ETHICAL APPROACHES TO
THE PERUVIAN STATE TREATMENT
IN FAVOUR OF THE CATHOLIC CHURCH

Is there any state religious discrimination in Peru?

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Chapter 1: Introduction

In different issues like, for instance, abortion, euthanasia, capital punishment, war, global justice, corporation social responsibility, etc. we can have several and different ethical theoretical positions. That is the case about the state-Church relationship too.

In this thesis I will present and discuss two different ethical approaches to the Peruvian state treatment in favour of the Catholic Church, for and against, based respectively on communitarian and secularist views on the state-Church relationship which I will also introduce and discuss. After that I will offer concepts of several types of discrimination and I will connect them to the question if the Peruvian state treatment in favour of the Catholic Church is a kind of discrimination. Finally, in the conclusions, I will summarize the thesis and make some additional comments and points about the current state-Church relationship in Peru.

Certainly there are many social grave troubles in Peru asking not only for urgent ethical analysis and discussion but also for political solutions—for example, a higher level of child mortality, unemployment and underemployment, adult illiteracy, clandestine abortions, not so good public educational and health’s services, low state salaries, technological dependency, external debt, both uncovered racial and gender’s discrimination, political corruption, tax-exemptions for foreign corporations, and so on.

Then, why should the current state-Church relationship in Peru be an issue to ethically analyze and discuss? Because in that way we will know if that relationship is a kind of discrimination in favour of the Catholic Church—clergy and faithful—and against both religious and non-religious minorities.

1.1. Research questions and topics

To properly understand the Peruvian state treatment in favour of the Catholic Church I will discuss some specific issues in the next chapters.

In Chapter 2, I will analyze the historical and legal background of the state treatment in favour of the Catholic Church in Peru. That is, I will answer the following questions: How did Catholicism become the Peruvian majority’s religion? What are the features of the Catholic majority and the non-Catholic minorities in Peru? And how does the state treatment in favour of the Catholic Church work in Peru today?

In Chapter 3, I will present and discuss the communitarian views on community, traditions, values and education, and I will connect them to the state support in favour of the Church.
In Chapter 4, I will present and discuss the secularist principles in favour of the separation between state and church.

In Chapter 5, I will present and discuss some reasons for and against the state treatment in favour of the Catholic Church in Peru.

In Chapter 6, I will analyze if that favourable treatment is a specific kind of discrimination in Peru: a religious one. More precisely, I will present some concepts of discrimination and discuss if the state favourable treatment of the Catholic Church is discriminatory against non-Catholic minorities in Peru. In such minorities are included non-Catholic religious believers as well as non-believers of any religion. In this way we could speak of discrimination in favour of one life position: one “conception of good”, (the Catholic one) as versus others (the non-Catholic religious ones and the non-religious ones).

In Chapter 7, I will present the general conclusions of the thesis and make some additional legal points about the current state-Church relationship in Peru.

1.2. Method and materials
Although the main topic of this thesis is an ethical one, I have included in Chapter 2 historical data and legal issues too understand better its analysis and discussions. In Chapters 3, 4 and 5 the views and arguments are discussed. Also each chapter has some conclusions at the end of it.

For making this thesis I have used both printed and electronic copies of books and papers from different authors and web pages, both in English and Spanish.

For the historical and legal background in Chapter 2, I have used specially Hemming, 1993; Prescott, 1998; Stanger, 1927; Pérez, 1999, 2004; and the digital archives of the Congress of the Republic of Peru, some images from the Internet and of an electronic version of Pérez, 2004.

For the communitarian views in Chapter 3, I have used mainly Arthur with Bailey, 2000; and Kymlicka, 2002.

For the secularist principles in Chapter 4, I have used specially Habermas, 2006, 2008; Rawls, 1985, 1993, 1997, 1999; Audi, 1989; Wolterstorff and Audi, 1997.

For a support of some reasons for and against the state treatment in favour of the Catholic Church in Peru in Chapter 5, I have used specially Bader, 2007; and

\(^{1}\) This is a term used by Rawls, 1985, p. 249.
information from several web pages.

For the concepts of discrimination in Chapter 6, I have used some dictionaries—*Merriam-Webster Online Dictionary*, 2009; *Reverso Dictionary*—, and both sociological—Jackson 1995; Pager and Shepherd, 2008—, and philosophical works—Blackburn, 2005.

1.3. Previous research

Works by Pérez, 1999 and 2004, are about state religious discrimination in Peru but they are only compilations of laws without any analysis and discussion of them. And Paz y Miño, 2004, is only a short article about religious discrimination in Peruvian public schools.

Therefore, although my thesis is about that kind of discrimination too, it also presents and analyzes the views, for and against, the Peruvian state treatment in favour of the Catholic Church with its historical and legal backgrounds.
Chapter 2: Historical and legal background for the state treatment in favour of the Catholic Church in Peru

In the following part I shall show how Peruvian state gives a special and unique treatment to the Catholic Church and majority. Of course that treatment has both a historical and a legal background. So we shall talk about three issues:

2.1. How did the Catholic religion become the Peruvian majority’s religion?

2.2. What are the features of the Peruvian Catholic majority and non-Catholic minorities?

2.3. How does the state especial treatment work in favour of the Catholic Church in Peru?

2.1. How did Catholicism become the Peruvian majority’s religion?

Before the arrival of the Spanish Conquistadors led by Francisco Pizarro (after 1470-1541) in 1532 at the land they called New Castilla and then Peru and whose Vice-royalty lasted until 1824, there was the Inca empire—or Tawantinsuyu—which occupying a large portion of western South America. Although the official language of this Amerindian empire was Quechua, dozens if not hundreds of other languages were spoken by their inhabitants from different Andean cultures—e.g. Aymara, Puquina, Huanca, Muchic, Jaqaru, etc., some of them are already dead, others still alive. Besides the imperial official religion to bind their subjects to worship their sovereign and main wife as children of god Inti (sun) peoples under the Inca's dominion had their own gods and goddesses in the form of the natural forces.

In order to get support Pizarro formed an alliance in Panama with Diego de Almagro another soldier like him, and Hernando de Luque a Catholic priest who gave money for the expedition to Virú, Pirú or Perú a rich land of gold and silver (and for that it was named “El Dorado” or “The Golden one” in English). The land would be conquered by sword and a sign of the cross for the Spanish kingdom, and also to spread the Gospel of Christ. Just before the last Inca king Atahualpa was captured by the Spanish soldiers a Dominican priest, Vincente de Valverde, met him and told him about

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2 To know more about the economic grounds of the Spanish Conquest of Latin America see Galeano, 1980, pp. 1-90; and the Spanish Conquest of the Incas and Peru see Hemming, 1993; Prescott, 1998.
3 It is its original name in Quechua and it means “the four corners of the world”. See Prescott, 1998, p. 40.
4 For more information about the current speaking languages in Peru see Summer Institute of Linguistics, 2008.
Catholicism, with a crucifix and gave to him either a breviary or a Bible. Atahualpa flung the book to the floor comprehensively because he has never seen one before\(^6\). Therefore Catholic priests had an important role in the Spanish conquest of the Inca empire and New World not only as supporters mostly but also as critics of the injustices and mistreatments against the native American people.\(^7\)

Since the beginning of the Vice-royalty of Peru (1542), which occupied a great part of South America, there was a physical, economic and cultural oppression of millions of aboriginals\(^8\)—in many cases until death of a great deal of them because they had to work in gold and silver mining\(^9\). And especially there was a systematic persecution of aboriginal cults named “extirpation of idolatries.”\(^{10}\) With this practice many native temples were destroyed but their idols and other religious objects made of gold and silver were taken away, and also anyone who were found with non-Christian icons at home were prosecuted and punished severely. In that way people who were born in that New World, discovered and named so by Europeans, was forced to abandon not only their mother-tongues and customs but also their religion. Also since the Conquest of Peru Spaniards brought their African slaves.

By the other side, the Peruvian Inquisition\(^{11}\) prosecuted from 1570 to 1820 to anyone who was heretic, sorcerer, Jew, Muslim or Protestant. Therefore not only Amerindian people had to be converted into Catholicism by force if they wanted to survive but also European non-Catholics, poor and rich, illiterate or literate.

Without doubt Catholicism has played an important role—for some ones controversial\(^{12}\)—in the shaping of Peruvian history and culture since the Colonial times. And according to Stanger:

Perhaps the most effective arm of the church was its control of intellectual

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5. The word Peru could be a result of a misunderstanding of the Indian word for river, i.e. Pilu. Or Peru could be a word derivate from Opbir, the place where Solomon took great quantities of gold—it changed to Pbiru, Piru and finally Peru. See Prescott, 1998, pp. 39-40.
7. The most known example of the defence of the Indians was Bartolomé de las Casas (1472 – 1566) another Dominican priest. See Las Casas, 1999.
8. The abuses and injustices by Spaniards against the Andean people are showed in drawings by Felipe Guaman Poma de Ayala (about 1550 – after 1616), a descendent of the Inca royal dynasty. See Guaman Poma de Ayala, 1615/1616.
9. To know more about labour conditions of Indians especially in mining see Bakewell, 1984, 130-1.
10. See for more information: Hampe-Martínez, 1996.
12. See, for instance Viestad, 2005.
life. At the time of the Spanish expansion to America, the European clergy were being influenced to a greater or less extent by the new ideas of the renaissance…

No phase of colonial life was dominated more thoroughly by the clergy than the intellectual. The first schools were for novitiates in the monasteries and these later began to take in secular pupils. The university was at first in a monastery and even when moved out it continued to be dominated by monastic orders.

…

Education in all grades was exclusively in the hands of the clergy, a rigid censorship of the press was maintained, and all imported literature was closely inspected. Throughout colonial history, the men who demand the student's attention as leaders in thought and culture were churchmen almost without exception down to the very eve of the republican epoch.

…

Intellectual repression also returned before the end of the [18th] century, but though clerical authority took the initiative in bringing it about, the responsibility for it cannot be laid to the door of the clergy as a class. Clergymen now seem to appear in every movement and on both sides of every controversy. It was a cleric who had been the leading exponent of liberal ideas and it was a conservative archbishop, together with a conservative viceroy that restored the repressive measures. It is probably unreasonable to suppose that all or even a majority of the members of the clergy had been influenced by the influx of liberalism, but a considerable body of those who were so influenced is in evidence both before and after the War of Independence.⁵¹³

Indeed the Catholic clergy was both very learned and in charge of the education. And of course that is very understandable. They have time to do something more than simply their religious rites and they were the only educators especially without any non-Catholic rivals to compete with.

The Spanish rule over Peru–and the rest of Latin America–lasted until the middle

of the 19th Century. The Peruvian Emancipation from the Emperor of Spain was declared formally in 1821 and it was gained completely in fact in 1824. The Independence was led by Criollos or Spanish white descendants belonging to a rich and powerful higher class. And because of their success they became in the rulers the new Republic of Peru over a majority of heavy tax-payers Indians\textsuperscript{14} and a minority of Afro-Peruvian slaves, with the support of a powerful Catholic Church. According to Stanger:

Economically the influence of the church was of the first importance. Aside from its regular income from tithes, first fruits, and parochial fees, the church acquired enormous amounts of property by donations and other means. It was not unusual for wealthy people to bequeath all or large portions of their property to the church. Monasteries were founded and churches built by donations. A very common practice was the establishing of perpetual funds in support of institutions or to assure the saying of regular masses for a given purpose or for the souls of certain deceased persons. These foundations were usually supported by real property and if they did not stipulate the use of the entire income from that property, they at least formed a perpetual encumbrance on it.\textsuperscript{15}

So the Catholic clergy was rich in money, facilities and lands gained from the state and/or donated by the faithful since the Colonial times and that continued in the republican ones. When the Catholic faithful would do that they were thinking in the eternal salvation of their own souls and relatives'.

Liberators of Spanish South America Argentinean José de San Martín and Venezuelan Simón Bolívar had different views about church. The former was a Catholic believer and the latter was a freethinker. That explains why San Martín made the Virgin del Carmen a patron of his army, and he as Protector of Peru gave the Provisional Statute on October 8, 1821 whose section one says the following:

\begin{quote}
Article 1.-The Apostolic, Roman, Catholic religion is the state religion: The government recognizes as one of its first duties to maintain and preserve it
\end{quote}

\textsuperscript{14} We should not forget when Christopher Columbus arrived to the Caribbean islands he thought they were part of India.
\textsuperscript{15} Stanger, 1927, p. 414.
by all means within reach of human wisdom. Anyone who attacks publicly or privately its dogmas and principles will be punished severely in proportion that had given the scandal.

Article 2.-Others professing the Christian religion, and disagree on some principles of the state religion may obtain permission from the government in consultation on its council of state, to use a right that they can, provided their conduct is not significant to public policy.

Article 3.-No one shall be a public official if it does not profess the state religion.¹⁶

But Bolivar, Dictator of Peru thanks to the Peruvian Congress, had certainly other way of thinking about religious issues. Let us read what he wrote about it:

Religion governs a man in his house, in his office, within himself; it alone has a right to examine his intimate conscience. Laws, on the other hand, look on the surface of things. They do not apply to the citizens except outside their own house. Applying these conditions, can a state govern the consciences of its subjects? Can it oblige the keeping of religious laws and give rewards or punishments when the tribunals are in heaven and when God is the judge? Only the inquisition would be capable of replacing such courts in this world. Shall the inquisition return with its incendiary torches?¹⁷

However his secularist ideas were not followed because of his political agenda. He wanted unsuccessfully both to unite Peru and Bolivia with the Great Colombia under his rule, and to have a for-life presidency of Peru.

By the other side, the first Peruvian Constitution of 1823 says in the beginning “In a name of God, by whose power all societies are instituted and whose wisdom inspires justice to lawmakers.” Further states in:

Article 14 .- The offices prescribed by natural justice, are obligations that

¹⁶ Quotation translated from Spanish into English by ours. See the original in Spanish in Congreso de la República del Perú [Congress of the Republic of Peru].
must be fulfilled very particularly by every Peruvian been unworthy of that name who is not religious, does not love the fatherland, who is not fair or charitable, who is rude to the national decorum, who does not comply with what he owes to himself.\textsuperscript{18}

Therefore since the Republic of Peru was founded the Catholic religion had an important place in state. And then, the Catholic clergy had a main role—Spanish Archbishop Las Heras signed with San Martin and other important persons the declaration of Independence. Of course other royalist bishops chosen to leave Peru but most of the clergy was in favour of the Independence from Spain—like Luna Pizarro who became the first president of the Congress of Peru and then Archbishop of Lima, and was against both San Martin’s monarchical ideas and Bolívar’s for-life presidency.\textsuperscript{19}

The Catholic clergymen as the intellectual leaders of the country were the first liberals in religion and politics.\textsuperscript{20} But also there were conservatives priests like Bartolomé Herrera who became rector of San Carlos School, the most important of Lima, minister of justice and ecclesiastical affairs, president of the congress, and bishop in Arequipa in southern Peru.\textsuperscript{21} However the liberal González Vigil went so far away: he defied to the authority and censorship of the pope.\textsuperscript{22}

And after the Emancipation, Far East and other European non-Spanish people migrated to the young Peruvian Republic, of course with a great difference of conditions—many Chinese and Japanese people came as hired workers but were treated almost like slaves, some German communities as settlers of Amazon jungle lands, some British migrants, etc. And during the 20th Century more people from different cultures and religions came to Peru—from India, Lebanon, Syria, Palestine, Pakistan, South Korea, Japan and China again (many of them opened restaurants and shops) and some of Europe–Italy, France, Germany, etc.–and the USA (several of them established important industries). All those peoples brought with them their own culture, language

\textsuperscript{18} See Congreso de la República del Perú\textsuperscript{2}.
\textsuperscript{19} See ib., pp. 419-421, 424.
\textsuperscript{20} See ib., p. 425.
\textsuperscript{21} See ib., pp. 428-429.
\textsuperscript{22} See ib., pp. 429-430.
and religion\textsuperscript{23}.

However during the beginning of the Peruvian Republic non-Catholic cults were illegal and several Protestants were put in jail during the end of the 1800’s and until the beginning of the 1900’s. The last Peruvian Constitution that talks about an official religion was that one of 1920 saying in its Article 5º:

The Nation professes the Catholic, Apostolic and Roman Religion. The State protects it\textsuperscript{24}.

Since 1933, Peruvian constitutions have guaranteed, at least formally, freedom of conscience and belief.\textsuperscript{25} And the current Peruvian Political Constitution of 1993 says in its Article 50:

In a regime of independence and autonomy, the state acknowledges the Catholic Church as an important element in the historical, cultural, and moral shaping of Peru, and it collaborates with her. The state respects other convictions and may establish forms of cooperation with them.\textsuperscript{26}

So according to the Constitution there is no dependency between state and Church, both of them are autonomous, but at the same time state “collaborates with her” and also may cooperate with other religions.

Nevertheless there is also an agreement or Concordat\textsuperscript{27} between the Peruvian and Vatican states signed in 1980 (at the end of the last military regime), although it has never been ratified by the Peruvian Congress. The Concordat formalizes the customary state economic aids to and tax-exemptions for the Catholic Church (Articles VIII and X), and the duties of and benefits for the Church’s military chaplains (Articles XI-
and it places the Church’s bishops in charge of teachers of the religious curriculum in public schools (Article XIX).\textsuperscript{28}

All these articles support the Catholic Church as being the only organized religion in Peru to receive economic benefits from state, and establish that only Catholic teachings are to be taught in public schools, while at the same time, teachers of religion, as state employees, obtain their salaries from the taxes of all Peruvians—Catholic and non-Catholic.

So far we have seen both the historical background of how the Catholicism became the majority’s religion in Peru, and the legal background of the state especial treatment in favour of the Catholic Church in Peru.

2.2 What are the features of the Catholic majority and the non-Catholic minorities in Peru?

Because of the above-mentioned historical reasons from an anthropological view most Peruvians are \textit{Mestizos}\textsuperscript{29} or descendants produced by intermarriages between Ameridians and white Spaniards at the beginning of the colony\textsuperscript{30}, they are across all the country; Quechua–and Aymara-speaking people are the majority of inhabitants of highlands or Andean mountains—a part of them speaks Spanish as well--; descendants of both European and American white people can be founded mainly in the coast cities and the most important cities inside the country; several small Afro-Peruvian communities live specially in the coast; Japanese- and Chinese-Peruvian descendants, and migrants from India, both Far Eastern and Arabic countries, with their Peruvian families, are also living in the coast cities from the country. So in Peru there is a cultural pluralism where the distinct ethnic groups do not matter for policy scope and citizenships status\textsuperscript{31} at least formally.

\textsuperscript{28} The Concordat, as whichever state law, was never published in the Peruvian official daily \textit{El Peruano}. However the Evangelical newspaper \textit{La Verdad} published it. See Pérez Quiroz, 1999, pp. 23-4. The original text is on the archives of the Peruvian Ministry of External Affairs and the Vatican has a copy of it. Also one can read it on the website of the Holy See. See Santa Sede, La.

\textsuperscript{29} See Mallon, 1996, pp. 292-3.

\textsuperscript{30} This a great difference between what happened in the Protestant colonies of North America and the Catholic colonies of the rest of the American continent—you can see easily the mestizaje in the very faces of the Latin America people. But that does not mean there is no discrimination because of the race and ethnicity and worst because of economic and social differences—notorious exceptions are Cuba and Brazil where is no racial discrimination, the second one only until certain point.

Most Peruvian inhabitants with different ethnic backgrounds or “all races” is eventually integrated into the so-named Peruvian nation and shares Spanish as the main language, Catholicism as the main religion, and also different kinds of food—e.g. Peruvian-Chinese or *chifa* food, Peruvian-coast or *criolla* food, and Peruvian-highland or *serrana* food are very popular in most part of the country. Of course this cultural integration is not absolute, there is a hidden racial discrimination, a semi-open gender’s one and some times open in media advertisements and comedy shows.

Nowadays although most Peruvians declare themselves as Catholic not all of them do so. Comparing the last three national censuses the Peruvian Catholic majority is decreasing in size, while various Peruvian non-Catholic minorities are increasing. That is in the 1981 National Census 94.6% of the Peruvian population declared itself to be Catholic, 5.2% said they had a non-Catholic faith, and 0.2% claimed they had no religion. In the 1993 National Census, 88.9% of the people said they were Catholic, 7.2% said they were Evangelic, 2.5% say they belonged to another religion, and 1.4% declared themselves have no religion. And according to the 2007 National Census 81.3% of the registered population of 12 years and older profess the Catholic religion, 12.5% belonged to an Evangelical church, 3.3% are from other religions, and 2.9% said who do not profess any religion.

In the Peruvian non-Catholic minorities we can find not only traditional Christians like Protestants or Evangelicals, and Orthodoxs but also other kind of self-called Christians like Adventists, Jehovah’s Witnesses, Mormons, etc. and of course non-Christians like Jews, Muslims, Buddhists and Hindus of several kind, followers of Japanese and even Peruvian cults—such as the Israeli Mission of the New Pact, the ufologist cult Alfa and Omega, and diverse aboriginal religions, etc.—, and of course non-believers—sceptics, freethinkers, agnostics, atheists and humanists. And however, as we will see below, state officers, policies, and institutions take no account of those non-Catholics.

Indeed only a small part of the Peruvian Catholic population is church-goers or has a real commitment to their faith. In a pool made by Lima University in 2008 on 475

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32 “Todas las sangres” (literally in English “all the bloods”) according to Peruvian indigenist author Arguedas, 1964.
33 At the present several Districts from Lima have several penalties against racial or gender’s discrimination in discos, restaurants, cafes, or other public services most of them exclusively for non-poor people.
34 Instituto Nacional de Estadística e Informática [National Institute of Statistics & Informatics], 1981
inhabitants from Lima and Callao about their religious practices, 21,3% of the believers in God said they believed in Him because they are "Catholic by tradition", 88,7% said "to have a religion", from them 99,7% declared to be Christian, and from them 84% said they are Catholic, and 11,4% said they are Evangelic. Only 6,7% of them who have a religion attend to their temples once or more times per week, 31,8% go once per week, 36,4% attend once per month and 18,9% only once per year. 64,5% of who said to be Catholic (379) accepted to venerate to either a Saint or a Virgin, among them the Lord of Miracles, Saint Martín de Porres and the Virgin del Carmen. About the Catholic Church, 7,7% of the interviewed who accepted to be Catholic said to feel her very close, 49,7% close, and 39% a little close to society.³⁶ Many of them believe only in either God or Jesus—not in the Church, the Pope, the Virgin Mary or other saints—but they call themselves Catholic. But indeed there are also Peruvian fundamentalist Catholic cults such as Sodalitium Christianae Vitae and others, and the Peruvian branch of Opus Dei.

Any way most Peruvians has been baptized as Catholic when they were infants or children, many of them have received the first communion, and some have participated in the confirmation. Many people have a civil marriage in city halls but also a religious one in Catholic and non-Catholic temples, even not a few non-believers got married to their believing partners with religious ceremonies.

Many former Catholic traditional believers convert themselves to a non-Catholic faith—Christian or not—and even to none. But most Peruvian non-believers do not belong to any secularist, atheist or humanist organizations³⁷ which are very few in Peru. These organizations work mainly online spreading their critics against religion, their ideas in favour of the separation between state and church, and their non-religious ethics. Humanists have also public activities and even offer alternative secular ceremonies for life passages—birth, young, marriage, death. Furthermore, in order to avoid having a religious ceremony in his or her funeral a non-believer has to request it to family before his or her dead, but that many times that does not work.

2.3. How does that state favourable treatment of the Catholic Church work in Peru today?

³⁶ Grupo de Opinión de la Universidad de Lima [Lima University’s Opinion Group], 2008.
³⁷ Humanistas Racionalistas del Perú [Peruvian Rationalist Humanists] and Ateos en Perú [Atheists in Peru].
In the following part we shall see the following specific cases as how the state religious discrimination works exclusively and especially in favour of the Catholic Church and against non-Catholic stances of life:

2.3.1. State gives wages to the Catholic Church’s religious and civil staff.
2.3.2. State gives lands and money for the Catholic Church’s facilities.
2.3.3. State gives tax exemptions to the Catholic Church.
2.3.4. Catholic doctrines are the only ones taught in public schools.
2.3.5. State leading officers attend mostly to Catholic temples and rites.
2.3.6. The Peruvian Armed Forces and Police have a Catholic orientation.
2.3.7. The religious invasion of the public space by Catholic icons.

2.3.1. State gives wages to the Catholic Church’s religious and civil staff

Besides the Peruvian-Vatican Concordat there are specific laws supporting economic aids to the Peruvian Catholic clergy. For instance when Alberto Fujimori was President of the Republic of Peru he enacted the Supreme Decree № 146-91-EF\textsuperscript{38} en 1991 which modified the references to set the amount of assignments (wages from state) to the ecclesiastical and civil staff who are working for the Church. That decree says in its:

Article 1. It should be amended the references established in Article 1 of the Supreme Decree No. 275-89-EF, as follows:

a) Cardinal, Primate Archbishop, equivalent to 100% of an unique payment of the total remuneration for a State Minister.

b) Archbishop, Archbishop-Bishop, equivalent to 80% of the total remuneration of a Deputy Minister of State.

c) Bishop, Prelate, Apostolic Vicar, Bishop Secretary of the Episcopacy, equivalent to 60% of the total remuneration of a Deputy Minister of State.

d) Auxiliary Bishop, equivalent to 40% of the total remuneration of a Deputy Minister of State.

e) General Vicar, Assistant Delegate, Adjunct Secretary of the Episcopacy, Episcopal Vicar, equivalent to 20% of the total remuneration of a Deputy Minister of State.

f) Dean, Archdeacon, Precentor, Maestrescuela, Treasurer, Canon,

Counselor, equivalent to 20% of the total remuneration of the Director of Ministry.

g) Other charges, equivalent to 10% of the total remuneration of a Director of Ministry.

h) Altar boy, equivalent to 5% of the total remuneration of a Director of Ministry.

So everyone who works for the Catholic Church—from altar boys to the Primate Archbishop—receives wages from state. And those wages are part of the annual budget of the Republic of Peru. For instance for year 2007 part of the budget\(^39\) was as follows:

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>Amount</th>
<th>Legal Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Ministry of] Justice</td>
<td>2 602 850</td>
<td>Catholic Church</td>
</tr>
<tr>
<td>Internal Affairs Education</td>
<td>37 500</td>
<td>Military Diocese</td>
</tr>
<tr>
<td>Education</td>
<td>1 000 000</td>
<td>“Fe y Alegría” Association</td>
</tr>
<tr>
<td></td>
<td>17 400</td>
<td>&quot;Santa María Madre de Dios&quot; Free, Mixed, Primary, Initial and Educational School</td>
</tr>
<tr>
<td></td>
<td>45 000</td>
<td>&quot;Nuestra Señora de la Misericordia&quot; Girls Home School</td>
</tr>
<tr>
<td></td>
<td>17 300</td>
<td>National Office of Catholic Education</td>
</tr>
<tr>
<td>Health</td>
<td>300 000</td>
<td>“Hogar de Cristo” [Association]</td>
</tr>
<tr>
<td></td>
<td>40 000</td>
<td>Parish of Monserrat</td>
</tr>
<tr>
<td>Defense</td>
<td>79 890</td>
<td>Religious Institutions</td>
</tr>
<tr>
<td></td>
<td>130 000</td>
<td>Military Diocese</td>
</tr>
<tr>
<td></td>
<td>36 000</td>
<td>Little Sisters of the Helpless Elderly People-“San José de Trujillo” Home</td>
</tr>
</tbody>
</table>

If we add up all the amounts we shall have in total: S/ 3’243,540.00. That final amount is in the Peruvian currency Nuevos Soles, i.e. US$ 1’014,557 according to the money exchange on December, 2006.\textsuperscript{40}

2.3.2. State gives lands and money for the Catholic Church’s facilities
The Catholic Church receives not a few times lands\textsuperscript{41} and money\textsuperscript{42} from the state to build and repair her facilities—temples, chapels, seminars, monasteries, schools, technological institutes, colleges, hospitals, etc.

For instance, at the beginning of the 90’s the San Marcos National Major University gave a 2,000m\textsuperscript{2} land of its Campus to the Archbishopric of Lima to built a chapel where students, teachers and workers will be able to celebrate Catholic rituals like in a church.\textsuperscript{43} Under the administration of Alejandro Toledo former President of Peru (2001-2006) a land of more than 200 hectares was given by state to the Bishopric of Callao in order to build the Catholic University of Callao.\textsuperscript{44}

2.3.3. State gives tax exemptions to the Catholic Church
There are several tax-exemptions in favour of the Catholic Church. She does not pay taxes for possessing facilities, agreed in the 1980 Peruvian-Vatican Concordat, buying or transference of properties, buying international air tickets to her clergy, etc.\textsuperscript{45}

No other religion has that kind of advantages. Non-catholic religious organizations have to pay taxes annually for having, buying or transferring facilities like any citizen and non-religious and private organizations. Non-Catholic religious organizations—legally registered as associations--can only apply for certain tax-exemptions like the annual rent tax and donations.

2.3.4. Catholic doctrines are the only ones taught in public schools
Catholicism is the only religion taught in Peruvian public schools from the basic level to the higher school. The public religious course is about the Catholic doctrines--God, the Holy Trinity, Jesus, the Virgin Mary, the saints, the pope, the soul, Heaven and Hell, sin and virtue, etc.--in the former level, and about non-religious topics—like secularism,

\textsuperscript{40} Ministerio de Economía y Finanzas.
\textsuperscript{41} For a list of laws from 1927 to 1989 about these givings see Pérez Quiroz, 2004, pp.100-114.
\textsuperscript{42} For a list of state money from 1842 to 2001 for building temples and parishes see ib., pp. 115-153.
\textsuperscript{43} See Capilla de la UNMSM, 2005.
\textsuperscript{44} Pérez Quiroz, 2004, pp.
atheism, etc.--from the Catholic point of view in the latter one.

In a 2005 poll a question was posed to 1504 persons (male and female, 18-65 years age and from all socio-economical classes): “What kind of scholarly education do you believe is the best...?” Fifty-nine percent of those questioned responded “the religious one” and 34% “the secular one.”46 And in a poll of February 2008, 533 inhabitants of Lima were asked: “Do you agree ...that the religious course be compulsory or not?” Fifty-three percent of those interviewed answered “I agree” and 46% “I do not agree.”47

So it is very clear that the majority of the Peruvian population believes that a course of Catholic religion should be taught to children in the public schools. But indeed similarly the non-Catholic religious minorities would like also a course about their own faith and non-religious minorities would prefer a secular education.

But so far there is no other different course than the Catholic one in the public schools. To avoid their children attend that course non-Catholic parents have two choices: either to exonerate from that religious course or to register them in private schools with alternative courses to the Catholic one.

For the first choice, non-Catholic parents can ask state educative officers to exonerate their children from the course of Catholic faith because they have other religious convictions–Christian or non-Christian–or because they simply lack of such convictions. But troubles arise from time to time when students receive their final grades at the end of the year. Their general score is low because they received a zero in the religion course they were exonerated! As a result there have been some legal suits against religious discrimination at schools,48 without much success in comparison to other cases abroad--e.g. in the United States,49 and Norway.50

Indeed children do not choose their own religion: their parents do so on their behalf. And if the parents have no religion they may wish that their children not have

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45 Ib., pp. 113-114.
47 Instituto de Opinión Pública - Pontificia Universidad Católica del Perú [Pontifical Catholic University of Peru, Institute of Public Opinion], 2008, p. 17.
48 See U.S. State Department, 2002.
50 “With the help of the Norwegian Humanist Association, three sets of parents had taken the Norwegian government before the Court, claiming that the KRL subject (Christianity, religion and life stance education) introduced in public schools in 1993 was not objective, critical and pluralistic.” Then “the European Court of Human Rights in Strasbourg found that the religious education in Norwegian schools
one as well. Also, it is not always easy for non-believing parents to apply for exoneration from the religious course for their children. They may be asked to prove they belong to some religion different from Catholicism.\footnote{That was the case for a young student and his father, the latter working at San Marcos National Major University in Lima. Eventually the student took the Catholic religious course to avoid more troubles. Antay, 2006.}

For the second choice, non-Catholic parents—who can afford in general expensive fees—can register their children in private schools which have alternative courses to the Catholic one. Some non-Catholic religious organizations have built their own private schools—for instance there are many Evangelical\footnote{For example, the most important and oldest Evangelical schools in Peru are Colegio “María Alvarado” [María Alvarado School], and Colegio “San Andrés” [San Andrés School]. See their websites.} and some Adventist schools\footnote{The oldest Adventist school in Peru is Colegio Adventista “Unión” [Unión Adventist School]. See its website.} across the country, as well as a Jewish one\footnote{See Colegio “León Pinelo” [León Pinelo School].} in Lima, etc. besides many private Catholic schools managed by priests and nuns. And of course there are private schools without any religious course.\footnote{For instance, Colegio “Reyes Rojos” [Red Kings School]. See its website.}

Therefore there are some growing minorities that are being discriminated against, unconsidered, disrespected, and unheard, as if their members were second-class citizens! This means also there is an internal exclusion of these minorities—i.e. they are treated as non-existent.\footnote{“Young [2000, p. 55] distinguishes between external exclusion, which demarcates how people are kept outside the process of discussion and decision-making, and internal exclusion which is about being ignored or dismissed or having ones statements and expressions patronized”. Quotation in Thorseth, 2006, p. 247.}

2.3.5. State leading officers attend mostly to Catholic temples and rites

It is a tradition that each President of the Republic of Peru, his wife and his Ministers, whatever their political party, should attend a special Catholic mass, or Te Deum, which is celebrated by the Archbishop of Lima on Independence Day, July 28 at the Cathedral of Lima, and greet—and even carry—the image of the “Lord of the Miracles” (a picture of a Jesus on the cross) both in Easter and in October, when the image is followed in a procession by hundreds of thousands of believers from all ethnic backgrounds and social levels.

\footnote{was in violation of Article 2 of Protocol No. 1 of the European Human Rights Convention.” See Sandvig, 2007.}

\footnote{Young [2000, p. 55] distinguishes between external exclusion, which demarcates how people are kept outside the process of discussion and decision-making, and internal exclusion which is about being ignored or dismissed or having ones statements and expressions patronized”. Quotation in Thorseth, 2006, p. 247.}
President García, his wife and Ministers attending to a Te Deum on July, 2008.\(^{57}\)

President García carrying the image of the Lord of Miracles on October, 2006.\(^{58}\)

Since the last decades we are having a few declared non-believing\(^{59}\) and Protestant Congress persons on both the government\(^{60}\) and opposition sides. And from 2006 the current President of Peru, Alan Garcia, also attends with his wife, some Ministers and other state officers, an important Evangelical temple in Peru—from the

\(^{57}\) Picture from RPP Noticias, 2008.
\(^{58}\) Picture from Zegarra, 2006.
\(^{59}\) Javier Diez Canseco was a Marxian Congressman who wanted to change unsuccessfully the above article from the Constitution on state and the Catholic Church in 2003. He wished it declares that the Peruvian state were secular. See Diez Canseco, p. 30.
\(^{60}\) It is very known that current congresswoman, and a member of the government, Mercedes Cabanillas is also a member of an Evangelical church in Lima. See NoticiaCristiana.com, 2007.
Christian and Missionary Alliance--a Te Deum for the National Holidays.\textsuperscript{61} Even he opened a Pentecostal UHF-TV channel in Lima in 2008.

However there are also other religions in Peru—Christian and non-Christian—and non-religious stances of life too. So would it be not better to attend either other religions’ temples or none at all?

2.3.6. The Peruvian Armed Forces and Police have a Catholic orientation

Some important state institutions have holidays on the days ascribed to their venerated saints: the Peruvian Armed Forces’ holiday and the Virgin of Las Mercedes’ day are on September 24; the Peruvian National Police’s festival and the Saint Rosa of Lima’s day are on August 30; the Peruvian National Police’s Health Care holiday and Saint Martin of Porres’s day are on November 3.

Also Peruvian Armed Forces and Police have Catholic Chaplains who are members of the Military Diocese.\textsuperscript{62} But Armed Forces and Police have non-Catholic believers and non-believers as members too.

Peruvian Navy’s Hospital’s Stella Maris Parish. It is the main of the 27 parishes of the Military and Police Bishopric.\textsuperscript{63}

2.3.7. The religious invasion of the public space by Catholic icons

It is a strong and old tradition that any public facility—and most of the private ones—be inaugurated with a blessing of a Catholic priest. Also one can see a religious icon inside all such facilities—including the Congress’ building, and in municipalities, hospitals, courts, schools, airports, most public parks, some avenues, and so on. Even some

\textsuperscript{61} See Presidencia de la República del Perú, 2006.

\textsuperscript{62} See Conferencia Episcopal Peruana.

\textsuperscript{63} Photo: Ministry of Protestant Communications in Pérez Quiroz, 2004, p. 394.
hospitals and airports have a chapel. For instance the International Airport of Lima has a Catholic chapel since 2001. Hospitals from the Peruvian Social and Health Insurance System (EsSalud) hire chaplains as part of their staff.

Chapel of the Lord of Miracles besides the Peruvian Ministry of Internal Affairs’ central building.  

A Virgin of Fatima’s icon at the Mariscal Castilla Park in the District of Lince (Lima).  

A giant Virgin’s icon at the end of the Brasil Avenue in the District of Magdalena del

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64 See Diócesis del Callao, 2001.
65 Photo: Ministry of Protestant Communications in Pérez Quiroz, 2004, p. 395.
2.4. Conclusions of Chapter 2

We have seen how Peruvian people became Catholic because of the Spanish conquest and dominion since 16th Century. But also we have seen that non-Catholic people—Christian and non-Christian, and non-religious at all—began to appear at least publicly since 19th Century. And according to the last 3 national censuses the Catholic majority is decreasing and the non-Catholic minorities are increasing at the same time.

Any way only the Catholic Church receives a favourable treatment from state—wages for her staff, lands and money for her facilities, exclusive tax exemptions for her facilities, teaching of her doctrines in public schools, almost exclusive attendances by state leading officers to her temples in the national holidays, her Chaplains’ and festivities’ presence in the Peruvian Armed Forces and Police, her clergy’s presence in the opening of public facilities, and the invasion of the public space by her icons.

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Chapter 3: The Communitarian Views and the state-Church relationship

In this chapter I will present and discuss the communitarian ethical views and the state-Church relationship.

Communitarians have specific and common views about community, traditions, and values. Their views are not explicitly about the state-Church relationship. However their ideas can help us to find a possible justification for supporting a preferred and privileged state treatment in favour of the Church.

3.1. The Communitarian Views on Community, Traditions, Values and Education

Although there are many differences among communitarians in different themes, they also share a common ground. They “hold that community, rather than the individual or State, should be at the centre of our analysis and our value system”.

Communitarians, like Sandel and MacIntyre, believe that the elements which form a community are shared history and social understandings, common social practices, and cultural traditions. And they think those elements must “be respected and protected”. Those elements are a result of a society’s historical development; they are the ancestors’ inheritance for their descendants. And because religion is an important part of those cultural traditions, we can infer a society’s members and state should protect it. The communitarian thinking has arisen as a response to the insufficient acknowledgement of the community in the liberal ideas which emphasises on liberty and equality. In that sense communitarians think that it is needed to change the liberal principles of justice and rights but they do not agree in which way. For instance, Michael Walzer says since it is a mistake to look for a universal theory of justice, we must observe how each society comprehends the value of social goods. Therefore according to its culture each society could comprehend that value according to a Protestant view, in others a Catholic view, or a Muslim view, etc.

Communitarians also think that the individual self “is ‘embedded’ or ‘situated’

68 See Arthur, 2000, p. 6. Although “there are almost as many communitarisms as communitarians” it can be useful to say there are two main currents: one considers itself “as a corrective to, and development of classical Anglo-Saxon liberalism, extending and deepening its social context. The other stream would be in different ways more hostile, drawing on elements for a more fundamental critique of individualism.” But of course many thinkers take elements of both currents. See, ib., p. 5.

69 Ib., p. 12.

70 Kymlicka, 2002, p. 208-9. Among the most prominent communitarians are Alasdair MacIntyre, Charles Taylor, Daniel A. Bell, Michael Sandel, and Michael Walzer.

in existing social practices that we cannot always stand back and opt out of them."\(^{72}\) As members of a community we share its values with other members. Therefore values--traditional as well as religious ones--should be protected by the community. But if we as individuals look for our self-determination then we shall reject those communal values and fall in nihilism.\(^ {73}\) Also

> [t]he separate individual does not make up the basic moral unit of society in this scheme of things [i.e., culture and language], but rather is attached to other individuals in community on whom he or she is somewhat dependant. The appeal of communitarianism is obvious since there is a growing perception that there has been an erosion of communal life in contemporary society, and that this is associated in some way with a decline in standards of behaviour and relationships and increasing crime and social exclusion…\(^ {74}\)

Therefore communal values—including the religious ones—should be strengthened in order to protect society. Also according to Arthur although many communitarians are not religious

> [s]ome forms of communitarianism appear to be more sympathetic towards religion, advocating that we should listen and take seriously the religious voice in public policy discourse and some of them support many of the social aspects of religious practice, including the strengthening of the family.\(^ {75}\)

In that vein, some communitarians affirm also “that religion is a crucial element in public life,” (Bellah).\(^ {76}\)

So because of the above mentioned communitarian reasons we can infer a justification for state should protect society’s religion.

In McIntyre we can find an additional reason—the view that religion should

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\(^{72}\) Ib., p. 221.


\(^{74}\) Arthur, 2000, p. 7.

\(^{75}\) Idem.
influence on society. He argues that Christian doctrines give a good notion of the human good, and an extension of the Church is a Catholic school which is one of the ‘local communities’ to promote customs and practices that result in Christian virtues. The Catholic school emphasises the learning of the Catholic traditions, practices and moral. Therefore, according to MacIntyre, the Catholic school can help to children to get a virtuous and good life. For those reasons traditions and religion are important in the formation of the excellence of character in people.  

However many communitarians consider family, school and religion only media to produce ‘good’ citizens.  

Also communitarians, especially MacIntyre, are accused by their critics of being political conservatives because they prioritize traditions. But according to history not all traditions are good. There are good and bad traditions—like for instance, respect for human rights, democratic elections, racial and cultural segregation, etc.—. And they are not for ever the same; they change with time and place.

Their critics also say that communitarism is a danger for liberalism because it promotes that service to one’s neighbour is better than increasing one’s enjoyment, or even to follow either others’ or God’s will rather than its own. In liberalism, by the opposite, people are free to put in question their role in the social practices and even abandon them. But for communitarians that is not possible because the internal ego is ‘situated’ in the social practices.

Also communitarians who think “that only religious schools are communities of memory that can accommodate the basic communitarian aims in education” are accused of moralistic elitism.

Furthermore, it is not necessary to have faith-based values to promote a decent life. For a decent life we need reason-based values, and of course, we can teach them to children in school.

3.2. Conclusions of Chapter 3

Certainly and undoubtedly we see and know, as communitarians say, that individuals

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76 Ib., p. 97.  
77 Ib., p. 103.  
78 Ib., p. 98.  
80 Arthur, 2000, p. 97.  
81 Kymlicka, 2002, p. 221.  
82 Ib., p. 103.
are embedded in a specific society—they live in a specific space and time. Thus individuals share among themselves common experiences and values. They have a common language, religion and values—a culture. If we think our culture promotes values and then a good life, it could be rational to preserve that culture—which, of course, includes a religion—with the state’s support especially through the teaching of a religious course in the public schools.

But also fortunately cultures, values and individuals are not fixed things and all of them can be influenced by other kinds of them, and change with space and time. Traditions are not for ever and they change with time. Also bad traditions can and should be replaced by good ones. Also individuals can choose to follow different traditions, education, religion and values in the society where she or he lives because of the influences of other kinds of them from other societies.

Also it is not necessary to have religious values to have a good life. For a good life we need ethical values, based on reason and reality, and of course, we can promote them in school to be learned by children.
Chapter 4: The Secularist views and the state-Church relationship

In this chapter I will present some views against the state’s support to any religion. They are based in secularist principles for the separation between state and church.

4.1. The secularist principles for the separation between state and church

According to the normative theory in political philosophy there has existed a wide and deep agreement on principles of tolerance and religious freedoms, i.e. that liberal-democratic regimes should be neutral with regard to religions, that politics should be ‘secular’ in their justifications and effects, and that religious organisations and convictions should only be allowed to play a role in ‘private’ life or in civil society.\(^{83}\)

And many theories of modern societies and sociology of religion it was thought that modern state societies are ‘secularised’, and that this requires a complete separation of religion from all other functionally differentiated social systems and organisations, particularly from the political system and the state.\(^{84}\)

In order to found a separation between state and church we need to postulate secularist principles for that. These secularist principles should be understood as promoting a rational and moderate secularism, i.e. no religion has to intervene in public state policies in order to avoid conflicts as history teaches us when a religion has political power. This kind of secularism does not mean at all that a secular state should promote atheism or even anti-religious views.\(^{85}\)

Except the first secularist principle, which is founded in Habermas, we can find

\(^{83}\) Bader, 2007, p. 17.
\(^{84}\) Idem.
\(^{85}\) Certainly we can interpret in several and problematic ways the meanings of “secular” and “secular state”. See Johansson.
the following ones in Audi:\footnote{He offers 8 principles in Audi, 1989. But I am only mentioning 4. Here I do not mention “the individual principle of political neutrality” (ib., p. 277), “the institutional principle of political neutrality” (ib., 1989, p. 274), “the principle of secular resolution” (ib., p. 280) and “the principle of secular motivation” (ib., p. 284), because the two former ones derive from “the neutrality principle”, and the two latter derived from “the principle of secular rationale”.
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4.1.1. The public-private sphere separation principle
4.1.2. The libertarian principle
4.1.3. The equalitarian principle
4.1.4. The neutrality principle
4.1.5. The principle of secular rationale

4.1.1. The public-private sphere separation principle
There should be a separation between the public and private sphere because one thing is the public (state policies) and another thing is the private (religious beliefs, stances of life, conceptions of good, etc.). According to Addis what is central to the notion of toleration is there are two spheres–public and private–and that whatever is denominated as being part of the private realm is not amenable to state regulation, and is thus an area properly left as the realm of toleration. On the other hand, what is denominated as the public realm is one which is the proper area of state intervention and regulation. Toleration, therefore, seems to be both a virtue and a market.\footnote{Addis, 1997, p. 117.}{87}

And according to Habermas:

By public sphere we mean first of all a domain of our social life in which such a thing as public opinion can be formed. Access to the public sphere is open in principle to all citizens\footnote{Habermas, 1989, p. 231.}{88}

having a religion or not. In that way no worldview should have preference in that public sphere.

Therefore, religious views, as a part of the private sphere, should be separated
from the state policies, i.e. the public sphere, in order to avoid unnecessary social conflicts and intolerance.

In the private sphere everyone has a right to believe in whichever religion they want to. But in the public sphere state should not have any faith-based policies. In that vein, for instance, state should not have a pro-Catholic health policy about anti-conception, a pro-Catholic educational policy about sex, a pro-Jehovah’s Witness policy about blood transfusions, or an atheist educational policy about religion.

4.1.2. The libertarian principle
According to Audi this principle requires that state allows the practice of any religion. That means that state should permit the freedom of conscience and religion. So any kind of religious and non-religious views should be permitted except those which are against people’s human rights, i.e., a right to life, liberty, and the pursuit of happiness. And this agrees to Rawls’ first principle of justice:

1. Each person has an equal right to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with a similar scheme of all.

So everyone has the right to the freedom of conscience and religion.

Also Habermas says:

The constitutional freedom of conscience and religion is the appropriate political response to the challenges of religious pluralism. For it makes it possible to defuse at the level of the social interactions among citizens the potential for conflict between the existentially relevant convictions of believers, members of other faiths, and non-believers, which remains undiminished at the cognitive level.

Therefore this principle is the corner-stone for the religious pluralism including non-religious stances of life, and so for a peaceful life among the members of a society.

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89 Audi, 1989, p. 262.
91 Habermas, 2008, p. 120.
It is a principle of tolerance.\textsuperscript{92}

Also rational citizens can live in a liberal democratic state with freedom and adequate scope for individual autonomy and then they might reach a human flourishing. And religious institutions might subsist and flourish in a liberal state as well. So they might endorse a moral case for a liberal state within a world of inescapable religious pluralism.\textsuperscript{93}

According to this libertarian principle a state might permit an unlimited religious freedom and even the very existence of one or more established churches, i.e. a state can treat some religions with some preference.\textsuperscript{94}

But state should also protect basic human rights— the rights of life, liberty, and the pursuit of happiness—. When the freedom of a religious practice implicates in a violation of any of them— e.g., human sacrifices to appease gods—, state has to stop this faith-based practice.\textsuperscript{95}

4.1.3. The equalitarian principle
According to Audi this principle requires that the state does not give preference to one religious faith or group over another.\textsuperscript{96} According to him it is a principle of impartiality.\textsuperscript{97}

Any state preference for a religion will give more power to the latter, especially the majority's. In that sense the practice of the political power for all citizens will not equal. Worst, a state preferred treatment of a certain religion will reflect the view of that religion in the laws.\textsuperscript{98}

By the other hand, it is controversial whether practices as, for example, asking for Sunday closings of different stores and offices, and declaring civic holidays on Christian religious feasts, must infringe the equalitarian principle. One important issue is whether other religious holidays are observed, for instance by employees who have left to respect them; another is whether the Christian holydays are respected as civic holidays because a great majority of the citizens wants that, and not because a religious majority does. The equalitarian principle would permit that, provided all religions’

\textsuperscript{92} Audi in Wolterstorff, and Audi, 1997, p. 4.
\textsuperscript{93} Audi in Wolterstorff and Audi, 1997, pp. 2-3.
\textsuperscript{94} Audi, 1989, p. 263.
\textsuperscript{95} Ib., p. 262.
\textsuperscript{96} Ib., p. 263.
\textsuperscript{97} Audi in Wolterstorff, and Audi, 1997, p. 4.
\textsuperscript{98} Ib., p. 6.
holidays are (within common sense) observed, it is not a treatment in favour of the religious majority as such to have civic holidays in the same days of its main festivities.\textsuperscript{99}

Also an ideal equal legal treatment of all religions and secular or cultural institutions and activities by a liberal-democratic state would not allow any direct or indirect aid, subsidise or finance to any of them. But history shows that all liberal-democratic states have had policies to sustain and preserve majority religions. The same is about the reality of healthcare, care for children, elderly, handicapped or poor. In liberal-democratic countries they should be left alone to the regulations of the market but in the reality that did and does not happen.

The neutrality of state to fund culture and religion can be thought but not done, especially in education that is not possible. Also state can not hide the majority’s cultural and religious views in matter of legislation about bioethical issues like stem-cell research, abortion, genetic modification, euthanasia, etc.\textsuperscript{100}

Furthermore, the equalitarian principle not only rejects one or more established churches but also excludes such situations as asking for a determined religious affiliation, for instance, that of the nation’s majority, as a requisite for public office.\textsuperscript{101} And this agrees to Rawls’ second principle of justice:

2. Social and economic inequalities are to satisfy two conditions: first, they must be attached to offices and positions open to all under conditions of fair and equal opportunity; second, they must be to the greatest benefit of the least advantaged members of society.\textsuperscript{102}

Therefore state must equally treat to all citizens without distinction--believers in different faiths and non-believers in none--especially for public office’s positions.

4.1.4. The neutrality principle
According to Audi this principle requires that “the state should give no preference to religion (or the religious) \textit{as such}, that is, to institutions or persons simply because they

\textsuperscript{99} Audi, 1989, p. 263-4.
\textsuperscript{100} Bader, 2007, pp. 134-135.
\textsuperscript{101} Ib., p. 263.
\textsuperscript{102} Ibidem, p. 227.
are religious.”103 In other words, as Habermas says:

[The theory of rights] does...forbid them [the citizens] to privilege one form of life at the expense of others within the nation. 104

If state has a preference for any religion that could produce some kind of pressure in the people to follow that religion, or worst that preference can produce some discrimination against who do not adopt that religion. The neutrality principle would be against “religious exemptions from combat duty, religious eligibility requirements for adopting children”105, asking for times of prayer or also of silent religious observance in public schools or other state facilities. 106

Neutrality does not mean that state should leave social regulations, when needed state must intervene in the private sphere, not only in the public one, to protect citizens’ health and life107 (e.g. Jehovah’s Witnesses parents who do not allow blood transfusions to their children), to avoid “substantial differences of power and advantage between men and women”108 (e.g. women from fundamentalist Christian sects are not treated with equality than men), especially against the latter.

4.1.5. The principle of secular rationale
According to Audi this principle expresses that:

one should not advocate or support any law or public policy that restricts human conduct unless one has, and is willing to offer, adequate secular reason for this advocacy or support109

This implies that religious reasons not should be accepted as adequate for defending or supporting laws or policies. Only secular reasons should.

And a secular reason is

103 Audi, 1989, p. 264.
104 Habermas, 1994, p. 128.
105 Audi in Wolterstorff, and Audi, 1997, p. 6.
106 Audi, 1989, p. 264.
one whose . . . status as a prima facie justificatory element does not (evidentially) depend on the existence of God, ... or on theological considerations, . . . or on the pronouncements of a person or institution qua religious authority.\textsuperscript{110}

Thus, secular reasons are not faith-based.
Also this principle of secular rationale is connected to Rawls’ saying:

The first [duty of citizens in the political public sphere] is that reasonable comprehensive doctrines, religious or non-religious, may be introduced in public political discussion at any time, provided that in due course proper political reasons – and not reasons given solely by comprehensive doctrines – are presented that are sufficient to support whatever the comprehensive doctrines are said to support.\textsuperscript{111}

Then religious and non-religious doctrines should be presented in the public arena with adequate political arguments.

In the same vein Audi also says:

one has a prima facie obligation not to advocate or support any law or public policy that restricts human conduct, unless one has, and is willing to offer, adequate secular reason for this advocacy or support (say for one’s vote). If for instance, I want to advocate mandatory periods of prayer of meditation in public schools, I should have adequate secular reason for this, such as its being educationally and psychologically essential for the nation’s youth. If my only reason is to promote my own or other religious ideals, then I would not satisfy this principle\textsuperscript{112}

Therefore even whether one wants to promote a religious practice he or she should present a proper secular argument for that.

\textsuperscript{110} Ib., p. 278.
\textsuperscript{111} Rawls, John, 1997, p. 769.
\textsuperscript{112} Audi in Wolterstorff and Audi, 1997, p. 105. See also Audi, 1989, p. 279.
Habermas thinks something similar:

Every citizen must know and accept that only secular reasons count beyond the institutional threshold separating the informal public sphere from parliaments, courts, ministries, and administrations.\(^\text{113}\)

Also, according to him, it is understood that

the democratic constitution requires that all laws, all judicial decisions, and all decrees and directives must be formulated in a public language that is equally accessible to all citizens and that they must, in addition, be open to justification in secular terms.\(^\text{114}\)

History teaches us religious differences have provoked grave conflicts and then it could be better to avoid any religious dominion in public institutions and deliberation.\(^\text{115}\) So dialogue can be difficult especially for believers some times. But Habermas also says:

To date, only citizens committed to religious beliefs are required to split up their identities, as it were, into their public and private elements. They are the ones who have to translate their religious beliefs into a secular language before their arguments have any chance of gaining majority support.\(^\text{116}\)

That translation could be very difficult to do specially for fundamentalist believers. But also we are being witnesses of a new wave of international anti-religious atheists that could make even more uneasy any dialogue between them and believers.\(^\text{117}\) However, Habermas continues to say,

the secular citizens must open their minds to the possible truth content of those presentations [by the citizens of faith] and enter into dialogues from

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\(^{113}\) Habermas, 2008, p. 130.

\(^{114}\) Ib., p. 5.

\(^{115}\) Addis, 1997, p. 118.

which religious reasons then might well emerge in the transformed guise of generally and accessible arguments.\textsuperscript{118}

Then because of that

[religious p]articipants who express themselves in a religious language also have a claim to be taken seriously by their secular fellow-citizens. Thus the latter should not be allowed to reject out of hand the possibility that contributions formulated in religious language could have a rational content.\textsuperscript{119}

By another part, because of the principle of secular rationale is normative, it permits support religiously inspired, for instance by a reading of the Bible, and also, permits someone to be more affected by the religious arguments than by the secular ones. Also this principle allows affirm religious and secular reasons in a support.\textsuperscript{120}

Rawls’ distinction between ‘public reason’\textsuperscript{121} and ‘secular reason and secular values’\textsuperscript{122} “is fairer than secularist exclusivism because it applies to all non-public reasons equally, whereas religious or secular”, it is more inclusivist.

Also

[t]he separation of church and state does not require, nor do sound principles demand, that churches should not publicly take moral positions, even if there is political controversy about them. Publicly taking moral positions is indeed a positive religious obligation in many religions. There are, to be sure, different ways of supporting moral positions.\textsuperscript{123}

\textsuperscript{117} For instance, Peruvian atheist Maúrtua, 2006; American atheist Harris, 2005; British atheist Dawkins, 2006.
\textsuperscript{118} Habermas, 2006, p. 11.
\textsuperscript{119} Habermas, 2008, p. 4-5.
\textsuperscript{120} Ib., p. 279.
\textsuperscript{121} “The idea of public reason...belongs to a conception of a well-ordered constitutional democratic society. The form and content of this reason—the way it is understood by citizens and how it interprets their political relationship—are part of the idea of democracy itself.” (Rawls, 1999, p. 131).
\textsuperscript{122} Rawls, 1993, p. 143.
\textsuperscript{123} Audi in Audi in Wolterstorff and Audi, 1997, p. 41.
There are examples where religious reasons have influenced politics in spite of other fundamentalist and authoritarian ones against human rights. In America Martin Luther King and his movement for black people’s civil rights is a good example of the former.\textsuperscript{124} Other examples were the resistance movements in the Nazi Germany, in the communist East Europe, or in the racist South Africa\textsuperscript{125}. Even some authors, e.g., Weithman, think churches support the ethics of democratic citizenship:

They encourage their members to accept democratic values as the basis for important political decisions and to accept democratic political institutions as legitimate. The means by which they make their contributions, including their own interventions in civic argument and public political debate, affect the political arguments their members may be inclined to use, the bases on which they vote, and the specification of their citizenship with which they identify. They may encourage their members to think of themselves as bound by antecedently given moral norms with which political outcomes must be consistent. The realization of citizenship by those who are legally entitled to take part in political decision-making is an enormous achievement for a liberal democracy, one in which the institutions of civil society play a crucial role.\textsuperscript{126}

Then religious movements and churches have had an important influence in politics and citizenship. In that vein

[it] belongs to the religious convictions of a good many religious people in our society that they ought to base their decisions concerning fundamental issues of justice on their religious convictions. They do not view it as an option whether or not to do it.\textsuperscript{127}

And that is because

\textsuperscript{124} Habermas, 2008, pp. 124-125.  
\textsuperscript{125} Wolterstorff in Audi in Wolterstorff and Audi, 1997, p. 80.  
\textsuperscript{126} Weithman, 2002, p. 91.
[g]enuine faith is not merely a doctrine, something believed, but is also a source of energy that the person of faith taps performatively to nurture her whole life.\textsuperscript{128}

The principle of secular rationale demands something—secular reasons for advocating or supporting laws and policies—but in the reality religious people have offered their non-secular reasons several times.

Citizens will have a comprehension that they are participants of the law-making thanks to a reasonable dialogue or the “public use of reason”.\textsuperscript{129} Therefore state should ask both religious and non-religious people for opinions.\textsuperscript{130}

And also

secular citizens can be expected to demonstrate openness toward the possible rational content of religious contributions – and, all the more so, a willingness to engage in the cooperative endeavour of translating these contents from religious idioms into a generally intelligible language – only under a cognitive presupposition that is essentially contested. For in their eyes the conflict between secular convictions and those founded on religious doctrines can assume the prima facie character of a reasonable disagreement only if it can also be made plausible from a secular perspective that religious traditions are not merely irrational or meaningless. Only on this presupposition can nonreligious citizens assume that the major world religions could involve rational intuitions and instructive moments of unfulfilled but legitimate demands.\textsuperscript{131}

Obviously deliberation should be without coercion, manipulation, deception or threat to induce reflection,\textsuperscript{132} and with “free speech and lack of censorship, along the

\begin{footnotes}
\item[127] Wolterstorff in Wolterstorff and Audi, 1997, p. 105.
\item[128] Habermas, 2008, p. 127.
\item[129] Habermas, 2006, pp. 9, 11, 18. In that way Habermas is following Kant and the Enlightenment (O’Neill, 2002, p. 251) but also with his emphasis on reason is neglecting the importance of emotions and the affective expressions of human behaviour, and giving a low value to other modes of communication – metaphor, rhetoric, and storytelling (Dillon, 1999, 291). Indeed passion could be a complement of reason (Thorseth, 2006, p. 247). “[T]here is ever an occasion for accepting claims on testimony or authority” (O’Neill, 2002, p. 263).
\item[130] Galston, 2003, pp. 30-1.
\item[131] Habermas, 2008, p. 5.
\item[132] Dryzek, 2000, pp. 1-2, 68.
\end{footnotes}
power to participate in public debate” plus “contact between citizens and decision makers” with a two-way communication, feedback and response\textsuperscript{133}.

4.2. Conclusions of Chapter 4

Although the secularist principles for the separation between state and church (the public-private sphere separation principle, the libertarian principle, the equalitarian principle, the neutrality principle, the principle of secular rationale) are not absolute and have some leaks and even perhaps have some contradictions with reality, they seem to be excellent bases to reach a more democratic and liberal society which is characterised by individualism, freedom, and rationality, neutrality and egalitarianism.\textsuperscript{134}

A secular state, then, is not one against religion, by the opposite, it is one where citizens—believers and non-believers—will be equally respected and have the same rights.

Also we must have in account that

\begin{quote}
[t]he thesis that modern states require a strict separation of state from religions, drawn from an idealised American model—here the US is not the ‘exception’ but the norm—is at odds with the actual relationships in all liberal-democratic states and should be therefore replaced by a minimal threshold of institutional, organisational and role differentiation or, in legal terms, the two autonomies of the state from religions and of (organised) religions from the state. Recent states with liberal-democratic constitutions show a huge diversity of regimes of religious government. Some have established state churches that have little power, others are characterised by plural establishment or cooperation between state and officially recognised religions, while only some combine non-establishment with intended strict separation. All states grant religions a special legal status, all finance religions at least indirectly, e.g. by tax exemptions, and all finance faith-based organisations in care either directly or indirectly. Only a tiny minority rejects any public financing of religions schools, but the huge majority (including France and recently the US as well) do so either directly or indirectly.\textsuperscript{135}
\end{quote}

\textsuperscript{133} Thorseth, 2006, p. 249.
\textsuperscript{134} Ahdar and Leigh, 2005, pp. 39-40.
France has a complex system of direct apparatus of direct and indirect public funds for private schools attended by Catholic students.\footnote{Ib., p. 161.}

Pluralist governance with their policies of public or legal acknowledgment of organised religions also let important public pressure and examination to have religions with a minimally moral conduct.\footnote{Ib., pp. 132-133.}

Another idea that supports the need of a ‘secularised’ state is the alleged decline of religious beliefs and practices according to sociologists. But they have only focused on Western societies, Christian churches and sects. However there exists a great variety among the European countries, by one side we have Eastern Germany, Czech Republic, and Scandinavian countries, and by another one we have Ireland and Poland. Besides many individuals are ‘unchurching’ or ‘believing without belonging.’ And the USA paradoxically the most ‘modern’ country is “the most Christian and the most religiously diverse.”\footnote{Ib., p. 42. But Humanist groups members in Norway and Sweden are increasing in number. Also those from Latin America.}

If there have had a decline it was more severe inside the contemporary rivals of religions, i.e. ‘humanist’ groups and secularist parties.\footnote{Bader, 2007, p. 18.}

Then the situation is not the same in pre-modern, developing and modernising societies in other parts of the globe. The idea of the rising of secularism and the diminishing of religious faith and practice, how it happened in Western Europe, is not valid for the USA, as we have already mentioned, and the rest of the globe where religions have still many followers.\footnote{Habermas, 2008, p. 117n.6.}

Of course, it is not difficult try to explain why religions are still alive in economically poor and politically unstable countries. But that is not the case of the USA. This country seems to be an exception to “the classical hypothesis that secularization prevails to the extent that of “existential security” takes together with improved economic and social conditions of life.” But American capitalism has not succeeded to avoid “a higher degree of existential uncertainty” and its many traditional and religious immigrants have higher fertilities rates.\footnote{Habermas, 2008, p. 117n.6.}
Chapter 5: Reasons for and against the state favourable treatment of the Catholic Church in Peru

Now using the above communitarian and secularist views and arguments I will firstly present justifications for and then against the state favourable treatment for the Catholic Church in Peru, with the correspondent discussion of each one.

5.1. Reasons for the state favourable treatment of the Catholic Church in Peru
The following reasons for the state treatment in favour to the Catholic Church in Peru can be set up having mainly as basis the above mentioned communitarian arguments on community, tradition and values:

5.1.1. Catholic Church is an important part of both Peruvian history and tradition
5.1.2. Most Peruvians are members of the Catholic Church
5.1.3. Catholic Church teaches both religious and moral values
5.1.4. Many states support churches

Now I will present and comment them, one by one.

5.1.1. Catholic Church is an important part of both Peruvian history and traditions
As we have seen above since the arrival of Spanish conquerors to Peru in the 16th Century the Catholic Church played an important role. Her priests preached to the Amerindians to convert them to (Catholic) Christianity, to save them from their so-called primitive and heathen beliefs, and to educate them.

Beside the above-mentioned 19th Century’s Catholic priests as political figures, in the 20th’s we have had important Catholic personages like lawyer and diplomatic Víctor Andrés Belaúnde (1883-1966) or nowadays we have the Dominican priest Gustavo Gutiérrez (1928-) who is regarded as the father of the Liberation Theology.

Furthermore, the nationality of a people depends mainly on a common culture, a language and a religion. Most Peruvians is both a Spanish-speaker and a Catholic believer.

As we have seen also above because most members of the Peruvians society is Catholic—from all races and social classes—they share common beliefs and traditions. Even many of the descendants from non-Catholic ancestors became Catholic.

Most Peruvian holidays are Catholic festivities—Good Thursday and Friday on
either February or March, Saint Peter and Saint Paul and the pope’s day on June 29, Saint Rosa of Lima on August 30, Immaculate Conception on December 8, the Virgin of the Mercedes, all the saints on November 1st, Christmas on December 25.

So a first reason that the Peruvian state has to support the Catholic Church is the special role the latter has had in the History of Peru—not only in both secular and religious education of people, but also and in its cultural and political life.

However that “Catholic Church had a great influence in the shaping of both Peruvian history and traditions” is a partial truth because, because as we have already seen above, Catholicism is not the only source of Peruvian history and tradition. Although the Andean religion were persecuted by the Spanish conquerors and priests it is still alive but mixed with the Catholic one. That can be observed especially in some supposedly Catholic religious festivities like Corpus Christi (May or June) or Coyllur-Riti (June 14, 15 and 16) in Cuzco\textsuperscript{142}, the former capital of the Inca Empire, where sacred mountains or natural deities receive worship from people.

Also the Catholic procession of the Lord of the Miracles, a painting of Jesus on the cross, called the Lord of Pachacamilla as well, began in Lima in the Colonial times to avoid earthquakes just like ancient Andean people asked their god Pachacamac\textsuperscript{143} for. So an important part of Peruvian history and traditions—the most ancient one--is not Catholic. And of course we have seen before that some Peruvians are not Catholic, and then they have other traditions—e.g. Jews and Adventists do not work on Saturdays; most of Evangelical Christians, except Lutherans, do not baptize their children; some non-believers have secular ceremonies of life passages, etc.—.

And important personages in Peruvian cultural life and politics are not Catholic—like for instance distinguished educators León Trahtemberg\textsuperscript{144} (1951-) a member of the Peruvian Jewish community, or Constantino Carvallo\textsuperscript{145} (1953-2008) a philosopher who founded the secularist and private “Red Kings” School without any religious course for students of the basic, primary and secondary or higher level.

By another part, something similar happens with the Spanish language. Although Spanish is the official language of Peru many Peruvians are bilingual, many of them speak both Spanish and Quechua, the Incas’ language, a part speaks both Spanish and Aymara, other Andean or Amazonic language, and of course many do not speak

\textsuperscript{142} Discover Cusco.
\textsuperscript{143} See Rostworowski, 2002; and Paredes, 2005.
\textsuperscript{144} Trahtemberg, 2008.
Spanish at all.

Therefore a Peruvian citizen can have a different religion than Catholic or none, or he or she can be a Spanish non-speaker.

5.1.2. Most Peruvians are members of the Catholic Church

Most Peruvians are Catholic because of tradition—they were baptized as babies or children. Although foreign migrants and others came to Peru with their own non-Catholic beliefs and traditions most of their descendants adopted the Catholic ones, and of course some of their descendants went on to follow their ancestors’ faith and customs.

If there was either a poll or a democratic referendum asking Peruvians about the state’s support for the Catholic Church very probably most of them would agree to continue that support. In a democracy the majority of citizens rules, and the minorities have to adapt themselves to the majority’s customs, language and religion.

That “most Peruvians are members of the Catholic Church” is true but they became members automatically when they were baptized as Catholic as babies or small children because their parents’ desire. Obviously they could not choose to be Catholic or not. And in the school they were also indoctrinated in one and only religion—the Catholic one. There they did not receive any knowledge about other religions and secular stances of life. And, as we have seen too, the number of people declared as Catholic is decreasing. Also many of them declare themselves Catholic although they only believe in God or Jesus and not in the Catholic dogmas, the Church or the pope. As we have said they can be leftist, centred or rightist. That means a part of them has a more democratic and progressive position and then they would agree with an equalitarian treatment to other faiths.

Therefore although according to the rites and sacraments of Catholicism the majority of Peruvian are Catholic. But, according to the above-mentioned 2008 pool, we can say only a very few of people believe in God because of their Catholic tradition, or they do that because they are followers of other kinds of Christianity—Evangelicals, Jehovah’s Witnesses, Adventists or Mormons, etc.—or of other religions—Judaism, Buddhism, Islam, etc.\footnote{Diario La República Online, 2008.}\footnote{Grupo de Opinión de la Universidad de Lima, 2008.}
5.1.3. Catholic Church teaches both religious and moral values

Many people think that the increase of corruption and criminality in the Peruvian society is because of a moral decline, an unavoidable consequence of the current society of consumerism, materialism and nihilism which are strongly against both the moral values and education.

So if we wish a better society with less corruption and criminality, the best solution is to strengthen the teaching of the moral values. And as we have learned from our childhood the best examples and source of the moral come from the Catholic religion. The Peruvian society does not need more and ancient or new values. By the opposite it needs to reinforce them because it has already them as an inheritance from the last five centuries—i.e., the Catholic values. Therefore state has to be in favour of the Catholic religious education in the public schools.

That “Catholic Church teaches both religious and moral values” is true but in order to teach moral values to children it is not necessary that values are faith-based. Also it is very known to be educated in a Catholic school or college is not a guarantee of moral excellence. Since Kant, we can base moral values in reason independently of religion or any God’s command. But we must acknowledge the Christian influence and inheritance in several secularized Western countries having a higher number of declared non-believers nowadays.

Also a stable non-religious public morality does not depend on either a religious or a secular basis

but on whether religious or non-religious institutions are more creative seedbeds of minimally required civic and liberal-democratic attitudes and virtues...

Catholics and Muslims, use to claim that religion is the alternative “to

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147 He wrote: “Hence for its own sake morality does not need religion at all…; by virtue of pure practical reason it is self-sufficient”. See Kant, 1960, p. 3. And before Kant, Pierre Byle in his Penseés (1683) has already said that a society of atheists would be feasible and more peaceful than a religious one. And before of him Michel de l’Hospital has affirmed that ‘it is possible to be a citizen without being a Christian’. See Bader, 2007, p. 320, n44.

148 For ethics without religion see Kurtz, 1988; Martin, 2002; Nielsen 1990; Wielenberg, 2005.

149 Many Swedish and Danish non-believers in God and the Christian creed do not like to call themselves atheists, remain as members in their national Lutheran churches and relate their Christianity to holidays, songs and food. See Zuckerman, 2008.

consumerism, egotism, materialism, emotivism, or moral decisionism”. But non-religious morality is not intrinsically utilitarian or materialistic, and the liberal state does not monopolize morality. Modern social and political life does not promote in itself consumerism and egotism, but capitalism does. Neither should religion be considered as the watchman of the society because, as it is much known because of history, it has not always produced good results for people.\textsuperscript{151}

Besides we agree that without values people can become nihilist so it is needed to teach them ethics or at least the Golden Rule and/or the Silver Rule which can be found in both worldwide religions\textsuperscript{152} and secular worldviews.\textsuperscript{153}

Also it is argued that it should avoid the dangers and atrocities from the past or the present not only of the fundamentalist religious regimes—Christian or Islamic—but also of the secular totalitarian ones—fascist, nazi, ‘socialist’, etc.--\textsuperscript{154}. The trouble with the latter was not its lack of God or religion but its authoritarian ideas and policies—authoritarianism which can be found in fundamentalist religious regimes as well.\textsuperscript{155}

Any way we agree with Bader in that

[w]hether a state is secular or not is not decisive. What matters is whether it is decent and liberal-democratic. Whether communications, arguments and opinions are secular or religious is not decisive, but whether they are conducive to an agonistic democratic dialogue.\textsuperscript{156}

And also

the important issue is not whether states/politics are secular but whether they are decent or liberal-democratic\textsuperscript{157}

Then it is more important to have a decent state than only one which is secular.

5.1.4. Many states support churches

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\textsuperscript{151} Idem.

\textsuperscript{152} See Hume, 1980.

\textsuperscript{153} For instance, Kurtz, 1988.

\textsuperscript{154} Ib., p. 97-100.

\textsuperscript{155} See Fromm, 2001.

\textsuperscript{156} Bader, 2007, p. 49

\textsuperscript{157} Ib., p. 97.
Many states from the Western developed world continue to support economically and to give legal privileges to churches in a greater or lesser degree— to teach religious courses in public schools, to be tax-exempted, to accept state money for the building or upkeep of temples or for religious schools, religious cemeteries, religious care and social services, to allow to religious ministers to military forces, prisons and hospitals--. Even some of them have a State-Church like England, Scotland, Norway, and Denmark, or two like Finland.\textsuperscript{158}

We can find many tax-exemptions and other favours from state for churches or religious communities in Italy and Austria; payments of salaries, pensions or other expenses for specific churches by the state in Belgium, Luxemburg and Denmark; state-collecting contributions for religious groups (‘church taxes’) or other social and cultural activities in Germany, Austria, Sweden, Finland, Spain and Italy.\textsuperscript{159}

There is a variety of systems of full public financing of faith-based educational institutions in Austria, Belgium, Holland, England and Wales, and some provinces of Canada. There is a partial one in Scandinavia, Australia as well, Germany, Hungary, France, and Spain. Private faith-based educational institutions are rejected to receive nearly all public financing only in Bulgaria, Greece, Italy, most of Swiss cantons and the USA.\textsuperscript{160}

Western countries fund religious care and social service organizations either in a direct (general or particular subsidies) or an indirect way (all kind of tax-exemptions). The funds include

- care for children, youngsters, the elderly; the physically or mentally sick or handicapped (hospitals), the homeless, drug addicts, criminal rehabilitation,
- plus housing and nutrition of poor and low-income people.\textsuperscript{161}

The state funds also cover care for ‘welfare-to-work’ programmes, for community centres, and some times for other cultural and leisure activities.\textsuperscript{162}

So why should not the Peruvian state support a religion like the Catholic Church which has similar works too?

\textsuperscript{158} Bader, 2007, pp. 54-56.
\textsuperscript{159} Ib., p. 58.
\textsuperscript{160} Ib., p. 59.
\textsuperscript{161} Ib., p. 60.
\textsuperscript{162} Idem.
Certainly many (liberal and democratic) states support their majorities’ churches and several activities they do. It is a real situation but it does not mean that support is right and the Peruvian state has to do the same that other states do. That there is a state’s support only for the majorities’ religion is against an equal treatment of religions and citizens.

Some countries even have state churches and also kings and that does not mean Peru has to follow that kind of example. Another alternative or example to follow could be the American separation between state and church or the French laïcité.

The trouble in Peru is state supports one and only religion—the Catholic one. Either state supports all religions and secular stances of life, or it does not anyone at all.

5.2. Reasons against the state favourable treatment of the Catholic Church in Peru

The following reasons against the state treatment in favour to the Catholic Church in Peru can be set up having as basis the above mentioned secularist arguments:

5.2.1. The state treatment in favour of the Catholic Church in Peru is against the independence and autonomy between them
5.2.2. The state treatment in favour of the Catholic Church is against the freedom of conscience and religion of Peruvian minorities.
5.2.3. The state treatment in favour of the Catholic Church is against the equality among Peruvian citizens.
5.2.4. The state treatment in favour of the Catholic Church is against of the requirement state gives no preference to religion.

Now I will describe each one of these reasons.

5.2.1. The state treatment in favour of the Catholic Church in Peru is against the independence and autonomy between them

The state preferred treatment for the Catholic Church in Peru is against of the principle of separation between the public and private sphere: The Church receives different forms of economic support from state in Peru—money, lands, wages, exclusive tax-exemptions, etc. The Catholic Church clergy have a strong and exclusive presence in public facilities, public education, public space, etc. Also it is not unusual that Catholic higher clergy’s critical opinion influences against some state public policies like sex
education or therapeutical abortion.

5.2.2. The state treatment in favour of the Catholic Church in Peru is against the freedom of conscience and religion of Peruvian minorities
The state treatment in favour of the Catholic Church is against of the libertarian principle: Non-Catholic Peruvian minorities are not free to choose their own preferences about religious issues in public schools, the armed forces and police; the public space; the state giving of tax-exemptions, wages, lands and money; and the state leading officers’ attendance to temples.

5.2.3. The state treatment in favour of the Catholic Church is against the equality among Peruvian citizens
The state treatment in favour of the Catholic Church is against of the equalitarian principle: Non-Catholic Peruvian minorities are not treated in the same way as Catholic majority by state. Only the Catholic Church receives tax-exemptions, wages, money and lands from state; only the Catholic doctrines are taught in the public schools; only there exist Catholic chapels in public facilities; the only religious icons in the public space are the Catholic; the only priests who are invited to the civic festivities are the Catholic ones, etc.

5.2.4. The state treatment in favour of the Catholic Church in Peru is against of the requirement state gives no preference to religion
The state treatment in favour of the Catholic Church is against of the neutrality principle: Peruvian state gives preference to the Catholic religion over the rest of religions and non-religious stances of life. The Catholic Church members—clergy and faithfuls--receive a privileged treatment—through funds, tax-exemptions, public religious courses, presence in the public sphere and institutions, etc.

5.3. Conclusions of Chapter 5
Without doubt the following statements are true: Catholic religion is a part of the history and tradition of Peru; most Peruvians are Catholic; Catholic Church teaches both religious and moral values; and many states support churches.

But also is true that: other non-Catholic religions and traditions exist in Peru; Peruvian non-Catholics are increasing and Catholics are diminishing in number; it is not
necessary to teach moral values based in a faith; and that not all states support churches.

By the other hand, the state treatment in favour of the Catholic Church in Peru is against: the independence and autonomy between them; the freedom of conscience and religion of Peruvian minorities; the equality among Peruvian citizens; and of the requirement state gives no preference to religion.

In conclusion, according to that, the reasons for the state treatment in favour of the Catholic Church in Peru are weaker than the reasons against that treatment.
Chapter 6: Discrimination and the state favourable treatment of the Catholic Church in Peru

In this chapter I will comment on the questions:

6.1. What is discrimination?
6.2. Is the state treatment in favour of the Catholic Church in Peru an example of religious discrimination?

6.1. What is discrimination?

According to the current literature the word ‘discrimination’ has several meanings and connotations—neutral, positive, negative, overt, legal, and institutional. For the purposes of answering our main initial question I will only choose the concepts of negative and legal discrimination:

A person is said to discriminate if she disadvantages others on the basis of their race, ethnicity, or other group membership…[S]he is condemned for discriminating, or for discriminatory acts and practices.

Also

Discrimination may be on grounds of difference of colour, nationality, religion, politics, culture, class, sex, age, or a combination of such factors.

In other words, discrimination is a “[d]ifferential treatment based on physical and social affiliation” or unequal treatment because of “bad” traits.

Furthermore

[discrimination] is the unequal treatment, whether intentional or

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For example we can find both neutral and negative concepts of discrimination in the Merriam-Webster Online Dictionary, 2009; a neutral concept in Wasserman, 1998, p. 805; a positive concept in Collins English Dictionary & Thesaurus (see Reverso Dictionary).

Idem.


Jackson 1995, p. 231.

unintentional, of individuals or groups on the basis of group membership that is unrelated to merit, ability, or past performance.\textsuperscript{168}

Besides, we can talk of legal discrimination, i.e. the “unequal treatment that is sustained by law. And also

The term structural discrimination has been used loosely in the literature, along with concepts such as institutional discrimination and structural or institutional racism, to refer to the range of policies and practices that contribute to the systematic disadvantage of members of certain groups.\textsuperscript{169}

Finally from a philosophical view discrimination is:

Distinguish or differentiating. One of the principal abilities underlying any kind of cognition. However, in moral and political philosophy, the term is often confined to the unfavorable treatment of particular groups of individuals, on prejudiced and irrelevant grounds. Confusing these two senses can lead to the view that almost any description of people is politically correct.\textsuperscript{170}

Then we can have several concepts of “discrimination.” But for the purposes of my thesis, i.e., in order to respond the next question, I will use the negative and legal concept of discrimination because I can connect these concepts with the question of the state religious discrimination in Peru.

6.2. Is the state treatment in favour of the Catholic Church in Peru an example of religious discrimination?
Now I can try to answer the question on whether the state preferential treatment for the Catholic Church in Peru is discriminatory or not.

I can say that that state preferential treatment is a negative and legal discrimination. It is a negative discrimination because that treatment expresses an

\textsuperscript{169} Pager and Shepherd, 2008, p. 197.
\textsuperscript{170} Blackburn, 2005, p. 102.
unequal handling by state towards Peruvian non-Catholic citizens based on a religious faith—they are not considered in the same way as state treats Catholic people and religion. It is a legal discrimination because several laws, including an agreement (Concordat) between the Peruvian state and the Vatican, support the state favourable and privileged treatment towards Catholic Church—this religious organization is the only one which receives money, lands, wages, tax-exemptions, etc. from state. And it is an institutional discrimination because public institutions are not bias-free about religion, they give preference to the Catholic faith—state gives funds to her, the only religious course which is taught in the public schools is about the Catholic doctrines, the only priests who are invited to state public ceremonies are the Catholic ones, etc.

But it can be argued also that the state preferred treatment for the Catholic Church is a positive treatment in order to promote the national unity and culture, traditions, moral values, etc. However positive treatments are usually made in favour of minorities not majorities like in the Peruvian case.

6.3. Conclusions of Chapter 6
Using concepts of negative, legal and institutional discrimination we have reached the conclusion that the state treatment in favour of the Catholic Church in Peru is a case of discrimination based on a religious bias and preference.

That is, that state preferred treatment for the Catholic Church has a legal basis—there are an agreement (Concordat) between the Peruvian state and the Vatican, and several laws which support that handling--, and is practiced through Peruvian state institutions—for example, the Ministry of Education which is in charge of the public schools where the Catholic doctrines are taught; the Ministry of Justice which pays wages to the Catholic clergy, etc.

Furthermore, we can not argue that that special treatment is a kind of positive discrimination because in the Peruvian case only the majority of the population receives benefits from the state.
Chapter 7: Summary and conclusions

In Chapter 2 we have seen how Peruvian people became Catholic because of the Spanish conquest and dominion since 16th Century. But also we have seen that non-Catholic people—Christian and non-Christian, and non-religious at all—began to appear at least publicly since 19th Century. And according to the last three national censuses the Catholic majority is decreasing and the non-Catholic minorities are increasing at the same time.

But only the Catholic Church receives a favourable treatment from state—wages for her staff, lands and money for her facilities, exclusive tax exemptions for her facilities, teaching of her doctrines in public schools, almost exclusive attendances by state leading officers to her temples in the national holidays, her presence in the Peruvian Armed Forces and Police, and the invasion of the public space by her icons.

In Chapter 3 we presented communitarian views as a possible basis of the justification of the state’s support to the Church. Communitarians say that individuals are embedded in a specific society. Individuals live in a specific space and time. Thus they share among themselves common experiences and values. They have a common language, religion and values—a culture. If we think our culture promotes values and then a good life, it could be rational to preserve that culture—which, of course, includes a religion—with the state’s support especially through the teaching of a religious course in the public schools.

But also fortunately cultures, values and individuals are not fixed things and all of them change with space and time. Bad traditions can be replaced by good ones and it is not necessary to have faith-based values to promote a good life. Also individuals can choose to follow different traditions, education, religion and values in the society where she or he lives.

In Chapter 4 we saw that the secularist principles for the separation between state and church (the public-private sphere separation principle, the libertarian principle, the equalitarian principle, the neutrality principle, the principle of secular rationale) are not absolute and have some leaks and even perhaps have some contradictions with reality, they seem to be excellent bases to reach a more democratic and liberal society which is characterised by individualism, freedom, and rationality, neutrality and egalitarianism.¹⁷¹

In Chapter 5 we discussed the implications of the following facts: Catholic religion is part of the history and tradition of Peru; most Peruvians are Catholic; Catholic Church teaches both religious and moral values; and many states support churches.

But also is true that: other non-Catholic religions and traditions exist in Peru; Peruvian non-Catholics are increasing in number; it is not necessary to teach moral values based in a faith; and that not all states support churches.

By the other hand, the state treatment in favour of the Catholic Church in Peru is against: the independence and autonomy between them; the freedom of conscience and religion of Peruvian minorities; the equality among Peruvian citizens; and of the requirement state gives no preference to religion.

In conclusion, the reasons for the state treatment in favour of the Catholic Church in Peru are weaker than the reasons against that treatment.

In Chapter 6 we used concepts of negative, legal and institutional discrimination and we reached the conclusion that the state treatment in favour of the Catholic Church in Peru is a case of discrimination based on a religious bias and preference.

That is, this state preferred treatment for the Catholic Church has a legal basis—there are an agreement between the Peruvian state and the Vatican, and some laws which support that handling--; and is practiced through Peruvian state institutions—for example, the Ministry of Education has Catholic religious courses for students of primary and high public schools, and pays to the teachers of those courses; the Ministry of Justice pays wages to the Catholic clergy, etc.

The legal and political implications of these results could give an ethical support either the derogatory of several laws in favour of the state preferred treatment for the Catholic Church in Peru, or the enactment of new laws in favour of other religions and secular stances of life.

For derogating those pro-Catholic Church laws, the Concordat between the Peruvian state and the Vatican state has to be the first law to be annulled. This agreement is the basis of those laws.

For enacting new laws in favour of other religions and secular stances of life it will need to have more representatives of them in the Peruvian Congress. That will be possible with time. Meanwhile, citizens have to learn about that the Catholic Church in Peru receives several privileges from state and this situation is discriminatory and
unjust. For that non-Catholic people have to open and use their own media.¹⁷²

So the state preferred treatment for the Catholic Church in Peru is not a problem about who is right and who is wrong—Catholics or Protestants; Christians or non-Christians believers; believers or unbelievers--. It is about a religious discrimination and an unequal treatment for religions and citizens in Peru. Therefore it should be ethically criticized and politically denounced. It does not matter if there are other countries with similar state policies in favour of one or more religions.

¹⁷² Evangelicals have some radios and UHF-TV stations. For instance, Grupo Pacifico de Comunicaciones [Pacific Group of Communications].
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