Acharya has called “norm localization”.<sup>6</sup> For such norm localization to be credible, however, accommodationists must be seen as independent local actors and not merely “stooges” of foreign interests.<sup>7</sup> When considered in terms of religious credibility, accommodationists must be able to demonstrate that their views are rooted in authentic religious teachings and not simply efforts to cloak their selfish desires in the mantle of religious authority. Put differently, their views must resonate with preservationists.

Preservationists tend to view accommodationists as a dangerous weakness in the fight against reproductive health norms because they are apparently willing to compromise on matters of sacred importance and call such behavior authentically Catholic. Thus, a key task for preservationists in the reproductive health debate is to clarify the boundaries of what is and is not permissible according to Catholic religious norms. This also gives preservationists a key advantage over accommodationists, as the former generally seek to simplify teachings for their religious audiences in order to make absolutely clear what constitutes a violation of religious norms. Preservationists also have an advantage insofar as they typically represent the official Catholic stance and can reference papal teachings such as *Humanae Vitae* and *Evangelium Vitae* as relatively unambiguous and authoritative sources.

By contrast, accommodationists in the reproductive health debate face the more difficult task of trying to justify the adoption of reproductive health norms while simultaneously remaining credibly rooted in Catholic doctrine. This necessarily means that the task of the accommodationist is to nuance, to finesse and ultimately, to complicate. It also means that the accommodationist must constantly defend against accusations that s/he is simply twisting Catholic teaching to suit a vested interest in making reproductive health norms licit. Because the line between legitimate accommodation and heresy can be very thin indeed, accommodationists can easily be depicted by preservationists as opportunistic casuists seeking loopholes in religious teaching. In the next sections, I will discuss internal contestation between accommodationists and preservationists over three major issues in the reproductive health debate: the problem of conscience, the role of natural family planning and the issue of excommunicating Catholics who support reproductive health legislation.

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<sup>6</sup> Acharya, “How Ideas Spread: Whose Norms Matter?”

<sup>7</sup> *Ibid.*, 251.

## The Problem of Individual Conscience

“Conscience” is the rallying cry for Catholic supporters of reproductive health legislation. Broadly speaking, Catholic supporters of reproductive health norms argue that it is possible for a person to use artificial contraceptives if in his/her conscience s/he believes that it is the right thing to do. For example, in a 2010 letter, Senator Miriam Defensor Santiago, who authored one such bill in the Senate, pleaded with CBCP President Bishop Nereo Odchimar not to excommunicate her over her support for reproductive health norms.<sup>8</sup> In her letter, she maintained that her stance was consistent with the Catholic faith and quoted a passage from *Dignitatis Humanae*, the Pope Paul VI’s 1965 encyclical on religious freedom: “ [No one] is to be forced to act in a manner contrary to one’s conscience. Nor, on the other hand, is one to be restrained from acting in accordance with one’s conscience.”<sup>9</sup> In another example, in 2008 a group of faculty from the Jesuit Ateneo de Manila University issued a position paper titled, “Catholics Can Support the RH Bill in Good Conscience” and argued for the primacy of conscience over “wooden compliance to directives from political and religious authorities.”<sup>10</sup> They continued,

[W]e ask our bishops to respect the one in three (35.6%) married Filipino women who, in their ‘most secret core and sanctuary’ or conscience, have decided that their and their family’s interests would best be served by using a modern artificial means of contraception. Is it not possible that these women and their spouses were obeying their well-informed and well-formed consciences when they opted to use an artificial contraceptive?<sup>11</sup>

In contrast, Catholic opponents of reproductive health norms argue that conscience must be informed by Catholic teaching and cannot be reduced to simple preference or even fervent personal conviction. Gaudencio Cardinal Rosales, the Archbishop of Manila, declared that supporters of reproductive health legislation had proven themselves to have improperly formed consciences and that a well-formed Christian conscience precluded support for any political measure contrary to faith and morals.<sup>12</sup> Similarly, Socrates Villegas, Archbishop of Lingayen-Dagupan, wrote in a 2011 pastoral statement that

The moral conscience is man’s sanctuary through which the voice of God is heard, the voice that tells us to embrace what is good and reject what is evil. *However, conscience is not the ultimate tribunal of morality* [emphasis added].

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<sup>8</sup> Excommunication and interdiction in the context of support for reproductive health legislation are discussed later in this chapter.

<sup>9</sup> “Miriam to Church: Please Don’t Excommunicate PNoy & I,” *ABS-CBN*, October 1, 2010. <http://www.abs-cbnnews.com/nation/10/01/10/miriam-please-dont-excommunicate-pnoy-i>.

<sup>10</sup> “Catholics Can Support the RH Bill in Good Conscience: Position Paper on the Reproductive Health Bill by Individual Faculty of the Ateneo de Manila University”, (October 15, 2008), [http://www.likhaan.org/sites/default/files/pdf/RH\\_Bill\\_Ateneo\\_Faculty.pdf](http://www.likhaan.org/sites/default/files/pdf/RH_Bill_Ateneo_Faculty.pdf).

<sup>11</sup> *Ibid.*

<sup>12</sup> Catholic Bishops’ Conference of the Philippines, “RH Bill Supporters are Morally ‘Lost’--Cardinal Rosales,” <http://www.cbcnews.com/?q=node/13646>.



Conscience must be formed in the light of truth. Conscience must be enlightened by the Spirit of God. [...] We pray conscience does not allow itself to be swayed by statistics or partisan political positions. The only voice conscience must listen to is the voice of God.<sup>13</sup>

However, according to one of my interviewees, a Catholic theologian whom I will call “Fr. Andrew” (not his real name), even an erroneous conscience has rights. Fr. Andrew made a distinction between the teaching of the Church and the voice of God in one’s conscience. A person ought to sincerely search for the truth and strive to follow the Church’s teachings, but if the circumstances should prove to make doing so impossible, then one could not be forced to act contrary to one’s conscience. While one might act in a morally wrong manner by following one’s conscience, one could not be said to sin in doing so because one genuinely believed that one was following the best possible course of action, such as in the case of choosing what one believed to be the lesser of two evils or acting on wrong information. “So sinfulness is something you cannot simply put a standard blanket measure [on]. You have to know what happened and where the person is coming from.”<sup>14</sup> This was the Liguorian argument again (see Chapter Four). Fr. Andrew added that by calling for the junking of reproductive health legislation, opponents were also denying Protestants, Muslims and other religious groups that permitted the use of artificial contraceptives the opportunity to make decisions of conscience themselves. “I think it’s better to put the responsibility of choice [on] the [individual] person and make it the responsibility of the Church...to form their consciences rather than...the government sort of determining morality.”<sup>15</sup>

Preservationists have expressed deep skepticism about arguments based on individual conscience that reproductive health advocates should be left alone. They worry that an overemphasis on individual conscience could easily lead to a misunderstanding that whatever one strongly believes suffices to morally justify one’s conduct. In one example, a Catholic theologian published an article arguing that the Church’s position on contraception, while official, was not infallible, and that it was possible that one’s conscience could lead one to honestly dissent and even to use non-abortifacient contraceptives if natural family planning methods failed to work. The article caused a stir among preservationists, who contacted the Vatican’s Pontifical Council for the Family. The Council, in turn, wrote to the CBCP, which discussed the “serious matter” but decided to ignore it provided that the theologian promise to lie low and not speak on contraception again, reasoning that further discussion would only serve to divide Catholics. The theologian subsequently refrained from further writings on the subject.<sup>16</sup>

Here, we have a textbook case of how defensive sacralization facilitates polarization and rhetorical ratcheting. By emphasizing that contraception was a dire threat to religious norms against the contraceptive mentality, preservationists made it increasingly difficult to advocate a

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<sup>13</sup> Socrates Villegas, “Pastoral Statement of the Archbishop of Lingayen-Dagupan on the RH Debate: Charity and Conscience on the RH Debate,” <http://fightrhbill.blogspot.com/2011/05/pastoral-statement-of-archbishop.html>.

<sup>14</sup> Interview with Theologian 1, February 13, 2008.

<sup>15</sup> *Ibid.*

<sup>16</sup> Interview with Theologian 7, April 25, 2008.

dissenting opinion, even if dissent was technically allowable given the non-infallible nature of the teaching and even if one was clearly showing that the dissenting position was *not* the official teaching of the Church.<sup>17</sup>

Not all clergy agree with the hard-line stance against individual conscience arguments advanced by preservationists. One bishop, whom I shall call “Matthias” (not his real name), was troubled by both the proposed reproductive health legislation and what he perceived to be the “quick fix” approach to the population and poverty issues through artificial contraception. Nevertheless, he told me that it was necessary for conscience to be respected.

You know that the Church is respectful of conscience but we keep saying a *formed and informed conscience* [emphasis added] and we do have a responsibility to form and inform conscience. That’s our role. But at the end of the day, people do make choices and within the circumstances in which they find themselves, the human individual would have to make a [decision based on] conscience and we would respect that decision of conscience.<sup>18</sup>

Continuing, Bishop Matthias lamented that respect for individual conscience was diminishing. “There is a tendency sometimes on the part of the hierarchy to disrespect conscience and I think unfortunately that’s a kind of image that we end up projecting when we become very intolerant, intolerant even of dialogue.”<sup>19</sup>

### **Internal Contestation and the Case of the Standard Days Method**

One of the surprising disputes over reproductive health between accommodationists and preservationists revolves around the matter of natural family planning and specifically, which kind to promote. Although this debate began as one about technique, it unexpectedly became a proxy battle for preservationists and accommodationists.

As discussed in Chapter Four, natural family planning was first endorsed in 1951 with Pope Pius XII’s Allocution to Midwives, which argued that marital intercourse during the wife’s infertile periods was morally permissible when for serious reasons it became necessary to space or limit births. Initially, natural family planning was synonymous with the “rhythm method”, in which couples merely estimated the woman’s fertile period based on the time of the month (also known as the “calendar method”). In the mid-to-late 20<sup>th</sup> century, newer natural family planning methods based on biological symptoms were developed and the Church began to promote them instead. Such methods include the Basal Body Temperature and Sympto-Thermal methods, which rely on changes in the woman’s body temperature in conjunction with other symptoms; the Lactational Amenorrhea Method, which takes advantage of breastfeeding mothers’ natural infertility, and the Billings Ovulation Method (BOM), which relies on changes in the consistency of cervical mucus. Such methods are also known as “fertility awareness

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<sup>17</sup> See Chapter Four for a more thorough discussion of the controversy over whether the teaching against contraception is infallible.

<sup>18</sup> Interview with Catholic bishop 1, April 17, 2008.

<sup>19</sup> *Ibid.*

methods”, an acknowledgment of the fact that they can be used both to avoid pregnancy as well as to increase one’s chances of becoming pregnant.

Among natural family planning methods, the one most widely promoted by the Catholic Church and affiliated lay groups in the Philippines is the Billings Ovulation Method. Developed in the 1950s by Dr. John Billings, an Australian Catholic physician, it relies upon a woman’s daily measurements of the consistency of her cervical mucus. Changes in the cervical mucus indicate changes in fertility. When a woman is infertile, there should be a “dry” sensation in the vulva with no mucosal discharge. Just prior to and during ovulation, however, the normally thick cervical mucus will become thinner and more slippery, enabling sperm to survive and more easily reach the egg. Once the cervical mucus thickens again, then it indicates that a woman is no longer fertile.

A 2006 study published in the *European Journal of Obstetrics and Gynecology and Reproductive Biology* reviewed data from a four-year study of 193 Italian women who used BOM and found that while the probability of conception was effectively zero on “dry” days, it reached 29 percent when cervical mucus was reported to indicate greatest fertility.<sup>20</sup> For BOM to work as a means of natural family planning, it is important for women to chart their symptoms on a daily basis so that they can recognize their fertile and infertile periods. Thus, various pro-life organizations as well as Catholic churches sponsor training seminars for women on how to recognize changes in cervical mucus.

For his role in developing and promoting BOM, Dr. John Billings was honored in 1969 by Pope Paul VI, who made him a Knight Commander of the Order of St. Gregory the Great. In 2003, Pope John Paul II further honored him by adding a star to his knighthood. Billings’ wife, Dr. Evelyn Billings, was also honored by Pope John Paul II as a Dame of Malta. In the Philippines, BOM has been the most widely promoted natural family planning method in the Catholic Church, but even so, its users constitute a tiny minority of family planning users nationwide. The 2006 National Family Planning survey found that less than 1 percent of women using family planning employed BOM.<sup>21</sup>

More recently, in 2002, Georgetown University’s Institute for Reproductive Health, with funding from USAID, developed a new method of natural family planning called the Standard Days Method (SDM). SDM relies on a statistical model of women’s menstrual cycles. For women with menstrual cycles lasting between 26 and 32 days (with no more than two cycles in a one-year period outside this range), SDM prescribes that the days with high fertility are on Days 8-19 following the first day of menstruation, while days of low fertility are on Days 1-7 and from Day 14 until the next period of menstruation. Thus, a woman who wishes to avoid pregnancy should abstain from sexual intercourse on Days 8-19; conversely, a woman who wishes to become pregnant is most likely to become pregnant on those days. According to a study by the Institute of Reproductive Health, correct use of SDM to avoid pregnancy resulted in a cumulative probability of pregnancy of 4.75 percent over 13 cycles, while typical use resulted in

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<sup>20</sup> Bruno Scarpa, David B. Dunson, and Bernardo Colombo, “Cervical mucus secretions on the day of intercourse: an accurate marker of highly fertile days,” *European Journal of Obstetrics and Gynecology and Reproductive Biology* 125, no. 1 (2006).

<sup>21</sup> Republic of the Philippines National Statistics Office, “2006 Family Planning Survey: Final Report”, (2007), 27.

a probability of 11.96 percent.<sup>22</sup> SDM users could track their fertile and infertile days using color-coded “CycleBeads”, with a red bead representing the first day of menstruation, brown beads representing the days where the chance of pregnancy was very low, and white beads representing the days where the chance of pregnancy was high.

While one might expect that the introduction of the Standard Days Method as a natural family planning method would be a welcome development for preservationists and accommodationists alike since it offers an additional option for people who would like to practice natural family planning, it instead caused a surprising rift among Catholic actors involved in the reproductive health debate. On one side, advocates of SDM argue that it expands the repertoire of natural family planning methods and makes it more likely that couples will use a form of natural family planning over artificial contraceptives. Furthermore, they argue that because SDM does not require the checking of cervical mucus—a method that requires additional training—it is easier for women to use, particularly if they lack privacy such as may be the case in crowded slums. Advocates of SDM have stressed that it is not intended to supplant BOM or other natural family planning methods but is simply another option. In one interview with a representative from the Institute of Reproductive Health in the Philippines, I was told that there was no prejudice against BOM among SDM advocates. “[BOM] is a great method, almost 100 percent effective.”<sup>23</sup>

Nevertheless, SDM came under fire from preservationists who feared that it was an inferior method of natural family planning and that it concealed an agenda to get natural family planning users to switch to artificial contraceptives. Such suspicions have been fueled by the fact that SDM has been taught in non-Catholic circles to be used in tandem with artificial contraceptives if couples desire to have sex during fertile days but wish to prevent pregnancy (the so-called “backup method”), as well as by the Institute for Reproductive Health’s relationship with USAID, which provided funding for the development of SDM.

All this has had a palpable effect on Philippine health policy. In September 2001, Health Secretary Manuel Dayrit issued Administrative Order 49, which cited the high unmet need for family planning and asserted that broadening the range of available family planning methods would help to meet that need. It proceeded to officially adopt SDM for nationwide use and declared that it would be “mainstreamed in the Philippines Family Planning Program” by being taught through hospitals, rural health units, *barangay* health stations, NGO clinics, and home visits of Volunteer Health Workers.<sup>24</sup> Notably, the statement indicated that “the method...should not replace other existing modern family planning methods (artificial or natural) currently available in the country.”<sup>25</sup>

But less than a year later, in June 2002, Dayrit effectively reversed the decision in Administrative Order 125, the National Natural Family Planning Strategic Plan for 2002-2006. This was the same document that led to the government partnership with Couples for Christ for

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<sup>22</sup> Marcos Arévalo, Victoria Jennings, and Irit Sinai, “Efficacy of a New Method of Family Planning: The Standard Days Method,” *Contraception* 65 (2002).

<sup>23</sup> Interview with representative from Institute of Reproductive Health in the Philippines, April 14, 2008.

<sup>24</sup> Department of Health. Republic of the Philippines. *Adoption of the Standard Days Method (SDM or 'Necklace Method') as Additional NFP Method for the Philippines FP Program*, Administrative Order 49, 2001).

<sup>25</sup> *Ibid.*

the promotion of natural family planning (see Chapter Seven). Whereas SDM was officially approved by the Department of Health for mainstream use in the Philippines, Administrative Order 125 categorized SDM as an “innovation” that was “currently under study” and described it in decidedly more negative language.

This is a calendar-based method wherein, through computer modeling using menstrual cycle data from large groups of women, a population-based fertile window is identified. These findings are translated into a necklace where the population-based fertile window is colored differently. A rubber [ring] is used to mark the days of the woman’s cycle. Some groups feel that the long period of abstinence using the SDM might discourage couples from using NFP altogether. This long period of abstinence in SDM might have been the factor that led couples to use condom[s] during the fertile days in the local studies on SDM, leading to reduced method effectiveness. While SDM is still under study, it should be used only as an adjunct with the other already established modern NFP methods and should not be preferred over the other NFP methods.<sup>26</sup>

What caused this sudden about-face? The phrase “some groups” is likely a reference to various Catholic lay groups that have openly opposed the implementation of the Standard Days Method and reflected growing suspicion within the Church over the growth of Standard Days Method. Such contestation became a new battlefield in the ongoing struggle over the Church’s attitude toward reproductive health norms. Here, the case of Archbishop Antonio Ledesma and his efforts to promote SDM in his archdiocese of Cagayan de Oro is instructive both for understanding intra-ecclesial opposition to SDM and for understanding how the sacralization trap can immobilize efforts to accommodate reproductive health norms to Catholic teaching.

#### *The case of Church-sponsored SDM and government collaboration in Cagayan de Oro*

Antonio Ledesma is the Archbishop of Cagayan de Oro, on the southern island of Mindanao. A sociologist by training, he also served as vice-president of the CBCP from December 2005 until 2007. Traditionally, the CBCP vice-president has been the heir apparent to the presidency and serves two terms as vice-president. But in 2007, in a surprising move, Ledesma was ousted as CBCP vice-president and replaced by the relatively unknown Bishop Nereo Odchimar, who was subsequently elected CBCP president in 2009. According to a news report, one reason why Ledesma was ousted was his vocal support for the implementation of SDM and his willingness to cooperate with the government in promoting natural family planning.<sup>27</sup>

Ledesma first learned of SDM at the Mindanao-Sulu Pastoral Conference in October 2001, where he met with representatives from the Institute of Reproductive Health-Philippines. Convinced that SDM could be a morally acceptable and useful means of replacing artificial contraception in Cagayan de Oro, Ledesma undertook a pilot study in his home prelature of Ipil,

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<sup>26</sup> Department of Health. Republic of the Philippines. *National NFP Strategic Plan Year 2002-2006*, Administrative Order 125, 2002).

<sup>27</sup> Aries Rufo, “RH Stand Cost Bishop CBCP Presidency,” *ABS-CBN*, October 27, 2009, <http://www.abs-cbnnews.com/nation/10/27/09/rh-stand-cost-bishop-cbcpr-presidency>.

providing training in SDM as well as other natural family planning methods. In June 2003, the plenary assembly of the CBCP discussed SDM and passed a consensus vote which declared that SDM could legitimately be employed in a diocesan family planning program, provided that it was not taught to be used in tandem with artificial contraceptives or as morally equivalent to using them.<sup>28</sup>

In a 2006 letter to the bishops of Mindanao and coordinators from the various Family and Life Apostolates, Ledesma reported that the program in Ipil was highly successful, citing nearly 1,000 SDM users and 250 natural family planning volunteer providers. Moreover, he emphasized that current SDM users were more likely to have been previously using artificial contraceptives than another method of natural family planning, suggesting that his objective to reduce the number of artificial contraceptive users was succeeding.

Despite initial difficulties, couples learn to handle the 12-day period of abstinence in SDM. They do not combine SDM with any contraceptive method (and our church workers have never counseled them to do so). Many prefer SDM because it is much simpler and easy to follow. Many say that the beads have helped them to communicate better with their spouses. *Not a few couples have also remarked that for them the choice was not between SDM and BOM, but rather between SDM and contraceptives, or between SDM and no method at all [emphasis added].*<sup>29</sup>

In late 2005, POPCOM Director Tomas Osias and Health Secretary Francisco Duque III visited the CBCP and sought the bishops' support for Church-government collaboration in promoting natural family planning as part of a new initiative. While cautious, the bishops allowed Ledesma to use Cagayan de Oro as the site of a pilot program.<sup>30</sup> In December 2006, Ledesma asked the laity-run Catholic Women's League to sign a Memorandum of Agreement with the regional Department of Health and POPCOM offices in an arrangement that Ledesma characterized as similar to that between the government and Couples for Christ (see Chapter Seven).<sup>31</sup> However, the Archdiocese itself refrained from signing since the CBCP had not yet decided on whether or not to cooperate with the government. Under the memorandum, the government and the Church would collaborate in providing training in natural family planning methods.

On the face of it, SDM appeared to be a positive development for the Catholic Church. It was a simple and easy-to-learn method that required no props; even the CycleBeads were simply a mnemonic device and not required for SDM users, making it easy for those living in poverty to use it, unlike more expensive methods like the IUD or the pill. It qualified as a natural family planning method under Catholic moral teaching and it appeared to be a promising

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<sup>28</sup> Antonio Ledesma Jr., "Church and Government in All-NFP Promotion," (2006), <http://bishopledesma.blogspot.com/2006/12/church-and-government-in-all-nfp.html>.

<sup>29</sup> Ibid.

<sup>30</sup> According to Ledesma, the dioceses of Jaro and San Fernando (Pampanga) were also suggested as test sites for Church-government collaboration in natural family planning promotion. Ibid.

<sup>31</sup> Ibid.

candidate for helping to fill the unmet need for family planning. Nevertheless, Ledesma came under strong criticism from a number of actors, including some affiliated with the Family Life Apostolate of Mindanao, which complained to the President of the Pontifical Council for the Family, Cardinal Alfonso Lopez Trujillo.

While I was unable to obtain a complete copy of the letter, I spoke with several laity and clergy who were involved in contesting the Church's promotion of SDM. I also obtained copies of letters from the Family Life Apostolate in Mindanao which quoted from the letter to Trujillo. In brief, objections revolved around several main themes: first, that SDM was less effective than BOM as a method of family planning; second, that SDM could help to promote the contraceptive mentality if taught in isolation from Catholic values; third, that the involvement of the government in the promotion of SDM made it suspect, and fourth, that the clergy were overstepping their bounds in promoting one particular form of natural family planning over another.

During an interview with "Miguel" (not his real name), a lay activist affiliated with the CBCP's Episcopal Commission on Family and Life, he complained to me that Ledesma was well-intentioned but naïve in promoting SDM, which Miguel called "natural contraception". Miguel insisted that advocacy and activism were emphatically the province of the laity, not the clergy, and that clergy should recuse themselves from political debate over reproductive health in favor of the laity.

[The government] know[s] that when the bishops denounce [them], they're gentle, they're respectful, and they're charitable, and even if you answer them in an abusive way, you will not find a bishop who will respond in kind. That's why when we were doing the lobby [against the RH Bill] ourselves, the first thing I asked the bishops and the priests and the nuns was, "Please get out of the firing line. This is a fight of families, laypeople..."

[...]

I don't want my bishops and my priests and my nuns going to the firing line and speaking it [sic]. That's not what they were trained to do. I appreciate the activism but they're wasting years of training going into the ramparts and doing what we laypeople should be doing. They're usurping a role to the total neglect of what *they* should be doing, which is: tell us what the teaching of the Church is all about before we go out there and fight.<sup>32</sup>

Miguel also complained that SDM was inaccurate and nothing more than a rehash of the old calendar-based method. He referred to it as "robotizing couples" and contrasted it with the Billings Ovulation Method, which he described as much better because it involved both husband and wife, rather than just the wife checking beads, and was more accurate in determining fertility.<sup>33</sup>

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<sup>32</sup> Interview with Pro-life activist 5, February 7, 2009.

<sup>33</sup> Ibid.

I heard similar assessments by Bishop James (not his real name), who described SDM as “a more developed rhythm method”. He also expressed suspicion of the fact that the Philippine government was promoting SDM and noted that several members of the local Family Life Apostolate had previously worked with the government. One member, he said, explained that a government strategy to promote artificial contraception was to promote an ineffective natural family planning method. Once users realized that natural family planning was ineffective, the Apostolate member explained to Bishop James, they would willingly switch to artificial contraceptives. Bishop James also expressed suspicion of the government’s intentions in cooperating with the Church on natural family planning, arguing that it could be misconstrued by the public as a full endorsement by the Church of the government’s population and reproductive health programs.<sup>34</sup>

A particularly scathing critique of Standard Days Method and the broader agenda of promoting natural family planning came from Fr. Roy Cimagala, an Opus Dei priest from Cebu and a widely published newspaper columnist. In a column in the *Palawan Times*, he argued that natural family planning itself had become corrupted in the service of the “contraceptive mentality”. The *intent* to use natural family planning was being taken for granted and being separated from responsible parenthood and conjugal chastity. Natural family planning, he wrote, “has become a kind of Catholic-approved method to achieve family planning, birth and population control, and now reproductive health.” The Standard Days Method, he continued, was the least effective natural family planning method and the most liable to being corrupted by artificial contraception. “Its promotion resurrects and feeds past suspicions that there’s a conspiracy to contaminate the Church position on responsible parenthood with the contraceptive mentality.”<sup>35</sup>

All of these critiques can be traced to the broader context of defensive sacralization. Preservationists feared any action that might compromise the centrality of the teaching against contraception and the “contraceptive mentality”. According to critics of SDM promotion that I spoke with, SDM was inferior to the Billings Ovulation Method and its failure could lead to the abandonment not only of natural family planning but also the erosion of the Church’s teachings against the contraceptive mentality. Even worse, by promoting SDM, the Church would be giving its seal of approval to a method that, to them, was a potential “gateway” to the use of artificial contraception. The fundamental dispute centered on the question of whether the expansion of natural family planning users was worth the possibility that some users might decide to use artificial contraception or that the Church would be identified with support for the government’s reproductive health policies. The accommodationist Ledesma believed that the benefits outweighed the risks, while the preservationists seemed to believe that even a small compromise would lead to a downward spiral of compromises in the integrity of the Church’s moral teachings.

In response to the letter by the Family Life Apostolate of Mindanao, Ledesma issued an open letter arguing that the Memorandum of Agreement was an important opportunity for the Church to promote natural family planning more widely.

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<sup>34</sup> Interview with Catholic bishop 2, April 30, 2008.

<sup>35</sup> Roy Cimagala, “Contraceptive Mentality,” *Palawan Times*, August 26, 2008, <http://timescolumns.wordpress.com/2008/08/26/contraceptive-mentality/>.



Perhaps at no other time has the church and government agreed more fully on the goal of responsible parenthood and the means of natural family planning. The availability of modern simplified methods can also accelerate the promotion of natural family planning. If the church is serious in mainstreaming NFP as a pastoral program to reach many more couples beyond the less than one percent indicated in national surveys, the offer of working with the support of government resources should not be downplayed.<sup>36</sup>

Furthermore, Ledesma wrote that it was necessary in any case for the Church to continue to actively promote natural family planning at the local level.

Otherwise, we may reach the awkward situation where it is the government alone that strives to promote NFP while the church stays on the sidelines. There is no need for acrimonious debate or ascribing arcane designs on the efforts of other dioceses to promote All-NFP.<sup>37</sup>

This latter statement also reflects Ledesma's understanding of the potential for *self-marginalization* if the Church were to maintain a strict preservationist stance. If the Church were to pull back from cooperation with the government to promote natural family planning, it ran the risk of isolating itself and passing up the opportunity to achieve economies of scale in promoting natural family planning alongside the government. This is not to say that the preservationists did not have a legitimate concern about the Church being identified too closely with the government, but only to point out that there were also costs to the wholesale rejection of any compromise.

Ultimately, mistrust of the government undid the Memorandum of Agreement between the Catholic Women's League and the government to promote SDM in Cagayan de Oro. Amidst concerns from some of the bishops in the Episcopal Commission on Family Life, Ledesma announced in February 2007 that the Memorandum of Agreement would be terminated, a mere two months since it was first instituted. In a letter to parish priests and Family Life workers in the Archdiocese, Ledesma stated that there were concerns among the bishops that the Church could be seen as supporting population control and that the government might not be sincere about promoting natural family planning methods alone within the context of the Memorandum of Agreement. By terminating the Church's collaboration with the government, wrote Ledesma, "the Archdiocese and church-related organizations will maintain their identity and keep a critical distance from government agencies on matters of family and life."<sup>38</sup>

One moral theologian I spoke with, Fr. Pablo (not his real name), expressed dismay over the backlash against SDM. A staunch advocate of natural family planning, he argued that there was no reason why the Church and the government should not cooperate in promoting it,

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<sup>36</sup> Ledesma Jr., "Church and Government in All-NFP Promotion".

<sup>37</sup> Ibid.

<sup>38</sup> Antonio Ledesma Jr., "Letter regarding the Termination of MOA Between CWL and DOH/POPCOM", (February 2, 2007), [http://archbishopledesma.blogspot.com/2007\\_02\\_18\\_archive.html](http://archbishopledesma.blogspot.com/2007_02_18_archive.html).

particularly since the government possessed considerable resources that could be used to spread it broadly. According to Fr. Pablo, SDM, rather than moving people toward artificial contraception, could be a stepping stone toward the use of BOM. His exasperation at the conflict over cooperation with the government was evident.

Who's practicing NFP? Nobody! It's a joke! I mean, so is [NFP] totally ludicrous? Is the Church so far behind the times? No, I don't believe so. As I said before, I think it's very important for marriage that we promote [NFP], so I would say that the Church has to promote it and encourage her members to promote and practice it, and if the government can help the Church promote it, fine. The Church cannot control the government, so if the government has other programs for other people, I would say that that's their prerogative. I'm not against that.<sup>39</sup>

The whole episode over SDM demonstrates how broad defensive sacralization against contraception and the contraceptive mentality generated sacralization trap dynamics that limited the flexibility of even a high-ranking Church authority to cooperate with the government in what he understood to be a legitimately Catholic manner. Preservationists succeeded in *polarizing* the debate over Standard Days Method. Even though Archbishop Ledesma was the Vice-President of the CBCP and had secured permission from the CBCP to promote SDM in Cagayan de Oro, he continued to face strong criticism from preservationists who sought to undermine his authority on the grounds that he was—however inadvertently—compromising Catholic teachings on natural family planning. Preservationists were unwilling to tolerate cooperation with the government in promoting natural family planning for fear that doing so would convey the wrong message to the faithful that the government's other reproductive health initiatives were morally licit.

The SDM controversy also demonstrated the power of *audience binding*. Even though Ledesma was an accommodationist, because he was also a high-ranking religious authority, preservationists also expected him to uphold a strict interpretation of the Church's teachings. When he appeared to be willing to accommodate reproductive health norms—even within the tolerances of Catholic teaching—preservationists sought to delegitimize his efforts, concerned that they might set a bad precedent. It is certainly plausible that such concerns led to Ledesma losing his seat as CBCP vice-president. Because of Ledesma's role as a highly visible representative of the Church, he was necessarily bound to preservationist audiences seeking to defend Catholic religious norms against change.

It is not my intent here to pass judgment on whether Ledesma or his critics were correct. Rather, I have sought to show by this example how intra-religious controversy over how to defend religious norms can create sacralization trap dynamics, and how those dynamics in turn can limit the ability of religious actors to accommodate competing norms. Even when religious authorities believe that there is some benefit to accommodation with competing norms, and even if they can present arguments that such accommodation is justifiable within

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<sup>39</sup> Interview with Theologian 6, April 15, 2008.

religious norms, they may not be able to proceed if they cannot overcome the perception of long-term threat held by other religious leaders and laity.

### **Raising the stakes: Interdiction, Excommunication and the Risks of Backlash**

In Chapter Three, I showed how defensive sacralization could be understood as the intensification of the three main reasons why people follow religious norms. Preservationists attempt to heighten the salience and constitutiveness of religious norms by 1.) increasing the punishments and rewards for noncompliance and compliance, respectively, 2.) increasing the significance of the religious norm to social identities, and 3.) intensifying the religious norm's sacred significance. Doing so also raises the stakes for those members of the religious community who refuse to comply with religious norms by threatening them with pariah status. This is similar to the constructivist concept of "naming and shaming", in which transnational civil society actors attempt to elicit norm compliance from recalcitrant states by making a holdout state a pariah in the international community and raising its cost of noncompliance.<sup>40</sup>

Ostracizing religious followers who persist in not adhering to religious norms can have several positive effects from the preservationist view. First, exclusion or the threat thereof can be enough to get a wayward member of the religious community to comply with religious norms. Second, exclusion can be a powerful teaching tool by demonstrating to the faithful just how central the religious norm is to the faith and by illustrating how they, too, could also be excluded if they follow suit. Third, to the extent that exclusion is perceived by followers to be legitimate, it can strengthen the authority of religious leaders at the expense of the excluded, especially if the person excluded is a politically powerful figure.

In the debate over reproductive health norms in the Philippines, Catholic preservationists have employed two primary means of exclusion: denial of the Holy Eucharist (also known as interdiction) and excommunication. Both are relatively rare occurrences but can carry tremendous symbolic significance. The centerpiece of the Catholic faith is the sacrament of the Eucharist, in which Catholics believe that bread and wine literally become the body and blood of Jesus Christ. To receive the bread and wine during Holy Communion is, in effect, to have direct contact with Jesus Christ. Significantly, Holy Communion is never an individual act, even when done alone. Because Catholic teaching understands the community of believers to be "the mystical Body of Christ", through which Christ himself works in the world, the sharing in the bread and wine is a sign of Catholic unity across time and space. Also, since only baptized Catholics who have undergone a period of catechetical formation are allowed to receive Holy Communion, it is also a powerful symbol of belonging to the Catholic faith.

In order to receive Communion, a Catholic must be in a "state of grace", meaning that s/he must not be conscious of serious sin, which requires that one undergo sacramental confession before presenting oneself for Communion. In almost all cases, though, clergy do not inquire into whether a given person is fit to receive Communion, leaving such matters to the conscience of the recipient. But in recent years, there has been a growing willingness among some clergy to single out public figures whose stances are at odds with the Church's teaching on abortion as well as hot-button issues such as women's ordination or gay marriage. Such a

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<sup>40</sup> See Chapter Two, fn5.

position has been endorsed by top cardinals such as Cardinal Alfonso Trujillo and the future Pope Benedict XVI, Cardinal Joseph Ratzinger.<sup>41</sup>

The theological basis for denying Communion comes from Canon 915 in the Code of Canon Law. “Those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persevering in manifest grave sin are not to be admitted to Holy Communion.”<sup>42</sup> As Archbishop Raymond Burke of St. Louis notes in a detailed study of Canon 915, the denial of Communion is not intended to be a judgment on the condition of an individual’s soul but rather a response to that individual’s objective public actions.<sup>43</sup> Nor, he continues, is it intended to be punitive. Rather, it is intended to protect “the objective and supreme sanctity of the Holy Eucharist”.<sup>44</sup> As the holiest sacrament, indeed, the holiest object in the Roman Catholic faith, the Eucharist is taught by the Church to be treated with nothing less than the greatest reverence.

In the United States, Catholic politicians expressing support for the right to have an abortion—mostly Democrats—have been threatened with denial of Communion on the grounds that they are committing the sin of scandal, in this case, publicly enticing people to rebel against the teaching against abortion. This became particularly prominent during the 2004 presidential campaigns when the Democratic candidate, Senator John Kerry, a Catholic from the heavily Catholic state of Massachusetts, faced rebuke from several bishops for his public support of abortion rights. Sean O’Malley, the Archbishop of Boston, asked Kerry and other Catholic politicians who supported abortion rights not to present themselves for Communion. A small minority of bishops went further and announced that they would deny Communion to such politicians who sought to receive it.<sup>45</sup> In 2004, the United States Conference of Catholic Bishops issued a statement, “Catholics in Political Life”, which declared that individual bishops should decide whether or not to deny Communion. “Bishops”, it stated, “can legitimately make different judgments on the most prudent course of pastoral action.”<sup>46</sup> Nevertheless, it also maintained that

[t]he Eucharist is the source and summit of Catholic life. Therefore, like every Catholic generation before us, we must be guided by the words of St. Paul, “Whoever, therefore, eats the bread or drinks the cup of the Lord in an unworthy manner will be guilty of profaning the Body and Blood of the Lord” (1 Cor 11:27). This means that all must examine their consciences as to their worthiness to receive the Body and Blood of our Lord. This examination includes

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<sup>41</sup> Sandra Contenta, “Bishops May Deny Politicians Communion,” *Toronto Star*, October 22, 2005.

<sup>42</sup> *Code of Canon Law*: Canon 915.

<sup>43</sup> Raymond L. Burke, “The Discipline Regarding the Denial of Holy Communion to Those Obstinate Persevering in Manifest Grave Sin,” *Periodica de Re Canonica* 96 (2007).

<sup>44</sup> *Ibid.*

<sup>45</sup> Daniel J. Wakin, “A Divisive Issue for Catholics: Bishops, Politicians and Communion,” *New York Times*, May 31, 2004.

<sup>46</sup> United States Conference of Catholic Bishops, “Catholics in Political Life,” <http://www.usccb.org/bishops/catholicsinpoliticallife.shtml>.

fidelity to the moral teaching of the Church *in personal and public life* [emphasis added].<sup>47</sup>

Thus, the denial of Communion to those conscious of grave sin can be understood not only as a means of “naming and shaming” those who deviate from the Church’s moral teachings but equally as a means of protecting the Eucharist from sacrilege.

While in the United States, the denial of Communion has been discussed primarily in the context of politicians’ support for abortion, in the Philippines, some bishops and priests have warned that politicians who support the norms expressed in the reproductive health bill, as well as ordinary Catholics who support such legislation, are to be considered unfit to receive Communion as well. For example, in July 2008, the Archdiocese of Cebu announced that it would advise Catholic politicians who supported the reproductive health bill not to come forward to receive Communion at Mass, though Archbishop Cardinal Ricardo Vidal clarified that he would leave the decision up to each individual’s conscience.<sup>48</sup>

In at least one case, a bishop has gone further and declared that Catholic politicians who support reproductive health legislation would be denied Communion should they come forward to receive. In July 2008, Archbishop Jesus Dosado of Ozamis issued a pastoral letter announcing that he would deny Communion to any politician who sought to overturn laws against abortion, which he interpreted to mean support of the Reproductive Health Bill as well. “It must be said that the bill and its predecessors take for granted that abortion is a crime but provides a loophole for contraceptives that prevent the implantation of the fertilized ovum, which is abortion.”<sup>49</sup> Citing his previous pastoral letters, Dosado wrote,

[A]nyone—politician or otherwise—who promotes these House bills “Should have the integrity to acknowledge this and choose of his own volition to abstain from receiving Holy Communion until he has a change of heart”, and “If such a one ignores an invitation to abstain voluntarily from the Eucharist, he should be denied the Sacrament—for the good of his soul and the welfare of the Church”.

It all goes back to 1 Corinthians 11:27-29: if you are in disharmony with the Church in whatever way, then you should recognize that you may be eating and drinking judgment upon yourself, and take necessary steps.

Anyone who is aware of having committed a grave sin of any sort and who has not repented of and confessed the sin must not go to Communion.<sup>50</sup>

Dosado’s announcement resulted in a backlash from pro-reproductive health advocates. The Philippine Legislators’ Committee on Population and Development called the pastoral letter

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<sup>47</sup> Ibid.

<sup>48</sup> Bernadette Parco and Jhunnex Napallacan, “‘Cooperators of Murder!,” Cebu Daily News, <http://globalnation.inquirer.net/cebudailynews/news/view/20080717-148956/Cooperators-of-murder>.

Jesus Dosado, “No Communion for Public Backers of RH Bills,” <http://www.cbcpworld.com/misamis/humvit30.htm>.

<sup>50</sup> Ibid.

“political blackmail” and accused Dosado and the Church of misrepresenting the nature of the reproductive health bill since “[n]owhere in the proposed reproductive health bill does it state that abortion is allowed.”<sup>51</sup> Speaker of the House Prospero Nograles expressed his disagreement with the pastoral letter as well and called upon the Church to respect the separation of Church and state.<sup>52</sup>

There were also expressions of hesitation from within the Church as well. Constitutional lawyer Fr. Joaquin Bernas examined the canon law behind the denial of Communion in a July 2008 op-ed in the *Philippine Daily Inquirer*. He noted that according to Canon 915, a person could be denied Communion only through a public proclamation of excommunication or interdiction (denial of the sacraments). Such proclamations are extremely rare, however. Canon 915 also specifies that those who “obstinately persist in manifest grave sin” may be denied Communion. Bernas argued that cases that truly fit all of these requirements should be relatively rare as well. He proposed that the crux of the matter is whether someone who has committed grave sin has actually done so with full knowledge and consent, which would make it *mortal* sin, thereby cutting off the sinner from eternal salvation. “After all, full knowledge and full consent are internal and beyond the knowledge of the minister administering Communion.”<sup>53</sup> So the denial of Communion, Bernas concluded, should be reserved for “notorious public sinners”, and he added that “I myself would find it very difficult to say that what legislators are doing now in a pluralist society is a manifestly grave sin enough to characterize the legislators as ‘notorious public sinners.’”<sup>54</sup>

While other Catholic clergy might disagree with Bernas’s interpretation as too lenient given that Catholic politicians are expected to uphold Catholic teaching in public as well as in private, it does seem as of this writing in June 2011 that clergy in the Philippines generally do not appear eager to invoke Canon 915. Aside from Dosado, there have been no other instances of bishops announcing that they will deny Communion to supporters of reproductive health legislation. Indeed, there appears to be some evidence that Catholic clergy recognize that invoking Canon 915 could simply antagonize the faithful rather than help bring them back to the fold. When a parish in Mandaluyong City in Metro Manila was rumored to have drafted a statement officially banning the Eucharist for supporters of reproductive health legislation, the CBCP denied it. Fr. Melvin Castro, the CBCP’s executive secretary, said of the rumors, “It only goes to show that there is an element of deception among the pro-RH [supporters]. That’s what I see here. They want people to get mad at the Church.”<sup>55</sup>

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<sup>51</sup> “Group Slams Bishop Who Threatened Communion Ban on ‘Pro-Abortionists,’” GMA News, <http://www.gmanews.tv/story/107065/Group-slams-bishop-who-threatened-communion-ban-on-pro-abortionists>.

<sup>52</sup> Maila Ager, “Speaker Takes Exception to Communion Denial Threat,” *Philippine Daily Inquirer*, <http://globalnation.inquirer.net/cebudailynews/news/view/20080714-148326/Speaker-takes-exception-to-communion-denial-threat>.

<sup>53</sup> Joaquin G. Bernas, “Sounding Board: To Deny or Not to Deny Holy Communion,” *Philippine Daily Inquirer*, July 28, 2008, [http://services.inquirer.net/print/print.php?article\\_id=20080728-151070](http://services.inquirer.net/print/print.php?article_id=20080728-151070).

<sup>54</sup> *Ibid.*

<sup>55</sup> “CBCP Official Denies Communion Ban for RH Bill Supporters, Parish Denies Posting Statement,” Spot, <http://www.spot.ph/newsfeatures/47670/cbcp-official-denies-communion-ban-for-rh-bill-supporters-parish-denies-posting-statement>.

While the denial of Holy Communion is a serious matter, a Catholic under such sanctions may still be considered part of the Church. The ultimate form of exclusion in the Church is excommunication, in which an individual is cast out of the public life of the Church, at least until s/he repents of the behavior that led to excommunication in the first place. According to Church doctrine, there are only two excommunicable offenses: procuring an abortion and physically harming the Pope.<sup>56</sup> The Church considers both offenses to be excommunicable *latae sententiae* (that is, automatically).

Excommunication has hardly ever been invoked in the Philippine reproductive health debate, but this changed in late 2010 when Nereo Odchimar, the CBCP president, suggested during a radio interview that President Noynoy Aquino could possibly be excommunicated over his support of the RH Bill. “That is a possibility”, he said, adding that “I don’t see right now that it is a proximate possibility” and that “[w]e will exhaust all means to come to a point of confrontation.”<sup>57</sup> Nevertheless, the media seized upon Odchimar’s comments as a sign that the Church was willing to go to extreme lengths to prevent the reproductive health bill from being approved. What happened next was an interesting case of political jujitsu as reproductive health advocates used the perceived threat of excommunication in an attempt to embarrass the Church. Calling Odchimar’s comments “hysterical” and “too harsh”, several senators backed President Aquino.<sup>58</sup> Aquino himself appeared to shrug off the notion, stating that he was determined to pass a reproductive health bill “even if some have been calling for my excommunication. [...] In the end, I have to decide. I have to follow my own conscience and I have to do what is right.”<sup>59</sup>

The backlash against excommunication was augmented by the near-simultaneous incident on September 30, 2010 when Carlos Celdran, a Manila tour guide and noted reproductive health activist, walked into Manila Cathedral dressed as the 19<sup>th</sup>-century national hero José Rizal with a placard reading “Damaso” and shouted, “Stop getting involved in politics!” before he was arrested and jailed for “offending the feelings of the faithful.” “Damaso” was a reference to an evil Catholic priest in Rizal’s novel *Noli Me Tangere* and an instantly recognizable symbol for clerical corruption. Celdran’s arrest made him a hero to pro-RH activists and helped to fuel the backlash against excommunication. A Facebook page titled, “Free Carlos Celdran” had received over 31,100 “likes” by June 2011. The mere suggestion that the Church might excommunicate the president over the RH Bill, along with Aquino’s apparent defiance, seemed to embolden pro-RH advocates. Op-eds in major newspapers widely condemned the Church. On Facebook, a page titled, “Excommunicate Me, I Support the RH Bill”, received over 5,100 “likes” as of June 2011. Filipino Freethinkers, an atheist organization, even hosted a party called “If Supporting the RH Bill Means Excommunication, Excommunicate

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<sup>56</sup> GMA News, “Excommunication Awaits Catholic Abortion Supporters, Church Warns,” <http://www.gmanews.tv/story/198126/excommunication-awaits-catholic-abortion-supporters-church-warns>.

<sup>57</sup> “Veritas: Misquote Triggered Word War,” <http://www.manilastandardtoday.com/insideNews.htm?f=2010/october/7/news5.isx&d=2010/october/7>. “Transcript of Radio Interview of CBCP President,” <http://newsinfo.inquirer.net/breakingnews/nation/view/20101001-295411/Transcript-of-radio-interview-of-CBCP-president>.

<sup>58</sup> Hannah L. Torregoza, “‘Excommunication’ Hit,” *Manila Bulletin*, October 1, 2010, <http://www.mb.com.ph/articles/280046/excommunication-hit>.

<sup>59</sup> “Aquino Shrugs Off Excommunication,” *Manila Standard*, April 18, 2011.

Me!”, complete with speeches by pro-RH advocates, live music, t-shirts, and symbolic “excommunication documents” that attendees could sign and send to their home parishes and the CBCP expressing support for the RH Bill.<sup>60</sup>

The CBCP, for its part, strenuously sought to downplay the idea that Aquino might be excommunicated. Immediately after Odchimar’s interview, he denied threatening Aquino with excommunication. The CBCP also published a statement on its website saying that “While the prevailing sentiment of a number of bishops was that of dismay and frustration over the reported stance of the President regarding artificial contraceptives, imposition of the canonical sanction has not been contemplated by the CBCP.”<sup>61</sup> Following Aquino’s April 2011 speech, Archbishop Emeritus Oscar Cruz, Odchimar’s predecessor as CBCP president, suggested that Aquino did not really know what entailed excommunication, saying that “[i]t would be a difficult case if ever. Honestly, even I don’t even know if it qualifies to be grounds for excommunication.”<sup>62</sup>

But the furor over excommunication did not die down. In May 2011, Edcel Lagman announced that he, too, was ready to be excommunicated if it meant that the RH Bill would be passed. Bishop Arturo Bastes of Sorsogon announced that there was no need for excommunication; Lagman, he said, had already incurred an automatic excommunication. This placed the CBCP in an awkward position and it issued a statement accusing pro-RH advocates of inflating the threat of excommunication for publicity purposes. CBCP spokesman Msgr. Juanito Figura stated that “there’s no threat of excommunication to him, the president or anybody. It has never been talked about nor contemplated by the CBCP.”<sup>63</sup>

The controversies over the denial of Communion and excommunication both illustrate some of the hazards of defensive sacralization. In theory, defensive sacralization entails making the threatened religious norm into a constitutive norm for membership in the faith. In the Catholic context, denial of Communion and excommunication are both ways of making those boundaries very clear but, as the discussion above demonstrates, defensive sacralization must also be accepted by religious audiences and conform to existing religious teachings. Canon law provides for interdiction and excommunication only in very specific circumstances. Even when those circumstances have been met, though, the symbolic meaning of such acts can be easily lost on public audiences, particularly when there is a great deal of misinformation surrounding them. In a similar vein, when audiences to defensive sacralization strongly disagree with it and recognize that others strongly disagree, we would expect the defensive sacralization move to be less effective. Here, elite leaders can be instrumental in signaling to audiences that it is permissible to disagree with the defensive sacralization move. President Aquino’s statements that he would be willing to risk excommunication (likely knowing that the Church would not actually do so) helped to legitimize such disagreement.

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<sup>60</sup> Kara Santos, “Catholics Risk Excommunication Over Reproductive Rights,” *IPS*, January 6, 2011, <http://ipsnews.net/news.asp?idnews=54045>.

<sup>61</sup> “CBCP Chief Denies Excommunication Threat vs. Aquino,” *Manila Sun Star*, October 1, 2010, <http://www.sunstar.com.ph/manila/local-news/cbcp-chief-denies-excommunication-threat-vs-aquino>.

<sup>62</sup> Gerard Naval, “Cruz Says Noy Needs Crash Course in Excommunication,” *Malaya*, April 20, 2011, <http://www.malaya.com.ph/apr20/news4.html>.

<sup>63</sup> Catholic Bishops’ Conference of the Philippines, “Stop Using Excommunication Issue, Pro-RH Bill Told,” <http://www.cbcpnews.com/?q=node/15613>.



The fact that some Catholic supporters of the RH Bill are daring the Church to excommunicate them over this legislation is itself an indicator that defensive sacralization is failing to resonate with the desired audience. In this case, there appears to be a problem of both *frame relevance*—the fit between the actual reality on the ground and the Church’s perceived willingness to use interdiction or excommunication—as well as *frame consistency*, that is, the internal logic of the perceived defensive sacralization move. In a pluralistic and ostensibly secular society, the threat of excommunication—especially of a popular president—appeared to many Filipinos to be unwarranted religious meddling in secular politics born out of desperation. This was even more the case given that supporters of the RH Bill continued to insist that they agreed with the Church’s anti-abortion stance. Moreover, the threat of interdiction or excommunication would have no effect at all on non-Catholics; both measures would treat religious minorities as invisible. The clergy generally seemed to recognize this, which explains their reluctance to invoke it and indeed their eagerness to distance themselves from any attempt to excommunicate pro-RH supporters, but even the rumor of excommunication was enough to hand the pro-RH side a public relations victory.

As noted by Fr. Ranhilio Aquino (no relation to the president), the dean of the San Beda College of Law and a prominent public intellectual, excommunication was feared by rulers in past days not so much because of its ability to damn a person to hell (which he said it could not really do anyway), but because it stripped the excommunicated person of moral authority and made him vulnerable to political rebellion.<sup>64</sup> But Aquino also pointed out that this stripping of moral authority could only work when there was already broad acceptance of the Church’s moral authority. This, he held, could no longer be taken for granted.

Moral issues, as action norms, are evaluated according to their ability to win rational consent, when those affected by the norm can engage in untrammelled exchange including the making, challenging and vindication of claims, as rational consociates. At the present, that is what I find wanting: a truly coherent presentation of the Catholic position against artificial contraception that can meet with the approval of all of its members engaging in rational discourse as equals—whose voices are not silenced because they wear no miters on their heads!

[...]

Let no one then speak any more of an anachronism like excommunication and let us all get down to the business of rationality!<sup>65</sup>

So does this mean that the Church’s efforts to prevent reproductive health norms from taking root have come to naught? Not necessarily. After all, as shown in previous chapters, the Church

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<sup>64</sup> Ranhilio Callangan Aquino, “Excommunication and Other Non-Issues,” *Manila Standard Today*, October 6, 2010, <http://www.manilastandardtoday.com/insideOpinion.htm?f=2010%2Foctober%2F4%2Ffranhilioaquino.isx&d=2010%2Foctober%2F4/day/2010/10/6>.

<sup>65</sup> *Ibid.*

has been quite successful in preventing the passage of national reproductive health laws. But by directly challenging a popular president and threatening him with excommunication—a punishment that it has almost never invoked—the Church appears to have overreached and damaged its moral credibility.

### **Conclusions: The Significance of Internal Contestation**

When religious norms are challenged by competing moral norms (whether transnational or otherwise), the religious response is not necessarily unified. How religious actors respond depends on whether they understand the religious norms in question to be constitutive of religious identity as well as how those religious norms are connected to other matters such as social stability. Preservationists seek to protect religious norms from change and may engage in defensive sacralization if they perceive them to be under threat. According to the logic of defensive sacralization, fidelity to the threatened religious norm overrides other priorities, even other religious norms. On the other hand, accommodationists, who find some benefit to the competing norm, seek to justify some partial adoption through the interpretation of religious beliefs.

Because the Catholic Church has been able to function as a political gatekeeper in the Philippines, the implementation and internalization of reproductive health norms has depended in no small part on its willingness (or lack thereof) to accommodate them. Defensive sacralization of norms against contraception and the contraceptive mentality has resulted in hyper-vigilance among preservationists against any Church cooperation with the government, even in areas that the Church would ordinarily find morally praiseworthy, such as natural family planning. The rationale, as exemplified by the case of SDM promotion, was to avoid conveying even the suggestion of Catholic acquiescence to objectionable reproductive health norms. Patrolling these strict boundaries has meant that preservationists have resorted to threats of increasingly severe punishment for deviating from them, up to and including interdiction and excommunication.

But making opposition to contraception a constitutive norm of being a Catholic has also raised concerns among some religious leaders that doing so distorts Catholic moral teaching or creates unnecessary conflict within the Church. Here lies the common vulnerability of *both* accommodationists and preservationists. The credibility of each side's framing of the relationship between religious norms and competing norms depends upon the support of religious authorities. This is why theological arguments are so important despite their sometimes arcane nature—they are intended to sway religious authorities who are motivated by a sincere desire to follow religious teachings. Religious authorities, in turn, can signal to followers that a particular stance on religious norms is legitimate or illegitimate, emboldening or discouraging them. In the case of the Philippines, this is particularly significant given the Church's history of political influence and the sensitivity of political leaders to its support.

If there is consensus on the nature of the threat to a religious norm, then defensive sacralization can have a unifying effect on religious followers. But where there is doubt about the nature of the normative threat or the appropriateness of overriding other religious norms, then defensive sacralization can have a strongly polarizing effect. This polarization can cut both ways for preservationists. On the one hand, preservationists can attempt to isolate or turn

accommodationists by accusing them of failing to take the threat to religious norms seriously enough and forcing them to choose a side. On the other hand, such heavy-handed tactics can also backfire if audiences regard the preservationist response as disproportionate or inappropriate. This seems to have been the case with the largely negative popular response to threats of excommunicating President Noynoy Aquino and other lawmakers over reproductive health norms.

In his important book, *The Ambivalence of the Sacred*, R. Scott Appleby considers the tension between universal secular human rights and religious teachings that offer differing interpretations of what is moral or in keeping with human dignity. Acknowledging that neither excessive deference to international moral norms nor an “indigenous cultural imperialism” is desirable, Appleby posits a middle way in which religions contribute to the development of universal human rights norms. It is insufficient for local societies to simply reject universal human rights norms on the basis that they are somehow incompatible with their cultures, especially since such rhetoric may only represent the vested interests of an elite with control over the discourse rather than a broad consensus.<sup>66</sup>

Key to building compatibility between universal human rights and religious tenets, according to Appleby, is the presence of “religious progressives”, which he describes as religious actors who attempt to promote nonviolence and civic tolerance. Such progressives are important because they can provide religious interpretations that justify acceptance of universal human rights. In this sense, progressives are religious accommodationists. In discussing how Islam approaches human rights norms, Appleby argues that

Islam’s (or any other religion’s) capacity for bestowing legitimacy on political leaders who advance policies conducive to civic and nonviolent tolerance depends on the situation of its progressive religious leaders and intellectuals—their status within the religious community and the nation, the binding authority of their interpretations of Islamic law, and the popular appeal of those interpretations. *It also depends on the flexibility of the religious tradition on the matter in question—the range of possibilities contained within the scriptural and traditional sources* [emphasis added].<sup>67</sup>

This last point, that accommodationists’ success or failure hinges upon the flexibility of the religious tradition in which they work, is highly important. Accommodationists must be very careful to root their interpretations in authoritative sources in order to maintain credibility. Vatican documents such as *Humanae Vitae*, the Allocution to the Midwives and *Evangelium Vitae* have significantly circumscribed the boundaries within which Catholic theologians can accommodate reproductive health norms. It seems quite clear, for instance, that the Church cannot suddenly turn around and proclaim artificial contraception to be morally praiseworthy. Even one of the more accommodationist theologians I interviewed argued that while artificial contraception *might* be justifiable under certain circumstances (e.g. if the husband were drunk

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<sup>66</sup> R. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (Lanham, MD: Rowman and Littlefield, 2000). 250-51.

<sup>67</sup> *Ibid.*, 256.

and demanded sex), it would be intellectually dishonest for a couple to use it without first making a good faith effort to employ natural family planning.<sup>68</sup> It is unlikely, then, that the Church would ever stop criticizing the government for encouraging the use of artificial contraceptives.

Even when accommodationists' views are rooted in authoritative teaching, however, that does not necessarily mean that preservationists will automatically accept them. Few preservationists openly disputed the moral praiseworthiness of Archbishop Ledesma's efforts to promote natural family planning by itself, but they accused him of naïveté in believing that cooperation with the government to promote SDM would serve the Church's long-term interests. In their minds, Ledesma's efforts did nothing to allay the threat of a normalized contraceptive mentality emanating from reproductive health legislation; if anything, they believed that it might implicitly endorse it. In the same way, advocates of allowing individuals to use their consciences to choose from an array of artificial and natural family planning choices have not been able to allay preservationist fears that this would simply lead to the widespread use of artificial contraceptives. Such fears justify the continued opposition to any kind of liberalization of family planning policy.

Appleby writes about the "promise of internal pluralism" in generating new ways of harmonizing religious teachings with universal human rights. The case of reproductive health norms in the Philippines shows that this can indeed be the case, but whether such ideas take root depends on whether accommodationists can demonstrate 1.) that their ideas are rooted in authoritative teachings and 2.) that their ideas can mitigate the threat posed by competing norms. Unless accommodationists can demonstrate that adaptation to competing moral norms helps to allay that threat, they will remain vulnerable to the charge that they are compromising their duty to proclaim God's word even in the face of adversity.

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<sup>68</sup> Interview with Theologian 1, February 13, 2008.



## **Chapter Nine**

### **The Conceptual Toolbox Revisited: Religious Norms in International Relations Theory**

Over the course of this project, I have sought to answer two questions: First, how has the Catholic Church been able to slow or prevent the entry of reproductive health norms into Philippine society despite the multiple transnational and domestic pressures pushing for their implementation? Second, why has the Catholic Church been unwilling to accept even small compromises on reproductive health norms?

I argued that the Catholic Church in the Philippines, acting on principles established by the transnational Catholic Church that oppose contraception, has engaged in defensive sacralization against transnational reproductive health norms. Because of the Catholic Church's unique political position in the Philippines, it has been able to wield the threat of mass mobilization against presidents and legislators concerned about their legitimacy. This has meant that efforts by legislators to carry out the Philippines' international legal obligations under the ICPD Program of Action, the Beijing Platform for Action, and the UN Millennium Development Goals have failed to be implemented. I also argued that by framing religious norms as under threat, highly salient, and highly constitutive of religious identities, defensive sacralization can frame accommodationists within the Catholic Church as illegitimate representatives of the faith. This marginalizes accommodationists, who might be able to craft arguments that allow for some partial acceptance of reproductive health norms in Philippine society.

If we abstract away from the individual political and theological skirmishes over reproductive health norms, though, what we are left with is a fundamental conflict between religious norms and competing norms, of which the Philippine reproductive health debate is only one instance. In this chapter, I return to some of the concepts discussed earlier in the dissertation and consider some of their broader implications for both constructivist international relations theory and the study of religion and politics more broadly. I begin by briefly recapping the main findings of this dissertation. Next, I discuss how the findings of my dissertation may help to shed light on broader problems in constructivist international relations and the study of religion and politics more generally. Finally, I raise several areas for future research.

#### **A Quick Recap: Defensive Sacralization and the Pitfalls of Inflexibility**

In this dissertation, I have offered a theoretical argument about the relationship between religious norms and how their advocates respond to competing norms. Three concepts underpin my argument: religious norms, defensive sacralization, and the sacralization trap.

I defined religious norms as standards of proper behavior that religious adherents understand to arise from their religious beliefs. What distinguishes religious norms from secular norms is that believers understand them to emanate from the highest authority of all: the sacred. Because the sacred is to some extent mysterious and unfathomable, its authority does not derive merely from the power of a logical argument, scientific or technical expertise, or simple material power. Rather, it derives from faith, meaning that at a certain level, the

authority of the sacred is unquestionable, even if it seems to defy human understanding. For example, although the Catholic teaching against contraception is premised on the idea of a pre-religious natural moral law, its authority ultimately depends upon people arriving at a consensus on what the natural moral law is and accepting it as an axiomatic truth. For Catholics, those axioms are ultimately given by God.

Not all religious norms are equal, however, and I argued that they can vary in their *salience* and their *constitutiveness* of religious identity. In particular, when religious actors understand a religious norm to be both vital to the faith and under threat, they will attempt to raise both its salience and constitutiveness through a process of framing that I called *defensive sacralization*. The goal of defensive sacralization is to increase believers' awareness of the religious norm, teach them to regard it as a central fixture of the faith, and mobilize against competing norms. Defensive sacralization does not automatically guarantee that the religious norm will be regarded as constitutive and under threat, however. That is a large function of the *resonance* of defensive sacralization with the religious audience, which depends on a variety of factors including the authority of religious preservationists, the degree to which the framing of a threat to religious norms appears to correlate with believers' lived experiences, and the receptivity of believers to religious norms relative to competing norms.

Because defensive sacralization is inherently a response to threat, *preservationists* who employ it are driven not only by a reverence for sacred authority but also by a fear that any change to the religious norm will seriously corrupt the integrity of the faith and/or society more broadly. They are thus very concerned with clarifying the boundaries of what constitutes proper respect for religious norms. This can polarize debate over religious norms as preservationists seek to correct or exclude any believers who harbor different interpretations about the relationship between religious norms and the faith. Defensive sacralization can silence *accommodationists*, who believe that it is possible and desirable for religious norms to coexist with competing norms, by framing them as ready to compromise the integrity of the faith. This is particularly true when preservationists wield direct religious authority over accommodationists (as in the hierarchical institutional structures of the Catholic Church). At the same time, defensive sacralization can raise the costs of backing down for preservationists since any moderation calls into question the nature of the threat to religious norms and thus preservationists' credibility as religious interpreters. As a result, preservationists have strong incentives to fight accommodation every step of the way. The ratcheting and polarizing effects of defensive sacralization constitute what I call the *sacralization trap*.

The sacralization trap can also have unintended consequences for preservationists through *self-marginalization*. When preservationists are committed to all-or-nothing outcomes because they believe that their religious faith requires that they do not compromise with advocates of competing norms, they can back themselves into a corner. Because preservationists cannot tolerate any kind of acceptance of competing norms since doing so would violate their beliefs, they risk the possibility that advocates of competing norms will exclude religious actors from negotiations over how to implement them. By stifling religious accommodationists, defensive sacralization can close off channels through which a *modus vivendi* might be achievable. The result may be that defensive sacralization, rather than

preventing a competing norm from taking root, may have the perverse effect of doing harm to the religious norm being defended.

In my investigation into the decades-long conflict over family planning in the Philippines, I found that preservationists within the Catholic Church have utilized defensive sacralization as a means not only to resist family planning policies, but also to limit efforts by accommodationists to forge cooperation with the government. Because the post-EDSA Church has wielded a great deal of influence over presidential administrations and framed its opposition to contraception as a matter of vital importance, presidents have been reluctant to force a showdown with the Church. Significantly, the Church's political power enables it to function as a "gatekeeper" to the implementation of new moral norms even when such norms resonate with a majority of Filipinos. The result is that over fifteen years since the Philippines signed on to the ICPD Program of Action, there remains no national law to standardize reproductive health policies across the country and implement the Philippines' international commitments.

As of June 2011, however, there are signs that this may be about to change. Unlike his predecessor, President Benigno "Noy" Aquino III has indicated a strong commitment to push through national reproductive health legislation, going so far as to announce his willingness to risk excommunication. In response, representatives of the CBCP decided to break off talks with the government over the bill. On the one hand, refusing to negotiate with the government enables the Church to maintain an uncompromising position against reproductive health norms and thus remain faithful to the teaching against contraception or any formal cooperation with its promotion. On the other hand, it also risks isolating the Church and closing off channels through which it can affect the outcome of reproductive health legislation. Even if such legislation were to be passed, the Church might be able to negotiate its implementation, such as by shaping sexual health education curricula in schools, promoting natural family planning, or ensuring that abortifacient contraceptives remain prohibited. But without the Church providing input during the legislative process, it can more easily be ignored by politicians seeking to push through a full-fledged implementation of reproductive health norms. This is the self-marginalization effect of the sacralization trap.

Moreover, it seems highly unlikely that the Church would be able to wield the threat of a "People Power" revolution against Aquino over his support of reproductive health legislation. Mass protests against presidents have historically been provoked by allegations of corruption or movements toward authoritarianism rather than social welfare policies. For the Catholic Church in the Philippines, the passage of the Reproductive Health Bill could signal a decline in political influence, especially given that it has already invested so many resources into opposing the legislation.

#### *Toward constructive engagement? Accommodation without capitulation*

Any change in the Church's strategy, however, must be spearheaded by those with religious authority. Popular support is not a sufficient sign of legitimacy in such matters. In my interviews in the Philippines, I met with a number of clergy who lamented the polarized nature of the debate over reproductive health and what they characterized as a monopolization of the discourse by extremists on both sides of the issue. In an interview with Msgr. Felipe (not his real



name), a CBCP official, he emphasized the importance of developing an alternative bill and not simply trying to tear down the existing one, though he acknowledged the presence of preservationists who wanted to reject any kind of reproductive health legislation altogether.

There are sectors in the Catholic Church, who would not want to have anything to do with the RH Bill, period. [...] For them, even the word “reproductive health” is really a pro-choice phrase. [...] For us, I feel we could find a middle ground of consensus and dialogue by which we help people [and] can find ways by which the Catholic viewpoint is injected into the Bill. The debate will never end.<sup>1</sup>

But Msgr. Felipe also said that the “creative tensions” in moral theology should not be eliminated because they help to shed light on the changing times. Sexual ethics, he argued, have been largely rooted in a “classicist” perspective in which nothing changes. This was the orientation of the natural law approach. But, he argued, the classicist view is not the only valid theological viewpoint. A tradition of historically conscious and developmentally oriented interpretations of sexual ethics also existed in theological seminaries. A problem was that there was no permanent forum for moral theologians in the Philippines to exchange ideas and disseminate them to other clergy. An association of Filipino Catholic moral theologians, said Msgr. Felipe, would help to provide a larger framework for the discussion of difficult moral issues in the Church and offer a much-needed resource to bishops and other clergy involved in navigating and teaching about them.<sup>2</sup>

Another moral theologian, Fr. Eric Genilo of the Jesuit Ateneo de Manila University, has proposed “critical and constructive engagement” as a potential “third way” for helping to resolve the impasse over the RH Bill. “A spirit of dialogue must replace the antagonistic attitude that affects many of those engaged in the RH debate”, he wrote.<sup>3</sup> Furthermore, he writes that neither the complete rejection nor the complete acceptance of the RH Bill in its original form would be good for the Philippines. While Genilo noted that the RH Bill contained provisions that the Church found morally objectionable and disrespectful to individual conscience, he also stated that “[t]otal rejection of the bill...will not change the status quo of high rates of infant mortality, maternal deaths, abortions, and ignorance of basic sexuality information.”<sup>4</sup> From there, Genilo offers a number of proposals that attempt to balance the rights of Catholics to practice their own religious teachings with the rights of other religious groups to practice theirs. For example, he argues that a revised RH Bill must explicitly reject all abortifacient contraceptives, offer age-appropriate sexuality education that reflects the country’s diverse religious traditions and allows religious schools to develop their own curricula, and respect the consciences of health workers and trainers who do not wish to promote those aspects of reproductive health norms that violate their religious beliefs. At the same time, Genilo proposes that it should be the responsibility of religious groups and not the government to

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<sup>1</sup> Interview with CBCP official 1, February 6, 2009.

<sup>2</sup> Ibid.

<sup>3</sup> Eric O. Genilo, “A Different Paradigm: Critical and Constructive Engagement Amending the Reproductive Health Bill”, (November 2, 2008).

<sup>4</sup> Ibid.

teach people which forms of family planning are permissible according to their respective traditions.<sup>5</sup>

Such proposals are only intended to be starting points for discussion, but they represent a promising avenue for the Church to remain involved in the shaping of reproductive health norms in the Philippines without compromising fundamental tenets such as the rejection of abortion and the contraceptive mentality. The difficulty is in building trust between the Church and the government. If each side believes that it cannot accept even small compromises, or if each side rejects the other side's beliefs as invalid or intolerable, then there will be no incentive to negotiate. Sound theological arguments grounded in the teachings of respected religious authorities can provide an alternative to reflexive defensive sacralization, but those voices must be allowed to speak.

### **Analyzing Religious Norm Conflicts: Lessons for Policymakers and Political Scientists**

At first glance, domestic battles over the legality of birth control pills and seemingly obscure theological debates over the procreative versus unitive aspects of the conjugal act would appear to have little to do with international relations theory. But, as I have sought to demonstrate over the course of this dissertation, such debates can impinge upon the crucial implementation phase of transnational norms and sometimes represent broader transnational norms of their own. For example, the local debates over reproductive health in the Philippines mirrored the disputes between the Holy See and other countries at international conferences. As transnational normative regimes become increasingly dense and specific, they will also be more likely to collide with religious norms and to create incentives for religious preservationists to block them at the local level.

A key lesson here is that religious norms do indeed matter when they collide with transnational norms, and that the fact they are religious is significant for which actors get involved, the lengths to which religious actors are willing to defend the norms, and their willingness to create space for transnational norms in domestic society. When religious norms are at stake, religion is not merely a proxy for struggles over material or political power (though as we have seen, concerns over social stability are often mixed in with the concern for defending the doctrinal purity of the faith). Instead, religion itself can become the issue. Actors who engage in defensive sacralization are interested in preserving religious teachings, even if the dynamics of the sacralization trap may create incentives for them not to back down for fear of losing credibility. By the same token, accommodationists' often costly efforts to generate compatibility between religious teachings and new norms cannot be explained solely by a desire to adopt the new norms. My interviews strongly suggest that many accommodationists genuinely seek to be faithful to the authority of the sacred and are mainly motivated by principle rather than power.

For policymakers, NGOs and international organizations seeking to promote norms that challenge religious norms, this suggests a strategy that is highly sensitive to religious sensibilities and avoids reifying religious teachings as monolithic, caricaturing them as

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<sup>5</sup> Ibid.

hopelessly outdated, or simply ignoring them altogether. Before advancing a new set of policies that will challenge a religious norm, advocates should first ask themselves several questions.

First, how constitutive of religious identities is the religious norm? The answer may vary from religious community to religious community, since some may be more preservationist and others more accommodationist. Answering this question requires consultation with religious authorities who are familiar with the history of the religious norm's development. Without a proper understanding of how fundamental a religious norm is to a religious identity (or more accurately, the religious identity of a particular religious community), policymakers may risk dismissing pietistic religious concerns as mere bluffing.

Second, what are the true "redlines" for the religious community? In other words, how much accommodation is too much? Religious preservationists will often attempt to frame even a small amount of accommodation as intolerable, but an understanding of the history of the religious norm and any theological debates may be able to provide a more realistic assessment of what is non-negotiable and what can be accommodated to new norms. A related issue is the credibility and viability of religious accommodationists. For example, in the United States, there has been much talk about cultivating religious "moderates" as alternatives to radical Islamists in places like Afghanistan and Pakistan. But the sacralization trap would predict that such accommodationists can easily find themselves sidelined by preservationists, discredited or, in extreme circumstances, even killed if they are framed as collaborating in the desecration of a constitutive religious norm. Such credibility can be further worsened by close contact between accommodationists and a foreign country as the former can easily be depicted as stooges of the latter.<sup>6</sup>

Third, to what extent can advocates of competing norms allow religious preservationists to save face? As I have argued with respect to the sacralization trap, defensive sacralization can place religious preservationists' credibility at risk, particularly when they lose. Attempting to freeze out religious preservationists while embracing religious accommodationists can promote entrenchment among preservationists who are worried about losing their authority and appearing to betray the faith. It is difficult but important for advocates of new norms to gain the trust of preservationists in order to legitimize them and facilitate internalization, especially by religious communities. However, doing so is nearly impossible when advocates of competing norms attempt to ignore deeply rooted religious principles and fail to demonstrate a willingness to maintain the integrity of the faith. Such actions are likely to antagonize preservationists and deepen mistrust.

For scholars of international relations, my research offers a way to incorporate the study of religion into existing constructivist theory and draws attention to the internal diversity within religions as well as the social context in which religious beliefs are developed, communicated and practiced. Religious norms provide a conceptual bridge between the "raw material" of beliefs and theology and the "finished product" of political action, whether that is in the form of a policy position, a rally, or a strategy for norm contestation. But those norms are not simply transposed wholesale from holy texts on to societies. As many theologians will readily admit, religious beliefs do not speak for themselves but require human interpretation. Even those who

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<sup>6</sup> This point has also been noted by Chowdhury and Krebs. Arjun Chowdhury and Ronald R. Krebs, "Making and Mobilizing Moderates: Rhetorical Strategy, Political Networks, and Counterterrorism," *Security Studies* 18 (2009).

hold that religious texts are to be taken “literally” are making a decision on how to interpret them. Religious norms can be fluid or relatively fixed. They can be salient or latent, constitutive or regulative. What they are depends upon how human beings construct them which, in turn, depends on how they understand the world around them and how their religious beliefs relate to the world.

Each religious community interprets religious beliefs and reads the history of their religious norms through the lens of their own experiences. Filipino Catholicism is not a set of “essential” Catholic beliefs simply transposed on to a Philippine context. Rather, it has been shaped by particular historical circumstances and social contexts. Social stratification and a long history of political repression have helped to increase the salience of liberation theology. The EDSA Revolution and perennial political corruption have helped to elevate the Catholic Church to a position of power that it does not enjoy in other societies, even to the point of causing worry in the Vatican over what some believed to be Cardinal Sin’s excessive political involvement. If such diversity persists in a relatively centralized religion like Catholicism, how much more is it the case in a religion such as Islam, where there are multiple branches and interpretations within those branches?

#### *Toward a constructivist methodology of religion in politics*

In addition to a policy approach, the forgoing study also suggests an analytical approach to understanding how religious norms fare when religious actors understand them to be under threat by competing norms. First, identify the key stakeholders in the normative debate. Who are the preservationists promoting defensive sacralization? Do they represent a small subset of religious authorities or do they represent a broader consensus? Can we differentiate between religious actors who provide the intellectual justification for defensive sacralization and the “foot soldiers” aiming to mobilize popular action? Who, if anyone, opposes defensive sacralization? Are there any accommodationists seeking to build compatibility between the competing norms or is the debate polarized between religious actors on one side and secular actors on the other?

Second, what are the motivations and arguments of the key stakeholders? Are preservationists worried primarily about a threat to the religious community or are they more concerned about a broader societal threat? Do they appeal to theological principles or primarily to fears regarding the state of the religious community? What do they believe will happen if the competing norm takes hold? Are there historical precedents or existing beliefs about how society will proceed once it adopts a given norm? For instance, opponents of reproductive health measures in the Philippines consistently articulated a narrative in which access to contraception would breed a contraceptive mentality, increase promiscuity, and generate a disregard for human life, all of which would, in turn, pave the way for abortion, euthanasia and unbridled hedonism. Because the concern is not only about artificial contraception but the contraceptive mentality, the narrative justifies opposition even to natural family planning in certain cases. What are the motivations of the advocates of competing norms? Do they arise from different interpretations of religious teachings or do they ignore them altogether? What are the motivations and arguments of accommodationists? Do they see a religious basis for compatibility? How credible are their arguments from the perspective of accepted theology?

Third, what kind of power resources do the key stakeholders have at their disposal? How do political structures constrain or enable the actions of preservationists, accommodationists and advocates of competing norms? From whence do the stakeholders derive their legitimacy? To what extent can they function as “gatekeepers” to the implementation of new norms? Can the state override stakeholders or is it forced to negotiate with them? Are there audiences that might make religious authorities vulnerable to the sacralization trap once they have been mobilized?

Fourth, what religious teachings are out there to justify the various normative positions being expressed? What is the basis for the legitimacy of such religious teachings? Are the teachings firmly fixed or heavily contested? Have the teachings developed over time and if so, what were the circumstances that prompted such development?

Finally, how do the stakeholders frame their respective norms? How are preservationists and accommodationists presenting the religious justifications for their respective positions? Are such positions viable in the context of extant religious teachings? In a similar vein, to what extent are advocates of competing norms attempting to address the preservationists’ concerns? Is there any engagement or are norm advocates ignoring preservationist fears? If there is engagement, is there any effort to do so at the level of religious teachings or does it remain confined to more practical matters? If there is defensive sacralization, what basis exists for framing the religious norm as a constitutive norm? How do religious preservationists elicit compliance? Is it strictly through the appeal of their ideas or can they also wield political pressure over gatekeepers to limit or reverse the influence of competing norms? To what extent do the different sides’ frames resonate with their chosen audiences? Answering these questions can help us to map out the main rifts in the normative dispute, potential areas where both sides can reach a *modus vivendi* and which stakeholders need to be brought into the negotiations.

### **Avenues for Future Research**

Religious norms, defensive sacralization, and the sacralization trap offer a conceptual framework for understanding how religious beliefs—and more specifically *interpretations* of those beliefs—shape conflicts over competing norms. I have shown in this dissertation how the construction of a norm as religious can have significant implications for which actors get involved, how they mobilize in defense of the religious norm, and the extent to which other religious actors can contest interpretations of it. But there remain numerous questions for future research if we are to gain a fuller grasp of the dynamics surrounding the construction and contestation of religious norms.

One natural area for further research revolves around religious accommodationists. In this dissertation, I have focused primarily on preservationists, how they come to regard religious norms as under threat, and how they mobilize followers to defend them. But under what circumstances are accommodationists likely to gain traction in advancing their views? How can audiences be convinced to accept accommodationist views over the sometimes dire perspectives of preservationists? Such an analysis would likely require more in-depth knowledge about the “political opportunity structures” that accommodationists face in

different religious traditions and political environments,<sup>7</sup> but it would also require an analysis of the kinds of arguments that accommodationists make in order to see how resonant they might be with their target audiences.

Another possibility for further research involves applying religious norms to quasi-religious conflicts and post-conflict reconciliation. For instance, we might consider cases of hardened historical enmity between different ethnic or national groups. In such cases, national narratives of struggle against the enemy may take on the status of religious norms, while efforts to foster reconciliation might be regarded by some nationalists as a threat to those norms. Understanding the sacralization trap can aid in developing solutions in which both sides can develop new, more accommodative identities vis-à-vis one another without appearing to capitulate.

Another avenue for research would seek to systematically examine how varied power structures and religious teachings result in different processes of norm contestation. For instance, how does the relatively decentralized nature of Islam shape religious norm contestation as compared with the relatively centralized nature of Roman Catholicism? Such a study could suggest different strategies of negotiation for activists, NGOs and international organizations seeking to build effective dialogues with different religions over transnational norms and laws. More broadly, there is a strong need for empirical research to refine the concepts presented herein and to discover new dynamics by which religious norms interact with competing norms. A systematic study of religious norms, perhaps classified by religious community and constitutiveness, could yield more rigorous and generalizable theories.

As the study of religion in international politics grows increasingly sophisticated, scholars should look for ways to build bridges between existing social theories and the new insights gleaned from rich empirical studies. Applying constructivist international relations theory on norms to the study of religion represents one initial attempt. It is to be hoped that further cross-disciplinary collaboration between political science and religion will offer unique insights to help us better understand one of the most complex and powerful social phenomena in the human experience.

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<sup>7</sup> Herbert P. Kitschelt, "Political Opportunity Structures and Political Protest: Anti-Nuclear Movements in Four Democracies" *British Journal of Political Science* 16 (1986).



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## List of Interviews

All interviews were conducted on the condition of confidentiality. All interviews in 2008 and 2009 took place in the Philippines. All interviews after June 30, 2010 were conducted via phone with interviewees in the Philippines.

Social psychologist	February 12, 2008
Theologian 1	February 13, 2008, May 22, 2010
Theologian 2	February 16, 2008
Theologian 3	February 21, 2008
Theologian 4	March 7, 2008; May 28, 2009
Sociologist	March 12, 2008
Fmr. congressional representative	March 17, 2008
United Nations staffer 1	March 25, 2008
United Nations staffer 2	March 25, 2008
Theologian 5	March 26, 2008; January 22, 2009; May 22, 2010
Pro-life activist 1	April 3, 2008
Pro-life activist 2	April 3, 2008; May 8, 2008
Political scientist	April 10, 2008
Institute for Reproductive Health representative	April 14, 2008
Theologian 6	April 15, 2008
City councilor, Quezon City	April 16, 2008
City council employee, Quezon City	April 16, 2008
Catholic bishop 1	April 17, 2008
Demographer 1	April 18, 2008
Parish priest 1, Quezon City	April 21, 2008
Theologian 7	April 25, 2008
USAID staffer	April 28, 2008
Catholic bishop 2	April 30, 2008
Reproductive health advocate 1	May 1, 2008
Catholic bishop 3	May 5, 2008
United Nations staffer 3	May 6, 2008
Parish priest 2, Quezon City	May 10, 2008
Pro-life activist 2	May 15, 2008
Senator	May 16, 2008
Catholic bishop 4	May 17, 2008
Congressional representative	May 21, 2008
Couples for Christ official	May 21, 2008
Pro-life activist 3	June 5, 2008
Parish priest 3, Quezon City	June 5, 2008
Catholic bishop 5	June 7, 2008
Pro-life activist 4	June 9, 2008
Demographer 2	June 11, 2008

Elementary/middle school administrator, Manila	June 12, 2008
Religious sister/elementary/middle school educator	June 12, 2008
Medical doctor	June 19, 2008
Women's studies scholar 1	June 24, 2008
Women's studies scholar 2	January 26, 2009
Reproductive health activist 2	January 27, 2009
United Nations staffer 4	January 28, 2009
Economist	February 4, 2009
Reproductive health activist 3	February 6, 2009
CBCP official 1	February 6, 2009
Pro-life activist 5	February 7, 2009
Reproductive health activist 4	February 9, 2009; October 28, 2010
Fmr. Dept. of Health official	February 9, 2009
Reproductive health activist 5	February 10, 2009
Theologian 8	February 11, 2009
CBCP official 2	May 31, 2010
Theologian 9	May 31, 2010
Women's studies scholar 3	October 29, 2010