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Sex and the Church: A study of the Catholic Church and Reproductive Health in Chile

A thesis submitted in partial satisfaction of the requirements for the degree
Master of Arts

in

Latin American Studies

by

Karen Longenecker

Committee in charge:

Professor Christine Hunefeldt, Chair
Professor Luis Martin Cabrera
Professor Steffanie Strathdee

2010
The thesis of Karen Longenecker is approved and it is acceptable in quality and form for publication in microfilm and electronically:

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Chair

University of California, San Diego

2010
DEDICATION

Dedicated to my sister, my mother, and all the women survivors that have had enough faith in me to tell me their stories and to all the men who support us. Thank you for supporting me, our family and our faith.
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ABSTRACT OF THE THESIS

Sex and the Church: A study of the Catholic Church and Reproductive Health in Chile

by

Karen Longenecker
Master of Arts in Latin American Studies
University of California, San Diego, 2010

Professor Christine Hunefeldt, Chair

This work explores the modern day discourse on sexuality in Chile with particular attention given to the influence of the Catholic Church on reproductive health policy. The Catholic Church has historically been involved in popular social reform efforts in the 19th and 20th centuries, and was also heavily involved as the protectorate of human rights during the Pinochet dictatorship. Due to this popular reputation of the Church after the dictatorship and during the transition to democracy, the Church has since enjoyed concentrated political and social clout. The Church’s position in the modern period, both politically and culturally, is incredibly influential. In the modern period, the Church’s Pro Family campaign exerts significant influence on reproductive health policy. Using interview data from original fieldwork conducted in Chile, respondents were asked about their opinions on sexuality, reproductive health, public politics, and the influence of the Catholic Church regarding these issues. This study gives specific attention to the nuclear family structure, sexual education in schools, reproductive choice and the
morning after pill. In line with Foucauldian notions of the micro-physics of power and the concept of bio-power, this study concludes that the influence of the Catholic Church on reproductive health policy is discriminatory against women and creates a barrier to reproductive health care services in Chile.
Chapter 1

The Historical Role of the Catholic Church in public policy

Introduction

Chile prides itself on being the longest running democracy in Latin America. Historically there have been interruptions in governance democratic, but the populous touts pride in a strong democratic tradition. Chile industrialized long before other Latin American countries, mainly due to the mining boom in the nineteenth century. Omitting the 20 years of the Pinochet dictatorship, Chile considers its economy and governance to be one of the most developed and stable governments in the region, perhaps a model for other countries still struggling towards stability. Chileans are known for having an extensive understanding of their economic policies and a national sense of pride for being an economically stable country in the region. The importance of democracy, free market economic policies and a developing country with an expanding market has been central to development in Chile.

When Chile democratically elected a socialist president, Salvador Allende, in 1970, Pinochet and his followers felt the need to “restore democracy” to the country. Paying for it in blood, as quoted above, is what happened after the coup d’etat in 1973 and the following “years of terror” when Pinochet and his government kidnapped, tor-
tured and killed several thousand individuals. Pinochet also implemented the “transition to democracy” in 1990 when he opened elections for President and stepped down, yet still remaining Commander in Chief of the military until 1998. Paying for democracy in blood happened throughout this time and once democracy was finally restored outside of the control of Pinochet, the shape of the modern democratic state in Chile had changed tremendously. After centuries of surviving as one of the most stable and prosperous democratic countries in the region, Chile had suffered a coup, a military dictatorship and a tumultuous transition into a new form of democracy.

The rigidity with which democracy is maintained now, in the modern democratic state, has brought on a new victim. The maintenance of democracy is now being paid for with the blood of women. While the economic development in Chile is known and is a national symbol of pride, social reform, and especially social reform efforts for women stand in stark contrast to the rising economic integrity of Chile. As one of the strongest historic democracies in Latin America presently returns to its glory as an economic model, social reform in Chile paints another reality. And it is a reality that is bathed in blood as well.

This project emerged out of my personal interest in this apparent contrast. I had heard of Chile’s economic strengths, their reputation for safety and stability among other struggling Latin American countries. I was familiar with the neoliberal economic policies that were attributed to the Chicago Boys, a group of Chilean economists who studied at the University of Chicago under Milton Freidman and Arnold Harberger, and who were infamous for implementing neoliberal economic policies during Chiles’ transition to democracy. I then began researching the women’s movement in Chile and was shocked to find that Chile did not legalize divorce until late 2004, when it was the second to last country in the world to pass the legislation. Women’s organizations had been working for over ten years to get the bill passed. I then began looking at Chile’s abortion policies, and not unlike other Latin American countries, found out that abortion, even in the case of the potential death of the mother, is still illegal. The shocking part of this issue is not that therapeutic abortion is illegal; it is that it was legal from 1931 until 1989
when it was the last piece of legislation that the out-going dictator Augusto Pinochet reversed, making therapeutic abortion, and abortion in all cases, illegal. In addition, several international bodies including the United Nations Human Rights Council and the United Nations High Commissioner for Human Rights have cited Chile’s restrictive abortion laws as excessively restrictive (La Tercera, 2009).

This contrast, between a developed and stable country in the region, and what is seemingly an underdeveloped or at least a delayed development of women’s social reform, was what initially attracted me to Chile. I began asking the questions around why this social development has such resistance to reform, what factors prevent reform, and how women are participating in women’s issues in the political sphere. I wanted to examine the cultural barriers that prevent or slow women’s social reforms and what can be said about how the delay and resistance to reform affects the quality of life for women in Chile. My intention was to narrow down the specific gendered reform efforts that were still in process in Chile and attempt to identify how the reform process progresses or halts. I discovered newspaper reports and several articles pointing to the Debate sobre la píldora del día despues, the debate of the morning after pill. Connecting the abortion issue with the larger issue of contraception led me to think about what is commonly referred to in the United States as “value politics” or “moral issues.” Being that Chile is historically a Catholic country, the Church has been involved in the formation of Chile as a nation since the Spanish conquest in the 16th century, I began to question how the Catholic Church influences public politics and especially women’s issues and issues of sexuality. My question then became How does the Catholic Church influence female sexuality, reproductive health and public policy in Chile and how does this influence affect women?

The theological discourse around the role of women, the connection between “truth” and “law” and the relationship between the Church and the State goes as far back in Chile as its own independence, or perhaps even farther. Presently, the Catholic Church still maintains the historic position as one of the localities of national identity. Balibar explains this in what he calls as the religion of modern times the intersection
of nationalism and patriotism. The Catholic Church in Chile forms both the national and patriotic construct and lays claim to the legal and value system through which the country articulates its ideals. As Balibar states, “theological discourse has provided models for the idealization of the nation and the sacralization of the state, which makes it possible for a bond of sacrifice to be created between individuals, and for the stamp of “truth” and “law” to be conferred upon the rules of the legal system” (Balibar, 1991).

The sacralization of the State has allowed for these notions of “truth” and “law” to function in the legal system in Chile especially in regards to sexuality, reproductive rights and gender politics. It is to say that the involvement, historically and presently, of the Catholic Church in the State’s affairs has intimately shaped both the ideals and the legal formations of Chile’s governance. The involvement of the Catholic Church and the historical notions of the national identity constructed in Chile have led to the repressive and stagnant modern position of sexuality, reproductive rights and gender politics.

This project emerged from this trajectory of questioning and my own personal desire to understand how religious life bleeds into the political. It is well established that the separation of Church and State is essential in a modern democracy yet the degree of this separation is not as widely examined. In addition, the democratic ways in which religious institutions with resources and power gain access and influence to the State should be questioned and examined as to their legality and ethical implications.

In addition to the necessary separation of Church and State in modern democracy, I also wanted to examine how this separation affects power relations both between the Church and the State and also how the Church impresses on the population. In Foucault’s The History of Sexuality, Volume I, he outlines a webbed network of power that runs throughout the entire social body (96). The ability of the webbed network of power, which Foucault expands on in his lectures on The Birth of Biopolitics at the Collège de France, later came to be understood as the “microphysics of power.” The microphysics of power spreads power relations throughout society and more profoundly upon the individual. Under the auspices of neoliberal economic reform, powerful institutions within a society then aims to spread their power vastly throughout society in diversified invest-
ments and profoundly upon the human body as a location to regulate human behavior. The human body, according to Foucault, becomes one of the primary localities of power which can be subjugated and regulated. Since women are naturally given the ability to carry a child and to therefore reproduce this powerful locality of power, I aimed to understand better with this project how the female body is regulated and subjugated through varying cultural, political and religious institutions. These question and the related ideas took me to Chile where I spent nine weeks conducting interviews and gathering data for this project.

**Methods**

Respondents in this study were asked for interviews based on their knowledge, professional background and expertise around one or any of the following issues: gender studies, reproductive health, sexuality, public policy and religion. Upon arrival in Chile, a primary contact that I had already established during study in the United States was an Anthropology professor from the Universidad de Chile Santiago. I began my interviews with her, asking her for names of other professors and civil society representatives whom I could also interview. I began with a few professors to better understand which issues in the larger debate on sexuality were being widely discussed and were potentially seen as public discourse. It was also my hope that professors would lead me to experts in the aforementioned areas. After beginning with three professors, they pointed me to several people working in non-governmental organizations on social reform for women, children and families.

I then interviewed many professionals about their work, barriers to reform and asked them many of the questions mentioned above. I aimed to interview a diversity of respondents based on their particular spheres of interest whether it be children’s education or protection, adolescent education and access to contraceptives, family care reform or adult women’s health issues such as abortion or sterilization. It was my goal to gain a diversity of expertise through a diversity of respondents. In the interviews, I attempted to ask five different types of questions: historical, theoretical, political, religious, and regional. I chose these types of questions in order to attempt to not limit the interviews
to a political bias on my own behalf and to allow for the conversation to not be limited to a population, strictly Santiago for example, religion or political issue. The five different types of questions were chosen to function as a base foundation for the conversation in hopes that smaller more pointed issues would arise from various platforms of general questioning. I often expounded on these questions to ask for more details so that these five platforms became foundations and the conversations developed from these vantage points.

I worked closely with one national non-governmental organization whose agenda is to implement a sexual education curriculum in schools with high teenage pregnancy rates. I was able to observe school visits and the difference between publicly funded and privately funded education, with private schools often being funded by the Catholic Church and/or the very conservative associated organization of Opus Dei. In addition to the one-on-one interviews with experts in these areas and the school visits, I also conducted three focus groups, two composed of women and one with young adult men to pose some of the questions regarding sexuality to individuals who do not have professional expertise in these areas. As time was a factor and travel funding to reach different regions of the country was limited, focus groups were a way for me to hear the opinions of citizens regarding the related issues and in a setting where I could collect several varying opinions at one time.

I conducted 10 individual one-on-one interviews, three focus groups with a total of 14 individuals, visited two schools, attended a symposium regarding political and scientific implications of a new type of emergency contraception and collected published data regarding covering the breadth of women’s sexuality, reproductive health and public policy in Chile. I used the snowball method to find contacts with one interview leading into several other potential contacts. Interviews were recorded and entirely conducted in Spanish, with the exception of two interviews with a woman who is an attorney and professor of law at the University of Diego Portales who offered for the interviews to be conducted in English due to the inevitable legal vocabulary that would be included in her interview. All respondents gave consent to be interviewed and recorded and were
given IRB approved consent forms which included warning as to the sensitive nature of the topic. In preparation for my research in Chile and with the help of Luis Martin Cabrera and his Spanish Oral History project, I took careful effort to study interviewing techniques and most importantly to understand my role as an interviewer and how this role can shape an interview and the information given. I intentionally asked broad and open-ended questions. I attempted to refrain from asking politically weighted questions and was aware of questions and wordings that could potentially slant an answer from a respondent. It was an intentional method to be mindful of my own role as both active and passive in the interview, to investigate in an observant manner and to be present to the testimony and responses of the respondents, often times resulting in uncomfortable or sensitive information regarding their own experiences with sexuality and reproductive issues. While I recognize that no researcher is ever completely objective, I attempted to maintain an objective role as listener, investigator and interviewer while bearing in mind my own role and influence in being present in these conversations and situations.

Most importantly in honoring the content of the oral report was my ability to take note of the conditions occurring outside of what was being recorded by the tape. Being that I did not have access to video recording, body movements, silences, gestures, facial expressions, had to be communicated in as much as they could be seen as objective on my part of interpreting them. In an effort to maintain the integrity of the oral account, I attempted to maintain a high level of objective (although practically impossible) observation and interpretation. Recognizing that interpretation of non-verbal communication is never fully objective; I took vigorous notes on what I observed both during and after each interview in order to attempt to interpret that which is not heard. I attempted to find contrasts and conflicts in interviews that weren’t necessarily being spoken, especially in the three focus groups. It was my goal to be both active and passive as necessary in the interview process.

Using the snowball mechanism to conduct interviews and not having access to a video recorder presented some limitation in methodology. Of the interview respondents, there were more civil society representatives, who tended to be left-leaning ideologi-
cally, than conservative Catholic respondents. Access to conservative Catholic groups proved more difficult than access to civil society members and representatives from non-governmental organizations. While I have attempted in this project to incorporate sources from official Church documents, there is a limitation in terms of respondents in this study who are representing the Church’s positions. Further study should examine the opinions and positions of more right-leaning Catholic respondents.

In one of the final interviews I conducted, I found myself being more active in the conversation than in previous interviews. My active role in this particular interview led me to the exact paradox I had been searching for during my time in Chile. I was interviewing a Catholic priest who is the head of the Committee on Bioethics at the Catholic University in Chile. I asked him why the Catholic Church in Chile seemingly has more authority both in national politics and in influence on the population than other Catholic Churches in other Latin American countries. He responded, “We have always been with the poor. The Church has always been with the poor in Chile.” I was particularly asking about the position of the Church in regards to public policy on reproductive health and sexuality. His response to my question was particularly interesting; after stating the relationship of the Church aiding the poor, he then said that the Church has no interest in power and does not seek to hold or maintain any power in Chile. I then mentioned to him, in a much more active tone and taking on more of a reporting role, that from another vantage point, the church seems very interested in power; the Church controls means of education (the Catholic University and many private K-12 schools funded with Church funds), means of communication (including a national television channel) and a political involvement in public policy, specifically including his personal contribution in articles and public debates in the debate about the morning after pill. He responded by confirming that though the Church is involved in these ways, their authority to do so is widely recognized and accepted.

His response was inconclusive; he justified the Church’s authority by pointing to their work with the poor and claims that this work is not related to any interest in power while he at the same time validated the power the Church does have by saying that this
work is authorized by the recognition of their work with the poor. It is a chicken or the egg argument, does the Church have such authority in Chile because of their work with the poor or because they control incredibly powerful facets of communication, education and politics? In addition, which came first - the influence gained by the supporting the poor or the influence gained by owning such powerful cultural institutions? The priest’s response to my question is also interesting in that I didn’t ask him about the poor, I asked him about the Church’s authority in Chile, he mentioned the poor as a justification. The priest’s response to my questions, and the conclusions I have drawn from them, pointed to a thread that I had been looking for during the entire time I was researching in Chile - the thread connecting the Church’s past political involvement with their current and longstanding control over sexual authority.

The priest’s assertion that the Church has consistently supported the poor in Chile is certainly supported by historical record. The Catholic Church in Chile has a history of weighing in and involving itself in many social and political reforms that, over time, have given the poor in Chile better living conditions, better education, and more access to political participation. In order to understand how the Church participates in the politics of sexuality and reproductive health in the modern period, it is necessary to understand how the Church has historically advocated in politics and political life. Some of the most prominent reforms that the Church has been particularly involved with are land reforms, labor reforms and union reforms and women’s suffrage.

**Land, Labor and Union Reform and the Catholic Church**

Land reform in Chile dates as far back as the 1870s when party politics and access to land for some of Chile’s poorest populations became a party strategy to gain political influence. The Catholic Church, in its efforts to advocate for the poor by influencing policy about land reform, aligned itself with the Conservative party. “The government systematically and deliberately had excluded Chile’s wage-labor class from property ownership in the frontier” (Solburg 2). The Church, recognizing that land policies in Chile during this time were excluding native populations and the wage-labor class, aligned itself with the powerful Conservative Party, who joined the Democratic
Party, a small group founded in 1887, in support of national colonization. “Although Conservative intellectuals had emphasized as early as 1886 the need for land distribution in order to quell social discontent, the party’s leaders probably were more concerned with charity for the poor than with social justice” (Pike 147). The Catholic involvement in the Conservative party at this time influenced the party’s concern for charity for the poor and encouraged what became a historical trajectory of Catholic involvement in progressive social reform.

The land reform policies of the late 1880s combined with the Catholic Church’s involvement began a coupling relationship between the Church and the State. The Church, following its theology, was looking to advocate for the inclusion of native populations and the working class and their access to resources. Political parties, in need to gain popularity among the population and quell social discontent, could work with the Church and its agendas to popularize their party positions. The political strategy to form partnerships with the Church’s and the resulting involvement in State affairs, not solely limited to Chile, can be seen in the theology published from Rome as well. During this time of democratic development, Rome was tackling this issue on a larger scale, speaking openly about capitalism and socialism and how they inform the Christian faith. These ideas laid the foundation for the Chilean involvement in land reform, and in other social reforms later on. The papal encyclicals, Rerum Novarum, (1891) and Quadragesimo Anno (1931), both declared excessive capitalist greed and international socialism Christianity’s greatest threats. The doctrine inspired waves of reformist efforts by progressive clergy and devote laity (Tinsman 86). In Rerum Novarum, the article by Pope Leo XIII titled “On Land and Labor,” Pope Leo calls upon the State to provide for the working class as equally as it would for other classes and even employs the idea of distributive justice.

As regards the State, the interests of all, whether high or low, are equal. The members of the working classes are citizens by nature and by the same right as the rich; they are real parts, living the life which makes up, through the family, the body of the commonwealth; and it need hardly be said that they are in every city very largely in the majority. It would
be irrational to neglect one portion of the citizens and favor another, and therefore the public administration must duly and solicitously provide for the welfare and the comfort of the working classes; otherwise, that law of justice will be violated which ordains that each man shall have his due. To cite the wise words of St. Thomas Aquinas: “As the part and the whole are in a certain sense identical, so that which belongs to the whole in a sense belongs to the part.” Among the many and grave duties of rulers who would do their best for the people, the first and chief is to act with strict justice – with that justice which is called distributive – toward each and every class alike.

The article continues to devote considerable content to the threat of socialism, the divine right to own private property and the State’s responsibility in making this right a privilege that can be shared by all citizens in all social classes. Pope Leo XIII spends considerable time and detail laying out the argument that God gives man the right to own property, it is a divine right and the State has the responsibility to administer this right to its peoples and equally to all peoples. The strength of this argument and its connection to Catholic theology mobilized rural and urban clergy alike to advocate for land reform in Chile. The early involvement in land reform based on this type of doctrine inspired the Catholic Church in Chile to organize citizens around other issues including labor policies, union reform, youth programs and schools as early as the 1910s.

The Church’s early organization efforts in regards to land reform continued throughout the early twentieth century and had particularly strong influence among rural Chilean populations. The Church’s advocacy in favor of land reform laid the foundation for labor policies in the early and mid twentieth century. The government viewed the popularizing of communist and socialist thought as a threat and aimed to limit the power of social organizing. In 1947 it passed Law 8.881 limiting the power of unions and organizing “by requiring half of all union membership, and all of its elected leadership, to be literate. It offered no protections for organizers or redress for workers fired for suspected union activity. Labor petitions could be presented only once a year and never during harvest or planting season. It essentially eliminated the right to strike. The 1947 labor law had dramatic consequences: between 1947 and 1964, Chile had only fourteen
legal rural labor unions nationwide, with a paltry total membership of 1,647 workers.” (Tinsman 50).

The consequences of Law 8.881 were widespread, complaints were regularly disqualified, inspectors and government representatives often sympathized with landowners and organizers often faced harassment. The effectiveness of labor unions was greatly compromised and Law 8.881 made conditions worse. Labor organizing and education did not stop however, and the Catholic Church became involved in the organizing efforts. “Throughout the 1940s and 1950s, progressive Catholic clergy and laity also reached out to rural workers. They were inspired by Catholic social reform doctrine, which urged an easing of extreme poverty and the harmonizing of class relations throughout the twentieth century. Catholics were also eager to make organizing in-roads against the Left in its hour of persecution. In 1947, the year that the draconian law 8.881 went into effect, the activist priests Father Alberto Hurtado and Bishop Manuel Larrain founded the educational organization Chilean Union Action (ASICH) to inform campesinos about their remaining labor right and the strategize about union organizing” (Tinsman 50).

The Catholic lobby in land and labor reform from the 1870s through the 1940s functioned to educate and empower marginalized populations in accordance with a prescribed Catholic theology. In these instances, most of the advocacy on the Church’s behalf was focused towards the rights and privileges of men. However the Church’s influence in social reform was not limited solely to men. The Church was also involved in women’s suffrage movements.

**The Church and Women’s Suffrage**

The first attempt to give women the vote in Chile came in 1875 when the widow of a provincial governor registered to vote, arguing that she met the requirements of an election reform law passed the previous year, which stated that all literate Chileans with sufficient income were allowed to vote. She cited that she qualified under this law and the electoral board voted to allow her to vote. Her case became controversial and in the next round of electoral reform laws, held every ten years, in 1884 Congress voted to deny women’s right to vote. “Nonetheless, male legislators did not uniformly op-
pose women’s suffrage. The pro-Catholic Conservative party supported giving women the right to vote, while the anticlerical Liberal and Radical parties vehemently opposed it. The Conservative Party represented the views of the Catholic Church and the latifundistas, the powerful landowners of Chile’s central valley region. Conservatives and clergy encouraged the participation of women in public life and supported equal political rights for women, and beginning in the 1850s, Catholic women fought actively against anticlerical reforms” (Baldež 23). In 1931 a law was passed allowing property owning women to vote and later the property owning clause was removed. In 1934 a law passed allowing women to vote in only in local elections.

The Catholic Church was also interested in women’s right to vote as a way to encourage women to vote in favor of the Conservative Party and against liberal reform efforts. Feminists in Chile, including the prominent Chilean feminist Amanda Labarca, cited fear that a sudden change in women’s rights to vote would result in conservative women voting in favor of the initiatives of the Catholic Church. “Many of the feminist middle-class and professional women held reformist and liberal convictions and feared that unprepared women voters would simply follow the dictates of the Catholic Church. Writing to Uruguayan feminist Paulina Luisi, Labarca expressed her doubts regarding “the big question”: “Would the vote of women in Chile favor the liberal evolution of the country or would it delay it by increasing the numbers and the power of the clerical-conservative party? This is the question, I much fear so” (Pernet 664).

**The Church as a Civic Actor**

Through these social reforms, land reform, labor and union reform and women’s suffrage, the Church built a relationship between marginalized populations and its ability to influence public policy on the State level. As seen in the example of women’s suffrage, the reciprocal relationship between the populous, in the case of women, and the Church not only functioned to advocate for the people but also advocated for the validity of the institution as a political force in both popular and political life.

In this position, the Church had significant influence over the flow of information to rural Chileans and in some cases functioned as their primary educators. It can
be argued that the Church’s involvement in land and labor reform is a following and dedication to the theology that teaches access and equality to all classes. Regardless of motivation, the involvement of the Church in social and political affairs, especially when this involvement affects State issued policy, positions the Church as a dominant actor in civil society and allows the Church to maintain a position where it is seen as the intermediary between the State and the private citizens. In her article Democratizing Civil Society in Latin America; Alison Brysk professor of political science, explores the power of these civic actors and how they contribute to the democratic process.

Civic actors build “social capital,” serve as intermediaries between the state and private citizens, and sometimes exercise delegated authority in specific issue areas (such as education, development, and resource management). In Latin America, for example, the Catholic Church plays a wide range of social roles, from conflict mediation to education to human rights monitoring to lobbying for its own institutional or theological interests.

Civil-society actors are nonprofit and nongovernmental. Their civic impact depends on the extent of their autonomy from state and market, as measured by resource flows, decision-making structures, and organizational goals. Chilean and Peruvian shantytowns, for example, have been heavily populated by food co-ops and soup kitchens sponsored by the Catholic Church and various political parties that foster opposition to the state and play a more important role in civil society than they do in the market (153).

In her assessment of civil-society actors, Brysk points to the social capital and ability to influence based on their autonomy from the state and the market. The relationship between the Catholic Church in Chile and the State is and has been certainly present and relatively transparent, but as Brysk points out, the view of private citizens and how this relationship is seen is what determines civic impact. In fact, State opposition, as she mentions in reference to food co-ops and soup kitchens, can be seen as well in the aforementioned land, labor and suffrage reform efforts as the Catholic influence aimed to encourage citizens to take action against existing State policy.

The positioning of the Church as a strong civil-society actor allows it to influence and shape the public agenda and further develops identities and citizenship.
Brysk explains: “Within these bounds, civil society is often analyzed by its sociological form (for example, union, NGO, or sect) rather than its political function: mobilization, contention, or institutionalization. These functions, in turn, play different roles in democratization: developing citizenship, shaping the public agenda, or changing institutions through collective action. In general, traditional social sectors such as tribes and churches shape and represent identities developing citizenship and sometimes shaping the public agenda” (154).

This “shaping of the public agenda” shows how the relationship between the Church, the people and the State creates a triangular model in which the Church can simultaneously form the identity of the citizen and continue to lobby its interests on the State level. As a traditional civil-society actor, especially in Latin America and even more so in Chile, the Church holds a popular and political power position that it maintains through the influence of popular reforms. According to the respondents in this study, one of the most notable ways that the Church has maintained its cultural, historical and popular influence in Chile was its position as a human rights defender during the Pinochet dictatorship.

**Pinochet and the Catholic Church**

The revolutionary movements inspired after the Cuban Revolution popularized communist and socialist rhetoric throughout Latin America. The Church was openly opposed to a Marxist government and when a Marxist president emerged as a real possibility, the bishops in the Church began employing various means to promote the Christian Democratic Party (PDC) as an alternative to socialism. “In September 1962, their Episcopal conference proposed the backing of the PDC candidate Eduardo Frei throughout church organizations, as well as generating grass-roots support through community development projects. The bishops published a pastoral letter, in which they stated that communism was diametrically opposed to Christianity. This letter was reprinted and widely circulated during the 1964 presidential campaign, thus likely contributing to the victory of Frei over [Salvador] Allende” (Adriance S54).

The popularity of liberation theology during this time created a cleavage in the
Church as bishops found themselves stuck between the emerging theology coming out of Vatican II which emphasized base ecclesial communities as a vehicle for social action and the need to continue to articulate the Church’s opposition to a Marxist government. In addition, the promised reforms of Frei’s government had failed and several bishops were beginning to see the error of openly supporting a party and the need to affirm a non-partisan position.

After the election of Salvador Allende in 1971, the Church faced yet another problem with the emerging Christians for Socialism movement. While the Church had been open about its opposition to a Marxist government, Allende had been democratically elected and several bishops supported his election. While the Church was preparing a statement prohibiting priests and other clergy from directly participating in the growing movement of Christians for Socialism, the coup of September 11, 1973 took place Allende’s government was overthrown, and the military dictatorship of Augusto Pinochet took control of Chile. “Within the episcopate the reaction was mixed. Some bishops thanked the military for saving the country from Marxism. However the Chilean Episcopal Conference decried the bloodshed that accompanied the coup and urged the military government to respect the gains that had been made by the poor” (Adriance S58).

The timing of the coup as it relates to the mixed reaction of the Bishops in Chile is significant. The Church’s urging to respect the gains that had been made by the poor, referring to Allende’s democratic election and promises of initiating social programs for the poor and plans to nationalize several industries, point to the presence of post-Vatican II thought and its prevalence in Chile at the time. The coup happened eight years after Vatican II and five years after the Conference of Latin American Bishops in Medellín, with both events supporting alleviating and advocating for more equitable class relations and gains for the poor. The presence of these theologies, having had enough time to penetrate and institutionalize in Chile, positioned the Church as one of the primary human rights defenders against the torturous reign of Pinochet’s military government.
The first three years of Pinochet’s regime faced mild criticism from the Church. Thereafter, a clear separation between the over century old Church-State relationship began to diverge. Several bishops and priests were attacked, arrested, tortured and charged with subversion. In 1976, “the police allowed demonstrators to hurl stones at three bishops who were returning from a pastoral meeting in Ecuador which had been shut down by the military government there under charges of subversion” (Adriance S59). Voices from the Chilean episcopate in opposition to the Pinochet regime became stronger and the government attacked bishops in the mass media.

According to the respondents in this study, the Catholic Church also played an important role for the Chilean people during the dictatorship. The Church’s opposition to the regime was known and widely understood. In a book examining the Pinochet dictatorship and its human rights violations, author Mark Ensalaco states “The (Pinochet) regime was confronted with a serious challenge in the human rights movement, especially insofar as the Movement enjoyed the protection of the Catholic Church” (66). In agreement with this view was the collective memory of many of the respondents in this study, who stated cited that one of the reasons that the Church is currently so powerful in Chile is because they were the only ones that defended human rights during this time. The social movements of the 1960s combined with the revolutionary spirit and Salvador Allende’s election exposed many leftist Chileans to potentially dangerous torture methods, kidnapping and death by the military government the Church was a known shelter were members of leftist social movements could turn to for shelter after the coup. The Church’s position during this time gave it enormous political and social power moving forward.

**Conclusion**

Combining land reform, labor and union reform, women’s suffrage and the Church’s position during the Pinochet dictatorship shows a trajectory of the Church acting as a center-left political and civic actor. These reforms certainly aren’t the only social and political reforms that the Church has advocated, but they are greatly important issues where the Church was able to align itself with marginalized populations and
earn popular support. In land and labor reform, the Church aligned itself with the poor and, at the time, those afforded less right and privilege. The Church’s efforts to allow women the right to vote spoke to the support of women who had fought against anticlerical forces and helped to garnish Church support from women and also functioned to attempt to quell or lessen feminist voices during the social movements of the 60s. The Church’s opposition to Pinochet’s reign of terror and military government combined leftist organizers, social movements and those fleeing from military prosecution. The culmination of these positions and the populations they attracted over time positioned the Church to hold and maintain an authority and influence in the Chilean populous that would carry on long after the transition to democracy. It is particularly this position from which I wish to examine the Church’s position on sexuality and reproductive health.

The current debates, which this study examines more closely, are the debates on sexual education, the debates regarding contraceptives and particularly the morning after pill. After centuries of lobbying for the poor in Chile, for women and for those in danger of death and serious human rights violations, the Church is now taking on the role of advocating for “the family.” However this advocacy for the family is not nearly as innocuous as the former reforms focusing on land, labor or suffrage. In the modern debates and the conflicts over the construction of the family in Church, the Church has positioned itself quite differently than a positive center-left political actor. Instead, it is alienating a huge population in Chile, mandating an authority it hasn’t necessarily been given and creating harsh circumstances for some of Chile’s most marginalized citizens.
Chapter 2

The Church in the Modern Democratic State and the Pro Family Campaign

Introduction

The modern democratic state in Chile is understood as beginning during the transition to democracy in 1990 when Pinochet stepped down from power as President but remained in power as Commander in Chief of the military until 1998. Some sources argue that a true transition to democracy did not begin until after Pinochet’s exit from government affairs. Combining these two interpretations, the transition to democracy entails the majority if not all of the decade of the 1990s and perhaps carries through the turn of the century. As previously mentioned, the Church’s reputation as a human rights defender during the dictatorship is crucial in understanding the political influence and power of the Catholic Church in Chile today.

In order to understand the power afforded to the Church during the transition to democracy and in the modern period, it is necessary to understand how the Church was viewed popularly during the dictatorship. As a human rights defender under Pinochet, the Church took open and public actions against the human rights violations sponsored by the military government. Most notable about these actions is both the Church’s historical position as a defender of marginalized populations and the public exposure
that it gave to the Church during this time. The United States Library of Congress states that:

church leaders, notably Cardinal Silva, shocked by widespread human rights violations and disturbed by the growing rift between the men in uniform and the church’s Christian Democratic allies, soon distanced themselves from the military authorities. The church, and particularly the archdiocese of Santiago, responded by gradually assuming a critical role as a defender of human rights and providing an “umbrella” of physical and moral shelter to intellectuals and party and union leaders. Antagonizing the regime and its many supporters in upper- and middle-class sectors, the Vicariate of Solidarity (Vicaría de la Solidaridad) helped provide for the legal defense and support of victims of the dictatorship. Silva’s successor, though more conservative, supported the church’s work in the human rights field and, in 1985, sought to broker the National Accord for Transition to Full Democracy. As the plebiscite approached, the Episcopal Conference made clear that it did not consider the junta’s plan to be democratic and urged Pinochet to step down, further aggravating the relationship between the authorities and the church (Hudson).

The Vicaría de la Solidaridad was known and understood as a human rights organization, the place to turn when loved ones disappeared. After centuries of being intimately embedded in populist political reform, the Church was also inextricably attached to the political memory of protection from harm, the defender of life and the ultimate moral authority. The combination of these associations afforded the Church a political and social power in Chile that has not been as influential in other Latin American countries.

The Church’s protection of social movements included the presence of the women’s movement, which saw increased participation under Pinochet. After decades of suffrage movements, women under Pinochet organized out of massive poverty and exclusion from the labor market. Women’s movements concerned with human rights began to emerge in 1976 and in 1979; the Chilean Human Rights Commission was formed and focused on solidarity work, popular education and consciousness-raising around women’s rights issues. Fueling the creation of this commission was the 1978 First National Women’s conference, which attempted to organize demonstrations protesting the
government, lack of workplace protection; sexual harassment and equal pay for equal work (Chuchryk 152). Through these channels, feminism in Chile emerged out of a collective voice functioning in opposition to the dictatorship where women found themselves fighting not only the opposition itself but also as an equal partner in this effort, a fight that transcended just the military rule. In their opposition, the Church was an ally and protectorate.

The memory of the Church as the defender of human rights and its current place in social and political life today is still very recent. The Church’s work during the dictatorship directly influences its reputation in modern politics in Chile. Respondents in this study also and often referenced that even individuals traditionally rejected by the Church, such as homosexuals, understood the Church to be their refuge during the dictatorship.

In an interview with a professor of Sociology from the Universidad de Chile, she explained that the junta destroyed all of the social organizations that were popular in the 60s and early 70s. Since the Church was the place where these organizations had to turn for safety, the Church was able to increase its influence. With social organizations dismembered and the Church functioning as their protector and their refuge, the Church stepped into the political process during the transition to democracy with a renewed purpose and influence. This gave the collective political right in Chile a concentrated power that they didn’t enjoy before Pinochet. After the transition to democracy and over 20 years of Pinochet’s influence, Parliament was so accustomed to having to bend to the desires of the right in order to get even the smallest reform effort passed, that the legal system had grown accustomed to functioning closed off to reform efforts.

The concentration of this political power and social clout is also seen in the massive ownership of the Church in Chile. The Church owns a major television channel and six universities, including the well-known Pontificia Universidad de Chile, Santiago. The Church owns and runs many private K-12 institutions, many of which offer an alternative to underfunded public schools in poor sectors of Santiago. All of this stands in addition to the numerous non-profit agencies operated by the Church that offer relief
aid and assistance to poor. Another respondent in this study, an executive director of an influential non-profit organization that advocates for children and education, when asked about the cultural influence of the Church, responded that the Church’s influence is not only cultural and religious but economic as well and is specifically maintained through the Church’s massive ownership of businesses and commercial holdings.\(^1\) It is exactly this massive ownership that the Church maintains, as well as its collective political and social reputation after the Pinochet dictatorship uniquely positioned the Church in the modern democratic State to enjoy special privileges and powers.

**The Church in the Modern Democratic State**

The historical involvement of the Church and its modern day assets in the economic development of Chile contribute to the Church’s effectiveness within the Chilean population. In an article detailing the historical trends between the Catholic Church and its relationship to the development or rejection of democratic rule, professor of political science at Notre Dame Daniel Philpott speaks about how a Church is effective in a liberal democratic state.

In a democracy, church and state are differentiated. Churches eschew constitutional privileges, their clerics forgo temporal powers, and state officials in turn refrain from trying to govern the Church. Differentiation of Church and other social spheres was an important concept among sociologists of religion in the 1950s and 1960s, who considered it a sign of religious decline that accompanied enlightenment, reason, and scientific progress. What has become apparent over the decades since, though, is that differentiation may well foster the health of religion, giving it the very autonomy by which it flourishes. This is what the French Catholic intellectual Alexis de Tocqueville observed in America in the 1830s and what Murray and Maritain observed a century later religion thriving in a liberal-democratic state. Not only might a differentiated Church flourish, but its very distance from the state might allow it to influence politics more powerfully and democratically, through persuasion, protest, and appeals to legitimacy. Even in the modern world, the church can remain robustly public, as sociologist Jos Casanova has argued (11).

In Chile’s case, the potential to influence politics more powerfully in a liberal

\(^1\)Interview collected August 3, 2009, Santiago, Chile
democratic state has proven to be effective. The Church’s lobby within the State is powerful and has indeed remained robustly public. As Chile moved from military dictatorship towards a democratic State, the Church was strengthened in its political influence by the power sharing of Church and State. Philpott continues:

“Within democracy, as outside of it, the Church is advantaged by differentiation. Lacking temporal powers, it need not amend its message or activities in order to safeguard them. The state reciprocally grants the Church freedom to govern itself. From this healthy distance, the Church may then promote human flourishing through characteristic democratic activities such as persuading, lobbying, preaching, and advising voters. The dilemma of democracy for the Church is that in comparison with the pre-Vatican II ideal state, it enjoys far less certainty that its teachings will be promoted actively in the political order; electoral politics, in fact, may well yield antithetical policies. The Church then faces a choice. It can accept temporary defeat and continue to play the democratic game; it can withdraw from the game; or it can challenge the very terms of the democratic association, risking a loss of support among those who perceive it as overstepping its bounds” (14).

The tension between the lack of certainty in the political lobby of the Church’s agenda and the “promotion of human flourishing,” as Philpott mentions, may yield to antithetical policies. In Chile, this tension can be seen in how the Church involves itself in public policy with specific attention on sexuality and reproductive health. After the return to democratic rule in 1990 and with the final departure of Pinochet as head of the military in 1998, the Church’s modern day campaign turned to focus on the protection of the nuclear family structure. The Church’s position in protecting the nuclear family affects many aspects of public policy. The Church’s ability to influence public policy affects issues of reproductive health, the cultural construction of gender and sexuality, economic disparity based on access to health care and the advancement of women.

**The Nuclear Family and the Legal Tri-fecta**

The construction of what is considered the normative family structure is present in every culture. In Chile, a combination of the Civil Code, the Penal Code and the Constitution that was adopted in 1980 form the normative construction of marriage,
family and some traditional aspects of gender. The nuclear family is born out of this combination of historical documents and is protected by these documents as well.

The Civil Code, submitted to Congress in 1855 and implemented in 1857, adopted Canonical Law provisions in regards to marriage following the gendered norms present in the Catholic Church. In an article examining the century anniversary of the Civil Code in 1957, the author states that the code is “conservative in respect to the status of married women,” and then goes on to point out some of the shortcomings of the code. “The provisions on the family are outdated, especially the discrimination against illegitimate children... The suppression of adoption, the prohibition on investigation of paternity, and the adoption of the economic philosophy of free trade translated into terms of freedom for owners and creditors prejudicial to non-owners and debtors, are likewise anachronistic” (Matus Valencia 5).

The Code has been modified in some respects, primarily in order to eliminate the discrimination against illegitimate children, but not necessarily the gendered implications built into the institution of marriage and family that the code still includes. The most notable reform was the Law of Domestic Relations, which was passed in 1952, thereby “improving the legal situation of illegitimate children, protecting the wife’s community interest from abuses of administration on the part of the husband, and giving a larger share of the inheritance to the surviving spouse” (Matus Valencia 10). In this respect, the elimination of discrimination, in the eyes of the law, towards illegitimate children stems from a long held understanding that family is the base structure of society and familial behaviors and activities outside of this structure threaten the basic core of the societal element. While illegitimate children are now protected by the revisions in the Civil Code, women’s roles in being the bearers of children, legitimate or not, have not been as highly modified in the Civil Code, and evidence of this point is found in the Constitution and the Penal Code.

As reforms in the Civil Code protected against discrimination of illegitimate children, the Constitution protects the rights of “those about to be born,” no timing of when life begins, whether it begins at conception or later during pregnancy is mentioned
in the Constitution. In Article 1 of the Constitution, family is established as the basic core of society. It is in Article 19 of the Constitution that states “the right to life and to the physical and psychological integrity of the individual” is protected and further expounded by the protection of the life of those about to be born. In positioning family as the basic core of society and protecting the life of the “about to be born,” the constitution then both depends on women for the furthering and literal reproduction of the basic core of society and limits their autonomy in doing so by protecting the “about to be born” over the life of those already living, namely the bearers of children themselves. As previously stated, therapeutic abortion was permitted in Chile from 1931-1989, when Pinochet changed the therapeutic abortion provision making abortion in all situations and for all reasons illegal. The Penal code is evidence of this point, which heavily and seriously punishes any attempt to abort a child.

The title in the Penal Code, which details the sentences and punishments for any parties involved in causing an abortion or the abandonment of a child, reads Crímenes y delitos contra el orden de las familias, contra la moralidad pública y contra la integridad sexual - “Crimes and Offenses against the Order of Families, against public morality and against sexual integrity.” The titling provides a lens to further examine the concerns vaguely detailed in the Civil Code and more definitively in the Constitution; the structure of family, the protection of morality and the normative model of sexuality is regimented by these authorities and any deviation outside of these models is heavily punishable under the law. The combination of family, morality and sexual integrity as it relates to reproduction therefore defines the ability to reproduce as both the familial responsibility and the maintenance of sexual “integrity” and places morality on the choice to bear and care for children. Further, implying integrity infers maintenance of the sanctity of the family unit, protecting it against degradation.

The first article under this title in the Penal Code details the consequences and punishments the abandonment of a child and for abortion. There are provisions detailing any possible involvement in the procedure of an abortion, with or without the consent or request of the mother. Any involved parties, including the mother are heavily punished
under the code and face harsh minimum sentences.

The Penal Code then goes on to detail sentences for child abandonment, kidnapping, rape, sexual deviancy (especially in relation to minors and relations with minors of the same sex), the production and distribution of pornography and prostitution, again with special emphasis on youth and forcing youth to engage in prostitution. The detail with which the code explains the punishments for any possible situation of any of the above listed crimes points to a history of strict crime enforcement and also a history of protection of youth.

“Sexual integrity,” it can be assumed, lies outside of any of these listed offenses, creating the normative model through which society can punish the deviancy it has defined in the penal code. For many of these offenses, most modern societies would argue that indeed punishment is necessary for sexually deviant crimes such as child prostitution, rape, incest etc. However, the provisions punishing abortion, consensual sex between members of the same sex and some of the provisions punishing abandonment point to more structural gender discrimination built into the very foundation of the legal system. The combination of these three documents, the Civil Code, the Penal Code and the Constitution function together to define and protect the basic family unit, the reproduction of this unit and a woman’s autonomy, choice and role in the process of reproduction. The Penal Code then adds to the power of the definition and protection of these norms by penalizing any deviation from this model.

The combination of the legal framework made by the Civil Code, the Penal Code and the Constitution make reform efforts, especially in regards to reproductive rights, seemingly impossible in Chile. When these three documents, considered fundamental to the fabric of the Chilean democracy are faced with proposed changes, the process to address these changes are long and laborious and face heated debates from government officials. Amending a constitution in nearly any situation is difficult, but three foundational documents whose holdings all affect each other is an even greater feat. In addition, and perhaps the most difficult obstacle of them all is a mentality in Chile that is incredibly resistant to reform.
In an interview I conducted with a sociologist from the Latin American Faculty of Social Sciences\(^2\) (FLACSO), the respondent explained the resistance to change and legal reform in Chile by citing militaristic structure present throughout the history of the country. She pointed out that cities in Chile are organized around the Plaza de Armas, the Arms Plaza where the military has its headquarters. The city then expands in ripples around this center. She stated that the State operates on a military mentality in all of its functions and this mentality dictates the way in which change and reform may or may not occur. In this structure, the Law sits above and overarches the norms, regulations and expectations of the society. In this structure, the norms, regulations and expectations form the totality of the normative model and if they are to be changed, they must be changed first by a change in the Law, the higher and definitive authority over the making of the normative structure. The importance on the maintenance of the Law and the resistance to any proposed changes in the Law come from the way in which it is perceived to influence the normative structure. Even if the regular daily practice of the populous reflects a differing or even opposing normative structure, there is a hypertension against legal reforms, as it would be perceived as accepting a change in the normative structure. ***

Taken together, these definitions, protections and punishments drastically impact women more so than men and effectively force the reproductive responsibility into a reproductive obligation mandated by the State and protected by the legal framework found in these three documents. This powerful combination is discriminatory; the normative structure that is in the Civil Code, the Penal Code and the Constitution forces a number of legal and societal obligations on women’s reproductive roles and not on those of men. The obligations forced upon women disproportionately that do not affect men in any way are point and case of the legal discrimination framework that is present in Chile. “Discrimination against women is seldom more evident than in the sphere of human reproduction” (See THE CENTER FOR REPRODUCTIVE LAW AND POLICY,

\(^2\)Interview collected August 24, 2009, Facultad Latino Americano de Ciencias Sociales, Santiago, Chile
WOMEN BEHIND BARS: CHILE’S ABORTION LAWS). A woman’s reproductive decisions are often hindered by laws protecting a range of interests, from the rights of the fetus to the nebulous obligations arising from marriage and family life.” By creating, continuing and enforcing this norm, in women, in families and in criminal law, gender discrimination is normalized, accepted and held as the legal and societal standard.

The Catholic Church’s Pro Family Campaign

The legal framework that combines the civil code, the penal code and the Constitution give the Catholic Church further political power to implement its theological convictions into anti-reform efforts. These three documents create a powerful web through which the Church can litigate reform as not only morally corrupt, but furthermore as unconstitutional. Indeed, the power of the Church in the democratic state is seen in the ability of the Church to use liberal democratic foundations in order to distance itself from the State, while at the same time protect the very fabric of its creation. The Catholic Church in Chile has exerted this power through an extensive pro family campaign.

After the necessary attention on human rights violations during the dictatorship, the Church’s agenda in the modern period has shifted to show a strong pro family political and theological agenda. The pro family campaign focuses its attention in many different areas. Official church documents cover issues of abortion, contraceptives, sexual education, feminism, marriage and family life, pornography, AIDS, alcohol and drug use, sterilization, homosexuality, family planning, artificial reproduction, domestic violence and chastity. These issues frame the campaign and the positions that the Church takes on these issues create the platform that the Church uses to lobby in favor of or against reforms as they travel through the legislative process.

In addition to the legislative action taken towards the positions of the pro family campaign, the Church is also on the ground educating children in schools, marketing in the media in favor of its positions in addition to the regular messages being communicated in and around weekly mass. The campaign is networked, it is articulated through many non profit organizations, through schools, priests, church documents, press releases, newspaper articles, classes in the university, courses on bioethics etc.
The Catholic Church in Chile, having the power and access to such powerful means of communication and education, is public and loud about their positions and their staunch protection of the family unit and its root not only in the Christian faith but in the Chilean society as well.

In an official Church document written by Monsignor Alejandro Goic Karmelic of Rancagua, he refers to the family unit as: the fundamental space to permanently recreate the desires of truth, liberty and justice. He then quotes from John Paul II and states that the family “is “the primary place of humanization of the person and of the society and the cradle of the life of love (Juan Pablo II, Ch. F.L. 40).” Karmelic then continues about the need of Chile to protect the institution of the family:

The first and foremost effort of Chile in this time going forward is the strengthening of the family. The family, being the natural community where human socialization is tried and learned, is the sole contributor to the good of society. The family constitutes the fundamental school of liberty, and thus has its origin in the liberty of the man and woman to be committed in a mutual project of love and service.

It is not possible, therefore, to appear indifferent to the tendencies that undermine the fundamentals of family life, especially when they deteriorate the recognition of insoluble marriage as the authentic nucleus of the family we aspire to, such that many families of (Chile) lack dignified housing and sufficient space to develop their life, or when systems and work schedules make it difficult for the meeting of husband and wife and their presence in the education of their children. The progressive decline of the birthrate in this country is worrisome and it is necessary to ask as to the future consequences of this tendency. To raise children into a life that is mature and healthy, into a (life of) liberty with responsibility, is a great urgency of our time. The family is privileged space for this, aided by other societal institutions.

In this document titled “The Christian root of Chile,” Monsignor Karmelic joins the family structure to the Christian heritage of Chile and by connecting the two he argues the need to protect the institution. He points out the Church’s anti divorce position, anti homosexuality position by restricting marriage to that between women and men and he draws considerable attention to the role of parents in educating their children. This is one example of how the Church articulates its positions in regards to matters of family.
In more public example, the Permanent Committee of the Episcopal Conference of Chile wrote a response paper to the publication by the Ministry of titled “National Norms Regarding Fertility Regulation.” The publication of the Normas was a political tactic in an ongoing legal battle in the Chilean Supreme Court in regards to the registry and distribution of the controversial morning after pill, la píldora del día despues or more commonly known as the la píldora. The Ministry of Health was involved in the case, which will be examined more in depth later in this study, and published the document regarding the Normas as a political move to influence the ongoing legal battle. The Church responded by publishing a response paper to the Normas where it calls the politics hedonistic and claims that at its base, the policies are unconstitutional. The Committee writes:

Some of these norms clearly threaten the fundamental social good such as the freedom of parents to educate their children. Omitted (or barely considered) are basic concepts like love, freedom and responsibility (personal and social), family. The “person” ends up being reduced to a hedonistic being, materialist and individualistic.

The policies of the regulation of fertility should balance themselves with policies that give incentives, and that resolve the socioeconomic and educational gaps. In order for these policies to be effective, the education and protection of adolescent development is necessary, fortifying the support of the family and the schools. On the contrary, the Normas favor the privilege to right to intimacy and the exercise of individual autonomy on behalf of adolescents.

Procreation is a human right. The State should respect it, protect it and support it and value it so that it teaches young people to value it too. The State should also guide them and support them to choose responsible father and motherhood. In the opinion of the consulted attorneys, the document is unconstitutional from the beginning, it violates three fundamental guarantees: the right to life, the right to privacy and the right preferred to parents to educate their children.

The Committee’s stance on procreation is particularly interesting in that it openly demands that the State protect and support the decision to reproduce and in doing so it should address the gaps in socioeconomic and educational disparity. In this letter however, the Committee does not propose how the State might address these disparities. In
addition to the political tactic from the Ministry of Health, the Normas aimed to address this very issue, the disparity of teen pregnancy rates as related to socioeconomic status.

In an editorial in response to the publication of the Normas, Adriana Gomez from the Women’s Health Network stated “the access to methods that regulate fertility and the integral information about sexual health and reproduction have to be guaranteed by the State for all of the population without discrimination of age, sex or social condition, and, if necessary, in conditions of confidentiality. Any other outside pressure in the interest and needs of the people should be rejected unequivocally, in that it violates the autonomy, dignity and freedom of the people and creates obstacles for the essential access to health care services” (Gomez 2006).

In addition to appeals from non-governmental organization like the Women’s Health Network, a governmental agency advocating for women functions on the State level. Established after the transition to democracy, the National Women’s Service (El Servicio Nacional de la Mujer or SERNAM,) was formed and stands as one of the most public and outspoken feminist agencies in Chile. Yet the Pro Family campaign has even gone as far as to influence the language in feminist policymaking on the legislative level. Being that the Christian Democratic Party (CDP) includes a strong pro-Catholic lobby, feminist policy makers are aware that the framing of any reform effort must be compromising enough to appease the Catholic lobby in the CDP.

In a political environment where conservative parties maintain a strong electoral presence and the Catholic Church is an influential force in shaping public discourse on controversial social issues, feminist policymakers’ ability to strategically frame policy proposals becomes a critical factor for passage. This has led to one of the most important characteristics of successful congressional legislation on women’s rights: the conscious moderation of a bill’s framing and content to appeal to congressional conservatives. On a wide-ranging number of issues, including domestic violence, day care, maternity, divorce and abortion, feminists attempted to defend their proposals on the basis of what was good for the family as a whole (Haas 14).

As seen from this strategy by feminists in the transition to democracy, the role of family and the importance placed on the maintenance of the family has become funda-
mental in the passage of reform in Chile. In order for reform to be possible, the feminist discourse has to go as far as to appease the agenda of the Church’s political strategy and appear to advocate on behalf of the nuclear family structure.

Indeed, the Church, the State and the feminists are aiming to solve a huge problem that is significantly related to economic disparity. The Church’s role attempts to advocate for the poor, the State is aiming to control population and the feminists are advocating for equal access to health care services. Statistics of teen pregnancy rates in Santiago do show that the lowest frequency of teen pregnancy rates is found in the areas of the city with the highest socioeconomic status and the highest rates of teen pregnancies in the areas with the lowest socioeconomic status. “In La Pintana, a shantytown on the outskirts of Santiago, there were 80.9 teenage births per 1,000 girls aged 15 to 19 in 2006, compared to only 6.8 births in that same age range in the affluent suburb of Vitacura, which doubles La Pintana in the Human Development Index, in terms of income” (Estrada 2009). The graph showing these statistics is shown in Figure 3.1 in Chapter 3 of this study.

The economic disparity present in teen pregnancy rates based on socioeconomic class creates a paradox for the Church. If the Church defends the nuclear family structure in this case, they stand to not be supporting the poor. And if the Church is supporting the poor in this example, namely adolescent mothers in poor areas of Santiago with limited access to health care, they stand to not be defending a nuclear family structure. In this case, the vehement defense of the nuclear family structure goes against advocating for some of the Chile’s poorest citizens. If the Church is defending one position, it is attacking the other. The Church cannot hold both positions as they stand in contrast to one another. In addition, teen pregnancies do not have a high rate of forming into a traditional nuclear family. In short, the Church’s pro-family campaign as it relates to the “regulation of fertility” advocates against the poorest population who is the most affected and it does not support the normative nuclear family structure.

Official Church papers and positions held by powerful bishops in the Church are not the only way that the campaign works within the public agenda. There are several
powerful Catholic organizations comprised of sympathetic citizens that respond to and
lobby public policies according to their own convictions. In an example regarding the
reform efforts of the late 1990s in regards to the procedures for female sterilization, the
most public outcry against the reform efforts came from pro-family groups made up of
primarily of women and mothers.

Historically, the procedures for female sterilization were mandated by government Resolution 003, which “considered a women’s concern or demands irrelevant because it provided for sterilization only when medical conditions justified the procedure. In order to qualify for the sterilization procedure, eligible women had to apply, be over age thirty-two, (at age thirty for certain conditions), and have four living children. In addition, hospitals started illegally requiring signed spousal consent, a practice never challenged in court” (See Matus 1999).

Resolution 003 requiring these aforementioned conditions for sterilization procedures was eventually challenged, but it took years after a reform measure was submitted in 1998 to actually be passed in 2000. The resulting resolution 2326 was passed in December of 2000 and changed the application process, outlawed the spousal consent practices, eliminated the 30-year minimum age requirement and the requirement to have four living children. The new resolution made it legal for a woman or man to choose to sterilize themselves at the age of 18.

In newspaper articles covering the passage of the new procedures, the feminists quoted called the passage of the resolution an advance for Chile, a tremendous necessity, especially in poor sectors, to be able to access sterilization without the obstacles that (women) had in the previous resolution. Feminists hailed the passage as creating equity for women in Chile and even went as far as to say that sexuality and reproductive rights in Chile have modernized and society has to modernize along with these concepts. (Oferta 2001).

On the other side of the argument, “the Independent Democratic Union (IDU), an ultra right-wing party, and the Catholic Church called the regulation “a Malthusian measure” that would undermine family life and harmony (Informe 2004). Pro-life groups
criticized the resolution by analogizing it to debates about divorce and abortion: “This is an aberration, a new effort against life and for a culture of death. For a country where abortion is banned, this is a rapid step towards allowing it” (Oferta 2001).

The response to the passage of Resolution 2326 as it appeared in the media is quite extensive. The articles from journalists quote pro-life women using the “culture of death” language and fearing a change in the anti-abortion law. The articles written by priests develop talking points, much like those used in advocacy lobby training. The priests who wrote about this issue cite an attack on the fabric of Chilean cultural identity, a threat to the nuclear family structure and the danger of placing the culture of individualism over the culture of life, to name a few (Errázuriz 2001). In this example, the pro-life movement is seen outside of official Church documents. In editorials, news articles, NGO documents published on pro-life websites regarding the passage of Resolution 2326 form a collective dialogue where the Church position is articulated outside official Church documents. In this technique, the power of the Church-owned media is particularly important, the ownership of the means of communication give the Church an incredible power to permeate their positions and ideology and still appear as a separate and supportive voice.

Conclusion

The historical trend of the Church’s advocacy for the poor in Chile built a strong reputation for the Church’s involvement in political reform. During the Pinochet dictatorship, the fragmentation of social movements and organizations due to fear and terror tactics from the military government drove these organizations to the Church who was their protector. The Church’s strong reputation as the defender of human rights during the Pinochet dictatorship gave the Church an unprecedented collective power. The transition to democracy afforded both feminists and the Church a more representative place in the modern democratic state. The transition to democracy encouraged the formation of pro-Catholic discourses and pro-feminist discourses and their representing lobbies in legislative interests. In attempts to pass reform, especially reform related to women’s issues however, the feminist political strategy is also aiming to appeal to the pro-family
agenda and its popularity and influence not only in the conservative fractions of Chilean political parties, but in the population as well.

Yet the risk for the Church still remains. The distance in the modern Church-State relationship may indeed allow for the Church to employ stronger and more democratic tactics of political influence, but it also runs the risk of overstepping it bounds, especially in the eyes of its followers. In the examples given, the defense of the nuclear family, the norms of fertility regulation and the sterilization reform, the Church alienated two populations that it historically defended: the poor and women. In the Church’s responses to these reform efforts, whether the responses are public or maintained within the institution, the poor is mentioned in passing as being affected by these policies but no solutions are provided that adequately address the growing economic disparity and women’s role in these matters is not addressed at all. In not addressing the economic disparity that unequal access to health care services perpetrates, the Church fails to support some of the poorest citizens in Chile.

The divergence between a Church that has historically always allied with the poor and a Church that now allies with those who are able to maintain a strong nuclear family structure shows a new Church agenda. It shows a new direction for the Catholic Church in Chile, a direction that has departed from the defense and advocacy for the poor and turned to an advocacy that maintains a regimented structure, the structure of the nuclear family. The question is now what the Chilean population actually believes as representative of their values.
Chapter 3

Gender, Sexuality and Sexual Education in Chile

Introduction

While in Chile, I conducted three focus groups. One group was a small group of four young adult men and myself. I was the only woman present for this conversation. As previously mentioned, I attempted to ask a general question to begin the conversation, a historical question, a theoretical question, a regional question and a political question. In this interview, the theoretical question I posed was for them to describe the ideal Chilean woman. The following is a transcription of their response.

Researcher: “If you had to describe the ideal Chilean woman what would she be like?”

Respondent 1: “Like a famous Chilean?”

Researcher: “No, ideal for you. Ideal according to your opinion of how the culture would define her. Who is the ideal Chilean woman for Chileans, what is she like, how does she behave, what does she do etc.”

Respondent 1: “Ah ok, like the ideal woman according to the Chileans.”

Researcher: “Yes.”

Responder 1: “Well, I think this is something super complicated. I think she would have to be not very experienced in the bedroom, but at the same time she should have experience in the bedroom, she should know how to give pleasure in the bedroom too.”

Responder 2: “I have heard people say well I have had people tell me a friend told me once that his father had explained to him that there are
two or three types of women: one to marry, one to have fun with, one to use. Well maybe just two types, one is a thing, an object to use and the other (type) is to marry. I think finding this balance is absurd. Because I guess its kind of like on one hand she is a virgin and on the other hand she is a whore.”

Responder 1: “I agree, its ridiculous.”

After this conversation ended and the recording stopped, I asked the group what they had responded to this question as I had momentarily left the room and kept the recording going while I stepped away. They told me, in perfect English, that they responded that the ideal Chilean woman is a virgin who is a “rock star” in the bedroom. They all laughed and then agreed that they didn’t agree with this interpretation and found it contradictory and absurd but recognized this as the cultural standard.

Throughout my time in Chile, the images of women that I observed perfectly fit into this contradiction. There are consistent images of motherhood and the nuclear family culture. Grocery stores, busses and the subway all have preferential seating and services for pregnant women. Television advertising is obviously aimed at the housewife who is a mother and who maintains the home. However late night television, in my interpretation, was incredibly pornographic and I was very surprised to witness the programming on public networks that was not censored or advertised as being “adult content.” The imagery of the virgin who is eventually a mother and the whore is present in the media, public advertisement and popular imagery just as the responders mentioned in this focus group.

This imagery leads to questioning as to how this paradox is formed. I have already examined here the historical and cultural importance of the Catholic Church’s role in political and social reforms. In regards to sexuality, this takes form in the pro family campaign. Equally important and influential in the modern democratic state is the role of civil society representatives and their ability to influence reform.

**The Current Debate on Sexuality**

The content of the current debate on sexuality is broad and covers many issues.

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1 Interview collected September 14, 2009, Santiago, Chile.
Chile has a reputation for being one of the most conservative Latin American countries. In an article in *The New York Times* titled “In a Tangle of Young Lips, a Sex Rebellion in Chile,” Alexei Barrionuevo claims “Chile, long considered to have among the most traditional social mores in South America, is crashing headlong into that reputation with its precocious teenagers. Chile’s youths are living in a period of sexual exploration that, academics and government officials say, is like nothing the country has witnessed before.”

The article in *The New York Times* goes on to cite a young teenage girl who claims that they are “not the children of the dictatorship, they are the children of democracy there is much more freedom to explore everything.” Barrionuevo continues, “The parents and grandparents of today’s teenagers fought hard to give them such freedoms and to escape the book-burning times of General Augusto Pinochet’s dictatorship. But in a country that legalized divorce only in 2004 and still has a strict ban on abortion, the feverish sexual exploration of the younger generation is posing new challenges for parents and educators. Sex education in public schools is badly lagging, and the pregnancy rate among girls under 15 has been on the rise, according to the Health Ministry.”

Barrionuevo mentions several important points that form a large part of the current debate on sexuality: abortion, sexual education, and pregnancy rates of teenage girls. Included in the debates on sexual education and pregnancy rates of teenage girls is the debate on reproductive choice and more specifically the morning after pill. The current debate includes all of these arguments and is typically connected back to the culture of the nuclear family in Chile. The debate is not limited to these issues, but this study specifically examines sexual education, reproductive choice and the morning after pill.

**Voices of the Current Debate on Sexuality**

In another interview that I conducted with a director of an NGO that advocates for better sexual education and protection for children, she explained the debate regarding sexuality as a debate that exists on three levels. The first level is the State who is trying to open the debate about sexuality and reproductive choice. The second level is
the Church who is trying to maintain their position as the defender of human rights from
the Pinochet dictatorship and now as the defender of the human rights of unborn chil-
dren. She described the Church as the most reactionary party in the debate. The third
level is the citizen group that is made up of organized women who are trying to defend
their rights or what they understand to be their rights. This third group is made up of two
sub-groups; pro-life groups who typically align with the Catholic Church and the sec-
ond sub-group made up of scientists, politicians, academics, professionals and feminists
who make up the more left leaning arguments.² Published literature covering aspects of
the debate validate her claim; there are publications from the left leaning civil society
sector that deal with human rights, health inequalities and more quantitative analysis
of women’s access to health care and sexual education of teenagers. On the right, the
Church publishes official papers, contributes to editorials, participates in public debates
with representatives from the left and publishes heavily under the auspices of the Com-
mittee on Bioethics at the Catholic University. The sub-sector of the right, pro family
or pro life groups heed to the Church to be the articulating entity in the debate but do
organize women and other interested individuals by organizing events, counter protests
and collecting and archiving necessary documents.

The current debate on sexuality combines the Catholic Church’s pro family cam-
paign, the arguments of civil society and what they refer to as the “double discourse in
Chile;” the “what should be” (referring to the positions of the Catholic Church) and the
“reality” of the situation, as they see it. The debate is not concentrated on one particular
issue, although the morning after pill has been more heavily covered in the press and
debated publicly than any other issue. The debate is ongoing and multifaceted. It covers
many issues related to sexuality and interpretations of gender and especially issues of
reproductive health.

The Catholic Church’s role in this debate takes form in the Pro-family campaign,
as previously examined. The culture of the nuclear family, with the legal framework pro-
vided by the Civil Code, the Penal Code and the Constitution, is one of the core com-

²Interview collected August 3, 2009, Santiago, Chile
ponents of the pro-family campaign. The Church’s advocacy in the modern democratic state focuses on issues that threaten this base nuclear structure. Previous examples of how this campaign is articulated to the public include position papers from priests and Bishops detailing the importance of the nuclear family, editorials in response to government issued Normas of fertility regulation and essays written in response to a change in sterilization procedures.

It is necessary to mention here that the Church’s political position in these three areas is not viewed as unique to the church’s involvement in other social and political reforms. The Church, in one way or another, is actively involved in all issues that affect its followers. The pro family campaign is translated into so many areas of potential political reform that its breadth of issues takes particular effect on issues of women’s health. Being that the normative family structure in Chile is a legally bound and therefore depends on women for its own normative reproduction, female sexuality and reproductive health become a central component in the pro family campaign. For this reason, the campaign is unique to other political and social reforms where the Church is weighing in and supporting their agenda. It is unique because it affects the specific population of women who are already marginalized by the cultural and legal framework that obligates them to reproduce. It is unique because it informs the education, or lack thereof, of future generations and what they understand or don’t about their own reproductive choice and ability.

**Sexual Education in Chile**

“I feel like I’m living in two different countries. Its like you look around and you think to yourself “where am I?” What is my country?” This quote came from an executive director of a non-governmental organization (NGO) in Chile who was describing the drastic difference in statistics based on subdivision of Santiago, or comuna, in terms of teen pregnancy rates. The graph below shows the diagram she was referencing.³

The graph is titled “Proportion of live births from adolescent mothers by co-

Figure 3.1: Proportion of live births from adolescent mothers by *comunas* in the metropolitan region, year 2003

*munas* (subdivisions) in the metropolitan region, year 2003.” The *comunas* are listed from left to right according to wealthiest *comuna*, Vitacura, to the poorest *comuna*, La Pintanta. In Vitacura in 2003 the percentage of live births to adolescent mothers was 1.2 percent and in La Pintana the percentage of live births to adolescent mothers is 21.6 percent.

Two respondents in this study separately mentioned this graph in order to speak about the drastic differences in socioeconomic class and teenage pregnancy rates. The director of the NGO mentioned above expanded on the graph with more recent numbers and said that the current adolescent live birth rate (not percentage) in Vitacura is “2 in 1,000 - very similar to what you would find Switzerland and Sweden and other European countries. In La Pintana the birth rate is 103 in 1,000 very similar to countries in Africa.
and yes, if you look at the average we are in the middle in comparison to other countries but if you look at these numbers by socioeconomic class, there is a huge difference- it shocks you, it feels like you are living in two different countries."\textsuperscript{4}

In another interview with a professor of Sociology in FLACSO, she stated “studies have shown that teenagers are becoming sexually active around the age of 14.” Shethen went on to talk about the governments of the Concertación who have held the presidential office for the past ten years. She stated that the Concertación has been saying they will implement a sexual education curriculum in schools in Chile since 1993 and presently there is still no sexual education in schools. She stated, “it is a violation of human rights that the Chilean government has failed to implement sexual education in schools in Chile the statistical reality of the daily life in Chile in regards to adolescent sexuality has nothing to do with the discourses happening around these themes.”\textsuperscript{5}

Both individuals referenced the above graph to point out the drastic socioeconomic injustice, in their opinion, in regards to teen pregnancy rates but also to show that education to adolescents is absolutely necessary. If teen pregnancy rates were clearly divided by socioeconomic class, then a standardized education would seemingly attempt to balance this stark contrast.

While in Chile, I connected with the NGO that I have previously mentioned whose primary work is to go into schools in poor areas of Santiago that have high teenage pregnancy rates and give presentations on sexuality and reproductive choices. I was able to accompany the representatives from this particular NGO on two separate occasions, one to a secular public school and another time to a private Catholic school funded by Opus Dei.

The first visit was to the secular public school located in La Pintana, the comunas previously mentioned as the poorest comunas in Santiago with the highest teen pregnancy rates.\textsuperscript{6} The two representatives from the NGO told me on our way there that the principal

\textsuperscript{4}Interview collected August 14, 2009, Santiago, Chile
\textsuperscript{5}Interview collected August 24, 2009, Santiago, Chile
\textsuperscript{6}Observation data collected from school visit August 20, 2009, Santiago, Chile
of the school was a woman, which made a huge difference, and she had agreed to let the organization come in and make two one-hour presentations to two seventh grade classes. She had told the representatives from the organization that the administration understood that most of their kids became sexually active around 15 or 16 and that the presentation should assume some previous knowledge of sexuality based on the kids’ experience.

I observed the presentation by the NGO and was barely involved except to take a few pictures for the organization’s records. Being that the NGO was only given an hour, the presentation was geared entirely towards providing information on contraceptives. One representative cleared a small table and spread out every contraceptive mechanism imaginable. Then, in a quick 30-minute presentation she explained how to use each mechanism, how to insert or place each kind, and what the possible side effects might be. She distributed the contraceptives, each enclosed in a clear plastic bag, and then children passed around the contraceptives throughout the classroom and held and observed them.

After her presentation the organization asked for questions. One of the first questions dealt with the morning after pill, very well known in Chile by this time due to the heavy media coverage of the legal battle regarding the registration and distribution of the pill. The representative from the NGO answered that the morning after pill was available to them with a prescription and for a price. They responded to her answer by asking if it was available to them as teenagers specifically and she responded yes.

In this classroom the boys were particularly vocal, with one boy even showing the representative from the NGO that he already had a condom in his pocket that he carried with him every day “just in case.” The girls were shy and reserved, and hardly any of them asked questions. When a few of the girls did ask questions, their questions were in regards to the cost of the different contraceptives and where they are available and unavailable. When the boys asked questions, they focused more on questions of desire, what girls liked and didn’t like and how vaginal contraceptives would affect their own personal desire if the man were able to feel them.

The presentation ended quickly and the group of us from the NGO went rushing
to another classroom to begin the second presentation. We were stopped before we arrived to the second classroom; there had been a water line that broke and the school had to dismiss all of the students for the rest of the day for fear of exposure to contaminated water.

The second school visit was to a Catholic school also located in La Pintana. The principal was also female, but I was told that it had been a struggle to receive her consent to allow the organization into the school for fear of repercussions from Opus Dei, which gave the school a significant portion of their funding. When we arrived at the school I was immediately aware of the difference in the facility in comparison with the first school. The building was much better maintained, the grounds were more secure and closed off from the outer surroundings, the classrooms were larger and had more supplies and the administrative facilities were in much better condition.

The principal of the school and another administrator as well as the classroom teacher observed the presentation, whereas the only observation in the first school was the classroom teacher. In similar form to the first presentation, the representative from the NGO spread out all of the contraceptive mechanisms, excluding the morning after pill, on a table and explained how to use them. The classroom was an 8th grade classroom and had students ranging from age 13-15. The students were all very informed about contraceptives and asked many questions about how to use condoms, how to properly put them on and take them off. I was later informed that the administration of the school had specifically instructed the NGO that they could not speak of or show the morning after pill. One student asked about the morning after pill and the representative from the NGO responded that the morning after pill was only available from a doctor in the case of rape. She quickly moved on after answering the question.

After the presentation ended, the principal of the school invited us to her office to debrief about the conversation. She explained to us that she had always been in favor of the NGO coming into the school to do these presentations but she was worried about the schools funding being at risk. She stated that she decided to give them approval to enter

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7 Observation data collected from school visit August 27, 2009, Santiago, Chile
the school because she knew how important it was; in the previous year’s sophomore class 12 out of 65 girls became pregnant, over 20 percent, nearly the exact percentage shown in the graph at the beginning of this section. The principal spoke of the popularity of “sex-ting,” the practice of sending nude or pornographic photos via text messaging. The principal stated that it was absolutely necessary for the children to have some type of sexual education, even if limited in its scope.

The principal also mentioned that the school had a connection to what she referred to as the “Buena Nati” (Good Nati short for Natalie) scandal. The scandal was a video recorded from a cell phone of a girl performing oral sex on a boy on a park bench in Santiago. The boys capturing the video were in the background saying “Buena Nati, buena Nati” The video was later posted on a Video-hosting web site. The aforementioned article in the New York Times by Barrionuevo mentions the scandal and reported that “The episode became a national scandal, stirring finger-pointing at the girl’s school, at the Internet provider at everyone, it seemed, but the boys who captured the event on a cell phone and distributed the video.” The principal of the school did not say what the exact connection was, but only that some of the students were somehow involved in the scandal. After citing the 12 out of 65 girls in the sophomore class who became pregnant in the previous year, and the connection to the “Buena Nati” scandal, the principal then rhetorically asked us if we understood why she agreed to have the NGO come into the school to do the presentation on contraceptive choice.

In the same New York Times article from September 2008, Alexei Barrionuevo speaks of the development of sexual education in Chile. “Chile’s first public school programs were put in place at the end of the 1960s. But after the 1973 military coup, the Pinochet government ordered sex education materials destroyed, and moral conservatism took hold. It was not until 20 years later, in 1993, that a new sex curriculum was introduced in the schools. Even so, by 2005, 47 percent of students said they were receiving sex education only once or twice a year, if at all. And now educators say they are struggling to keep up with the avalanche of sexual information and images on the Internet.”
The statement regarding the 1993 sexual education curriculum that was introduced into schools is the same reference to the statement from the Sociology professor from FLACSO. She cited the 1993 sexual education program as well. She stated that the government announced in 1993 an agenda to require and standardize sexual education in schools in Chile and that, to date, it has not amounted to anything. She then stated that the Catholic Church is heavily “invested” in the ministry of education and creates what she called a “dictatorship of values.”

Other respondents in this study mentioned the situation of sexual education as problematic. In another focus group I conducted with older women of a higher socio-economic class, they mentioned that the sexual education in schools presently is much more sexual education than they ever received. However they did go on to say that in terms of teaching children about contraceptives, society “must be realistic.” They also affirmed that the state should take on an educational role and some of the women even stated that the institution (of the Church) should have no control over bodily choices and children should be educated about sex “just like they are educated about brushing their teeth.”

Data from all the interviews I conducted while in Chile point to a serious concern regarding sexual education in Chile. Even the Catholic priest I interviewed stated a need for better education about sexuality, an “education of love.” There is both a high regard for parents’ rights to educate their children and a high regard to protect the youth culture in Chile by providing young persons with adequate information regarding sexuality. Opinions typically varied from these two perspectives, one that protects privacy and autonomy of the family and another that protects and aims to empower youth with more information on sexuality. The majority of people did state however that the current model of sexual education, whether present or not, is a failed model and needs to be reformed.

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8 Interview collected August 24, 2009. Santiago, Chile
9 Interview collected August 31, 2009. Santiago, Chile
10 Interview collected September 11, 2009. Santiago, Chile
While in Chile a law regarding sexual education was being debated in Parliament. It passed through the Senate while I was conducting research and passed in the House of Deputies shortly after I left. I was fortunate enough to receive a copy of the bill and a bit of perspective as to what the bill is aiming to accomplish.

The bill is titled Project of Law on Information, Orientation and Assistance in material of the regulation of fertility (Proyecto de ley sobre información, orientación y prestaciones en materia de regulación de la fertilidad.) The bill begins with a historical account of previous attempts to regulate sexual education and dates back to 1967 and the administration of Eduardo Frei Montalva, “who formulated the policy of Population and Public Health.” It then goes on to detail later attempts to implement a sexual education curriculum in Chile. The historical account argues for the validity of a sexual education program that has proven to be helpful in creating better health standards and lowering the maternal mortality rate.

The bill then begins a new section titled “The Role of Rights,” and states that “Without prejudice of the personal beliefs and valued visions of every person, the State, specifically through the organs of the administration of the State and with competency in Health, should put and make available to every person all of the legitimate alternatives for the responsible and autonomous exercise of their sexuality; and to present, with solid fundamentals, the diverse contraceptive methods, from those that constitute periodic abstinence, natural mechanisms of contraceptives and to those of emergency (contraceptives).”

The next section of the bill is titled “It is necessary to resolve an inequity.” This section focuses on “vulnerable groups,” or the adolescent population. The section details a higher maternal mortality rate in adolescent age groups, citing that in 2003, 17 of 294 children died who were born to adolescent mothers under the age of 15 and 33 of 335 children died who’s mothers were between the ages of 15 to 19. With these statistics the bill goes on to examine the disproportionate number of teenage pregnancies in poorer areas of Santiago and makes the final conclusion that a “child born to a mother without teaching, has six more times of a risk of dying in the first year of their life than a group
with a higher level of teaching.”

The next section of the bill is titled “Objective” which explains the purpose of the bill “to legally recognize and protect the right of all persons to material regarding the regulation of their fertility and, in return the State should have this material.” The next section of the bill details what the content of these materials should be and then reaffirms in the next section the right to chose contraceptive method and be informed as to where to access them when necessary. The bill outlines the responsibilities of the State to provide contraceptives including emergency contraception and all other types of available contraceptive models.

At first glance, the bill seems to be a positive step towards affirming a required sexual education program and open and free access to contraceptive methods. However the bill, which was crafted as a response to the constant battle in the courts in Chile over the morning after pill, mainly only secures the right to all persons to receive sexual education and access to contraceptives but does not address how or outline any provisions for how these services should be provided. It is a compromised bill that aims to create a federal floor through which later reform can build.

In the interview with the Sociology professor from FLACSO, she gave me the bill and I quickly scanned it. Having known a little about the nearly decade old case regarding the registration and distribution of the morning after pill I asked the professor if she thought this current bill would improve the situation on sexual education. She responded by asking me what I thought of the bill. I responded that I thought it didn’t really address much except to demand the recognition of the need for sexual education and equity in access to contraceptives but that it did nothing in terms of establishing how these two services in the State would be administered. She agreed with me, and added that if the bill did pass then Chile would be lucky if this actually did make an impact outside of merely calming the ongoing legal battle over the morning after pill. She stated that the bill was crafted with the intent of ending the court battle and in hopes that it might actually improve sexual education but it made no provisions for how this
would actually be implemented.\textsuperscript{11}

Nevertheless, the bill did pass in the House of Deputies shortly after my time in Chile. The passage of the bill is seen on the left as a victory and as a step towards the improvement of the protection of youth in Chile and certainly a victory for the case of the morning after pill, as will be examined in the next chapter.

**Conclusion**

Sexual education in Chile is a contentious issue because of the influence of the nuclear family and the lobby of the Catholic Church. In arguments about sexual education, the right to privacy is often cited as reason to justify that sexual education has no place in schools and parents have the sole right to decide how to educate their children.

The Church argues that sexual education in schools does not teach children the concepts of love outside of the context of sex, schools do not teach the value of relationships and the spiritual component present in sexual relationships. The Church still maintains that sexual relations are for the purposes of reproduction and a vast sexual education curriculum in schools stands in contrast with the Church’s teaching.

In addition to the arguments on all sides of the debate on sexual education, the school’s role in this debate is particularly precarious. Public schools receive 100 percent of their funding from their municipalities. Private schools receive 100 percent of their funding from private sources. But there is another type of school that can gather both public and private funds. Many Catholic schools are this type of school, and especially schools in poorer areas. If a school implements a standardized sexual education, it could stand to lose funding from private sources connected with the Church. Yet at the same time, if a school’s enrollment numbers drop too low, especially if pregnancy rates are too high and many girls have to drop out, a school could lose public funding and not be able to operate as well. In both situations, the school stands at risk.

Nearly everyone I interviewed while in Chile mentioned the problem of the lack of sexual education and pointed to the massive confusion in regards to the availability of contraceptives and especially the morning after pill. The new bill will potentially

\textsuperscript{11}Interview collected August 24, 2009. Santiago, Chile
establish a federal floor, which will allow for the development of standardized sexual education and at least the recognition of equity in terms of access to contraceptive methods.

In the current debate on sexuality, the sexual education debate permeates every other area of the debate. In the debates regarding the morning after pill, a central tenant is the potential message being sent to children. In a culture where the nuclear family is so upheld and normalized, teaching children about sex is often seen as a threat to this structure. However high teen pregnancy rates also stand in threat to the nuclear family structure. In terms of sexual education, a balance has yet to be found. The new bill aims to create the foundation for future programs that is if it can last the attacks to its cultural validity.
Chapter 4

Reproductive Choice and the Morning After Pill

Introduction

While sexual education in Chile is a prominent theme in the debate on sexuality, reproductive choice and specifically the morning after pill are also central tenants to the debate. Reproductive choice as an issue in the debate covers the broad argument that spans a woman’s access to contraceptives, the role of the State to distribute contraceptives, what types of contraceptives are permissible and the legality of the morning after pill. The debate involving contraceptives also touches on commonly held gender norms and the abortion debate in Chile.

I interviewed a prominent Chilean biologist who is a researcher on the scientific effects of the morning after pill and other contraceptives. She has testified in front of Parliament and is actively developing several research studies on different derivatives of the morning after pill and a study on a potential male contraceptive as well. After reading about the organization for whom she works and noticing the language around the concepts of “sexual health” and “reproductive health,” I asked her how she understood these concepts to be interpreted. I asked her if they were commonly understood concepts and how she observes women in Chile to be practicing their “sexual” and “reproductive
health.” She replied:

“I would say that here mainly the concept of reproductive health is understood. The women that are seen in the public system, (in) programs of family planning, where the majority of the public is seen, are seen for reasons family planning programs, the reproductive part, contraceptives. But this treatment includes the idea of sexual health; it includes teaching and training about the transmission of sexually transmitted diseases. Therefore women learn about sexual health through these family planning programs.” She then went on to tell me that in a public survey that her organization conducted, they found that over 60 percent of women surveyed were in favor of the use of contraceptives.¹

In another interview that I conducted with a professor of Psychology and leading researcher on gender and sexuality in Chile, she stated that the debate concerning contraceptives is a debate about women’s autonomy. She stated that in the 1960s there was a movement towards “planificación feminina” or feminine planning. After the coup the idea of personal autonomy was taken away by institutional control at the hands of the Church and the State. She also added that the Catholic discourse is a discourse that tries to control moral autonomy.²

**The Church, Autonomy and Desire**

Of the three focus groups that I conducted while in Chile, two of them consisted completely of women. The first group was a group of older middle to upper class Chilean women. When they began discussing about contraceptives their response in general that contraceptives weren’t ideal and they recognized that they were against Catholic doctrine, but it is necessary to “be realistic.” They then went on to say that the consultorios, or the pharmacists in corner pharmacy markets, should pass out information to mothers about contraceptives and how to use them.³

The second focus group that I conducted was a group of women spanning from

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¹Interview collected August 7, 2009. Santiago, Chile
²Interview collected August 10, 2009. Santiago, Chile
³Interview collected August 31, 2009. Antofagasta, Chile
age 29 to 89 and were from varying social classes. The spread in age amongst the group made for a wide variety in opinions and one of the women in the group was pregnant and experiencing serious complications with her pregnancy. When I asked them about their interpretation of the ideal Chilean woman, they responded that she should be totally independent and sexually active or with a sense of her own sexual desire. They then said that she should be responsible for her own sexuality and recognized that the culture around reproductive choice has been what they cited as “drastically liberalized” in the past ten years and is now an open topic in family and public life.4

They discussed their interpretations of “reproductive rights” and what that means to them and their responses were varied. A couple of women stated that women should have the freedom to chose to have or not to have a child. Another woman stated that there isn’t enough education for people to adequately make this decision. Another woman responded that people know exactly what they are doing when they have sex and how to prevent becoming pregnant, education or not, people know. She stated that she was against the morning after pill and aggressive education regarding contraceptives in schools and in public life. Another woman cited the economic injustice, in her opinion, regarding people who have resources to purchase contraceptives and can access them and people who do not have money or knowledge or other availability to access contraceptives. The previous woman responded that she didn’t believe that argument, and if women did not want to get pregnant they knew exactly how to avoid it.

Further analysis of the conversation around contraceptives and the concept of “reproductive rights” between these two separate focus groups highlight some important issues in the debate regarding contraceptives. The first group of older women recognized that the use of contraceptives goes against Catholic doctrine. In addition, in a previous question inquiring as to the description of the “ideal Chilean woman,” several women had answered that she would be a Catholic woman. Yet they were somewhat accepting of the use of contraceptives in their statements of “being realistic” and encouraging the consultorios to pass out information on contraceptives. On one hand they credited the

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4 Interview collected September 10, 2009. Santiago, Chile
Catholic doctrine as a founding character of the “ideal” Chilean woman and recognized
the authority of Church doctrine, and on the other hand still allowed for exception. The
idea of women’s autonomy or moral autonomy as referenced in a previous interview
with a professor of gender and sexuality in Chile stood in conflict but wasn’t extensively
examined.

The second group had a much different response. When asked about the ideal
Chilean woman, they immediately spoke of two concepts that most of the interviews
I conducted avoided: autonomy and desire. Then, from their strong response of sup-
porting women’s autonomy and desire, they debated further what this means for the use
of contraceptives. Some thought that the free choice to use contraceptives, including
the choice to have an abortion, as part of a woman’s personal autonomy. Others dis-
agreed and thought that the liberalization of the topic had gone too far and information
regarding contraceptive use is so widely known that it need not be included in the pub-
lic discourse. The debate in the conversation also included a strong emphasis on what
young people should be taught which would later form their decisions and their personal
autonomy regarding reproductive choice. There was not much mention to the Catholic
document on contraceptives. The larger debate was the interpretation of autonomy and
how far this concept can reach into public life.

The generational differences between these two groups, with the first group be-
ing primarily of women over 65 and the second group ranging from a woman in her late
20s to a woman in her 80s, might point to the source of some of these differences. Both
groups spoke of “reproductive choice” as both a women’s issue and a youth issue. In
interviews with scholars and representatives from civil society, the topic of reproductive
choice always included the element of youth and what youth should be taught and told
regarding their sexual decisions, behaviors and choices.

**Reproductive Choice and Young People**

A study titled “Sexual and Reproductive Health in Chile 2007: statistical up-
date” *(Salud Sexual y Reproductiva en Chile 2007: actualización de datos estadísticos)*
published by FLACSO, examines the use of contraceptives among youth. The study
divides the youth population into three sub-groups, ages 15-19, 20-24 and 25-29.

The study cited that “the data shows that the majority of youth tend to not use any type of contraceptive method during their first sexual relationship (52.5 percent), a statistic dominated by the 25-29 age group, with only a rate of 35.6 percent use in their first relationship. For their part, the majority of youth ages 15 to 19 stated that they had used a contraceptive method during their first sexual relationship, which realizes the generational gap with respect to this theme, where the use of contraceptives during the first sexual relationship diminishes as the responder age increases.” The study also cited a socio-economic gap in the use of contraceptives citing that in the highest socio-economic brackets, 56.4 percent stated they did use contraceptives in their first sexual relationship compared to 29.7 percent usage in the lowest socioeconomic bracket.

The study also examines the use of contraceptives in the most recent sexual relationship and finds that the generational gap disappears citing that young people, independent of their age, tend to present the same inclinations of protection during their current sexual relationships. In fact, it can be observed that the highest proportion of the lack of use (of contraceptives) is seen between the ages of 15 to 19 (32 percent), which reinforces the need to develop campaigns to protect this age group.

With these statistics in mind, and the divide seen in the statistics in socio-economic status and practices throughout age groups, the diversity in the conversations in the two focus groups reflects the situation of the current debate. The tension in the current debate on reproductive choice centers around the concepts of personal versus moral autonomy, the role of personal and moral autonomy in public life and the importance of youth formation as related to contraceptive use and education. Similar to the responses in the focus groups, personal autonomy and desire stand in conflict with the moral authority held by the Catholic Church. The debate on contraceptive use centers on the tension between these two issues and how each one both affects women and youth.

It should be noted that it is impossible to extrapolate the debates on sexual education and reproductive choice and present them as separate issues. As previously stated, nearly every interview conducted during this study connected the concept of “reproduct-
tive rights” to the influence within or upon the youth population. Sexual education and reproductive choice are overlapping debates.

**Reproductive Choice and the Morning After Pill**

The morning after pill, often referred to as la píldora de anticoncepción de emergencia (PAE in Spanish or EC in English for emergency contraception), is also another central tenant in the debate on reproductive choice. The morning after pill has been and is still one of the most contentious debates in Chile regarding reproductive rights and sexuality. The debate, which has been held primarily in the courts and in the legislature, provides a fascinating and in depth example of the influence of the Catholic Church on a judicial and legislative level. There has been immense media coverage on the morning after pill legislation and court cases and it was also a popular topic of conversation in interviews conducted in this study. The morning after pill has been one of the most visible and popular debates in the modern period that continues the public discourse on sexuality and reproductive rights.

Currently, in order to obtain the morning after pill, a woman has to have a prescription to purchase it, and it is relatively expensive. However the regular daily pill can be purchased in corner pharmacies with ease. This procedure for obtaining the morning after pill is the opposite of the procedure in the United States. Given that there is a window of 72 hours to take the morning after pill before it loses significant efficiency, the prescription requirement functions to lessen the frequency and ease that women might utilize if these procedures were to change. In addition, requiring a prescription allows for corner pharmacy markets to not carry the pill in their stock, making it very difficult to access. Though the access issue is seen as a serious issue in debated about the morning after pill, the original legal debate didn’t start with an access argument; it started with a more fundamental battle, the legality of its very registration in the market.

In tracking the history of the litigation and related legislation regarding the morning after pill, it is important to mention again that the Constitution protects the rights of “those about to be born.” In Article 1 of the Constitution, family is established as the basic core of society. Then in Article 19 of the Constitution “the right to life and to
the physical and psychological integrity of the individual” is protected and further expounded by the protection of the life of those about to be born. With these concepts in mind, the history of the case regarding morning after pill is included here.

In 2000 the pharmaceutical company Celesia filed a registration in attempt to register emergency contraception. After the registration was filed and pending, an injunction was filed by a group of four Non-governmental organizations (NGOs) representing “Pro Family” viewpoints in attempt to block the registration citing that the product causes abortion and based on Chile’s abortion laws should not be allowed to be registered for distribution. One of the leading funders and organizations in this litigant group of 4 Pro-Family NGOs was the right-wing Catholic organization Opus Dei. The group of plaintiffs, “filed four different actions to “protect the life of the unborn” (Corte de Apelaciones 2001). One plaintiff, professing to act on behalf of women, believed that women who used EC would experience devastating psychological consequences after they realized that they had committed a crime” (Casas 446). The trial court dismissed the case and held that the registration of the product was legal with one dissenting vote, an opinion of a judge who advocated that life begins at the point of conception and the product should not be registered.5

Then the prosecuting group appealed the case to the Supreme Court and though the court was divided, in 2001 the Supreme Court reversed the decision and denied the registration of the product. The court cited the dissenting vote from the trial court case from Madam Justice Maria Antonia Morales who wrote, “that the disputed effect did exist as the pill, according to her and citing no evidence, does cause changes in the lining of the uterus” (Casas 448). She argued that the Chilean legal system had rules protecting the life of the unborn child at all stages of development, in line with Article 4.1 of the American Human Rights Convention, which she read as stating that “life

5Data regarding this case was gathered from two interviews with Lidia Casas, Professor of Law, Diego Portales Law School, Santiago, Chile and an article she published detailing the case and her notes in this article as well. She has given permission for her name to be released in this study. Professor Casas teaches an elective course on reproductive choices and a required course on legal analysis. Professor Casas was also involved in the emergency contraception litigation both as legal counsel and as the lead attorney for a group of non-governmental organizations advocating for the registration of emergency contraception.
begins at conception.”

The minority vote in this case advocated that the case should be dropped all together and that the technical nuances of the effect of a drug on a woman’s womb was too technical for the court to deal with. The minority opinion demonstrates the unwillingness of the court to entertain scientific evidence regarding the product and instead assumes a definition of the point of conception and a perceived effect of the drug on a fertilized embryo. The minority vote also shows the strict adherence to the procedural nature of the case, not the substantive nature of the case.

After this initial case, a different pharmaceutical company attempted to register an emergency contraception product into the Chilean market. The same prosecuting group of NGOs from the first case went directly to the Supreme Court, in a strange and questionable procedural strategy, and requested that the Supreme Court deny the registry of the product based on the 2001 decision denying the registration of the Celesia product and by stating that their ruling was binding on any and all parties. The Supreme Court recognized the procedural breach in this case and sent the case back to the lower trial court to be decided. The lower court denied the cancellation of the registration and ruled to allow for the registry of the new product. The litigant group appealed this decision once again to the Supreme Court. In this case, the Supreme Court held that the Courts are not an appropriate venue to block the registration of a product from a company that wasn’t involved in the proceeding case that was decided in 2001.

After this decision from the Supreme Court, ultimately allowing the registration of the second pill of emergency contraception, the litigant group went to the National Controller and requested the cancellation of the product. The National Controller pointed to the authority of the Instituto de Salud Público, or the ISP (the Chilean equivalent of the FDA) and stated that the ISP has the right to allow or deny the registration of a medical products as it sees fit and dismissed the request of the group to cancel the registration of the product.

The litigant group then mobilized and filed a suit against the government, the distributing pharmaceutical company and the ISP arguing that the procedure of the reg-
istration is unconstitutional and the product registration violates the constitutional clause in Article 19 protecting “life of those about to be born.” Lidia Casas, who later became the lead counsel in this case, reported receiving an anonymous phone call telling her to go to a specific courthouse and find the suit that the “Pro-Life” litigant group had filed. She later realized that the anonymous phone call came from an attorney who worked for the director of the ISP and had received specific instruction from the director to fight the case based strictly on procedure and not on substance. The Director of the ISP, a member of Opus Dei, was forcing his own bias in the case by restricting the arguments of his litigating attorneys.

Recognizing that the Director of the ISP was forcing his religious bias into State proceedings, the Director of Women’s Services, Cecilia Perez, publicly announced a new protocol on treatment of victims of sexual violence and included in her publication the availability of emergency contraception and its legal right to be distributed. Her publication, announced at the same time as the court proceedings against the registration of the second emergency contraception product, became a public display of the conflictual positions of the ISP, the Courts and civil society.

In this case, a group of NGOs advocating in favor of the registration filed to become co-litigants with the State and were granted standing. The judge in this case agreed to hear scientific evidence, permitting the case to be heard on procedure and on substance and allowed for expert testimony and set a fixed number of calendar days to submit names of experts. She then counted the days in a manner different than the normal procedure and concluded that the filing for experts from the State and civil society litigants were filed late and she chose her own group of five experts to give testimony. Of the 5 testimonies she entertained, four of them stated that there was no medical evidence that emergency contraception causes an abortion and one of them stated that it does cause an abortion the judge agreed with this last testimony and sided with the cancellation of the product. The Plaintiff group filed an injunction to remove the product from the market completely and prevent its future registration and the judge granted it.

This case was then appealed to the Supreme Court in 2005 and was reversed
5-0 with recognition given to the procedural violations by the judge in the trial court. The Supreme Court also heard the substantive arguments from the scientific community that were supposed to be heard and considered in the trial court case. The court found that there was no proof that the product causes an abortion and reversed the case unanimously. At this point, after five years of litigation and many cases and appeals, the co-litigant group of the State and civil society thought that the case was finally decided, won and finished. They were wrong.

In 2006 the same group of “Pro Family” NGOs filed another suit directly against the pharmaceutical companies suing against the distribution of emergency contraception. Before the case could proceed, the pharmaceutical companies withdrew the product from the market completely and the Plaintiff dropped the charges. It was later discovered that before this suit was filed, there was a campaign pressuring the distributors of the pill to not distribute in Chile; the suit was the final action in pressuring the distributing companies to not even go as far as to send the pills to Chile. The same litigant group was the group responsible for this campaign, which effectively ended the distribution of the pill regardless of the Supreme Court’s decision allowing for the registration and distribution. The distributing companies felt hassled and were losing more money than they were making by constantly being involved in a legal battle. At this point, two pills had been introduced into the market and both had been removed from the market, the first due to the Supreme Court decision of 2001 and the second due to the constant battle to keep the pills off the shelves and the companies out of court, even though the Supreme Court decision of 2005 allowed for the distribution of the second product.

In 2006 the Chilean IPPF (International Planned Parenthood Federation) published and distributed a report on the “norms of fertilization” which included the procedures for distributing emergency contraception and how medical professionals should perform services related to fertilization. The report established that the morning after pill was legal and acceptable for distribution and use for the public. After this publication, a group of mayor’s from three of Santiago’s subdivisions and a group of parents filed a constitutional injunction against these technical norms and argued that the techni-
cal norms are unconstitutional for three reasons. First, that the distribution of emergency contraception is illegal based on the Supreme Court decision of 2001. Second, that the distribution of emergency contraception violates the right of parents to educate their children about issues regarding sexuality, and finally that the distribution of emergency contraception violates the private property of the mayor to administer health care services in his comuna as he sees fit. The trial court dismissed the case, the litigant group appealed the case to the Supreme Court and the Supreme Court dismissed the case as well.

The group of mayors and parents from this case then took their case to the Constitutional Court and gathered a group of 36 congressional deputies to support them in arguing that the technical norms published by the Minister of Health were unconstitutional. This began a larger battle over the nature of the document explaining the technical norms in which the Courts, the group of parents and mayors and congressional deputies were all weighing in on how the technical norms should approach emergency contraception and how this should be regulated and administered. As the case was about to be heard, two judges on the Constitutional Court filed amicus curiae in favor of the anti-pill position from the previous case in the Supreme Court in 2001. By filing the amicus curiae, these two judges publically stated their opinion about distribution of the pill and according to the civic community on the left, were showing their bias before they even heard the case in front of them in the Constitutional Court.

The Constitutional Court reversed the decision of the Supreme Court and held that the technical norms are unconstitutional and must be changed by a decree and cannot be issued in this way. Their ruling was mainly procedural and pointed at how these norms were published and enforced, not what the technical norms allowed for in terms of emergency contraception. In essence, the court was saying that the Minister of Health didn’t have the power to issue the technical norms and that congress has to issue these mandates by order of a decree. The lead attorney on the left, representing a group of deputies and the civic community in this case was Lidia Casas, who gave an interview with the press after this ruling came out and openly stated that there was an obvious bias
on behalf of two judges in this case and that they should have stepped down and not heard the case.

After this ruling came out, the group of deputies and civic community representatives on the left challenged the ruling on the substantive issue that the pill did not cause an abortion and should be registered and distributed based on the 2005 Supreme Court ruling and that the technical norms can indeed include this condition if they are issued by a decree (thus abiding by the previous constitutional court ruling and still providing for the distribution of the product). The mayors, parents and deputies who fought together in the previous case immediately challenged the constitutional grounds of the argument, going back once again to the Supreme Court decision in 2001 and the constitutional clause protecting “the unborn.” The same two Constitutional Court justices who filed amicus curiae in favor of the anti-pill position were supposed to hear this case based on substantive evidence. One justice stepped down and admitted that his filing amicus curiae prevented him from being objective in hearing the case and the other justice remained seated. The court divided and held that the distribution of emergency contraception could not be permitted by the publication of the technical norms regardless of whether they were published by the minister of health or issued by congressional decree in that emergency contraception was illegal because it was abortive.

At the end of 2008, when this ruling from the constitutional court came down, there was considerable confusion on the legal procedures for the distribution of emergency contraception. On one hand, the Supreme Court had decided in 2005 that the pill did not cause an abortion and therefore is not unconstitutional and should be legal for registration and distribution. On the other hand, the Constitutional Court had found the pill unconstitutional and had denied its distribution whether mandated from the Minister of Health or from congressional decree. In this state of confusion, mayors from municipalities in Santiago and other places throughout the country basically started deciding whether or not they wanted to distribute the pill. If a particular municipality had strong connections to Opus Dei, or if their mayor or public officials were sympathetic with Opus Dei’s positions on contraception, (of if the comunas was receiving heavy funding
from Opus Dei) then the pill was nowhere to be found. Similarly, in liberal leaning areas of Santiago, and often in comunas where people had enough money to purchase the pill, it was available at pharmacies throughout the area.

Shortly thereafter, during election seasons, a group of civic community representatives and left leaning deputies crafted a bill to be introduced in the Chamber of Deputies, the lower house of Congress, that called for availability of all kinds of contraception and mandated a program for sexual education in Chilean schools, private and public. This is the bill that is mentioned in Chapter 3 of this study, the “Project of Law on Information, Orientation and Assistance in material of the regulation of fertility” (Proyecto de ley sobre información, orientación y prestaciones en materia de regulación de la fertilidad). In August of 2009, the bill passed in the Chamber of Deputies and moved to the Senate to be debated. After two months of debate, the Senate passed the bill at the end of October and it remains to be seen how the initiatives in the bill will be implemented.

It was understood that the bill, though weak in its recommendations, was a strategy by the left to clarify the confusion of the conflictual rulings between the Supreme Court and the Constitutional Court. By making the bill a law and calling for the availability of all kinds of contraception and providing for a mandated sexual education program, the left was addressing the issue outside of the courts and aiming for the highest possible type of reform, the law itself. After eight years of litigation, four court cases, two Supreme Court rulings and two Constitutional Court rulings, reform had to be addressed at the place where it carries the most authority and impact, through Congress, not the Courts who are notorious for their conservative rulings, and made into law. The hope now is that no one argues that it is unconstitutional and the issue goes back to the courts.

**Conclusion**

Sexual education, reproductive choice and the morning after pill are all central tenants of the current debate on sexuality. They are all overlapping and all affect heavily both women and youth. While contraceptive use is common, its reach into public life in
terms of its exposure to youth and the information regarding the morning after pill call into question the traditionally held notions of gender in Chile where the woman is not only responsible but obligated to reproduce the basic family structure. The decision of a woman therefore to control her reproductive capacity takes the authority of her sexuality away from regulating institutions, such as the government and the Church and places the locality of autonomy on herself.

When I interviewed the priest who is the head of the committee on bioethics at the Catholic University in Chile, I asked him about the morning after pill and what he thought of the controversy. He responded that the discourse around women’s autonomy makes him sad. To see a country advocate for individual autonomy means that the country wants to take that autonomy and authority away from God. It means that the country wants this type of poverty where authority lies in the self and not in God. He said that the making of the self as the absolute authority is not only a rotten practice but that it deprives humans of looking to God as an authority which brings God and humans both great joy. He said that he believes this mentality is a poverty from which Chile suffers. I will examine further the implications of this comment in the upcoming theoretical examination.

In the debate on sexuality it is my observation that the vocal parties are speaking in different discourses that do not borrow or relate to the opposing viewpoints. The Church is attempting to incorporate a discourse in sexual education that encourages love, respect and parenthood. The civic community is advocating for sexual education to prevent the spread of disease and unwanted teenage pregnancies and advocating under the discourse of human rights. The State is articulating a discourse that aims to respect the beliefs of all peoples and still provides equitable services to its citizens. In all of the interviews and conversations I had while in Chile, I observed that none of the opposing viewpoints were expressing their positions in terms of the opposition but that their expression was only in terms of their particular agenda. It is to say that the arguments in this debate form only around the ideologies of the speaking party and any cross com-

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6Interview collected September 11, 2009. Santiago, Chile
munication between factions, in my observation was either inexistent or ineffective. It is as if the debates are only happening in their own spheres and these spheres do not otherwise intersect.

The morning after pill could be seen as the exception to the non-intervention of the debate on sexuality. In the long history of the controversy of the morning after pill, the several representing groups of the several positions in the debate articulated their arguments in the same place and in opposition to each other. The history of the morning after pill is the example of the perfect storm: the Courts, the Church, the government and the civic community. It is in this example that the influence of the Church can be seen for how far it can reach in the courts, in the legislative process, the governmental departments and its influence in the population. It is here that the discourses collide in one massive legal, constitutional and popular debate.

On the 18th of January of 2010, outgoing President Michelle Bachelet signed into law the law that would legalize the distribution of the morning after pill in all pharmacies in the country. It is one of the debated conditions in the new law cited in this chapter and in chapter 3. Newspaper articles called it one of the most emblematic initiatives of her presidency to have this law pass and be signed in before she leaves office. She stated “This law, does not obligate anyone to do something that goes against their ethical principles or morals, it does not impose authoritatively a criteria about what has to be done. What it does do, on the contrary, is give freedom to women, giving them the possibility to choose by which and for which, and as an authority, I believe that this is a great advancement for our country” (Facultad de Medicina 2010.) It remains to be seen how the Church and its power within the State and the courts will react to this new initiative.
Chapter 5

Conclusive Findings and Theoretical Arguments

Conclusive Findings

Respondents in this study, covering the breadth of interviews collected, showed several major findings that prove to be conclusive. The first conclusion that can be asserted from the respondents is that the Catholic Church holds extreme power in State matters and over popular interpretations of gender, sexuality and family. The majority of respondents pointed to the Church as an establishment institution that holds significant historical value in Chile but has lost significant relevance in the modern period. The loss of popularity and relevance in the modern period was often cited by respondents as due to the Church’s lack of ability to relate to what they understood as “modern reality.” The most pointed example of this was the response in the focus group I conducted of older upper class women who, in response to being asked what they thought of sexual education they responded by saying that the use of contraceptives is against Catholic doctrine but youth should be taught about their options and that “you have to be realistic.”

Most respondents, especially academic and civil society respondents, attributed the Church’s power in public politics to their consolidated record of supporting populist reforms and their protectorate role during Pinochet. In addition to this attribution, I have
examined here the additional power that the Church was afforded during the transition to democracy. This power, which distanced the Church from the State more so than in the past, at the same time gave the Church extensive power and new methods with which to influence the State that it had not previously enjoyed at such a scale. This new Church-State relationship in the modern period coincided with the launching of the pro family campaign and the anti-reform efforts in relation to sexuality and reproductive rights. Respondents in this study cited the resistance to reform and often spoke of the inability of Chilean society, and the Catholic Church, to recognize diversity in terms of family structure and individual choice. In short, they recognized that the normative structure was too limiting and the Church plays a significant role in maintaining this limitation.

The majority of respondents in this study supported the nuclear family structure as a positive base for societal formation. However this support of the nuclear family included the caveat of a woman or a couple’s ability to chose when this family is created. Nearly everyone interviewed for this project supported the use of contraceptives, both in and out of marital relations. In addition to the vast support of contraceptive use, the majority of respondents also supported a more comprehensive model for sexual education. This support typically divided over the issue of whether or not to educate adolescents about the use of the morning after pill. Several respondents in this study went as far as to mention their support for a lessening in the restrictive abortion law and providing for therapeutic abortions. However the majority of respondents, much like the majority of politicians in Chile, did not mention abortion as a serious social problem if at all.

Respondents in this study overwhelmingly responded positively about the larger role of the Catholic Church in Chilean society. I was told many times that the Catholic Church does wonderful things for the poor in Chile and that many of Chile’s social problems, such as homelessness and juvenile delinquency, would receive much less attention and support without the help of the Catholic Church. For the most part, the role of the Church as it relates to problems of poverty, is positively received. However, when respondents would connect poverty with reproductive rights, a connection typically made
by academics and civil society representatives, the Church was seen as a repressive force that was impeding any alleviation of poverty and the advancement of women.

Another conclusive finding in this study was the conflicting interpretations of gender roles in Chile, specifically the construction of the “ideal” Chilean woman. In one form or another, respondents constructed the ideal woman as a woman who was sexually liberated and in charge of her sexual choices but who also respected Catholic doctrine. The ideal Chilean woman, according to the responses in this study, is a mother and a whore, a virgin who is a “rock star” in bed, a professional and a house wife, and certainly defined in terms of her relationship with a man. The tensions in the conflicting gender interpretations manifest themselves in the larger cultural and political discourse.

After the transition to democracy, Chile aimed to re-establish itself as the economic and stable force it was before the coup of 1973. It has already been examined that one of the ways that Chile encourages the structural stability, especially of reproduction, is the normative framework of the nuclear family. Penalizing and accusing deviancy if an individual chooses to behave outside of this normative structure calls into question the cultural and social interpretations of a woman’s place within society. A strong democratic model includes women’s participation in the workforce, increased political participation from women, and equal access to health care, among other things. Legally obligating women to reproduce the normative structure of the nuclear family while socially pressuring them to do so, and encouraging women to participate in democracy as “liberalized” citizens sharing in the liberalization of the State creates conflictual notions of gender.

In addition, the Church’s role in perpetrating traditional notions of gender goes against the democratic tendency to afford choice to the individual. It is to say that on one hand, Chilean society is moving towards more democratic notions of gender and sexuality as shown in the legalization of divorce in 2004 after a ten-year campaign for its legalization. Another example of this movement is the passing of the regulatory and informative law on sexual education, legalizing the distribution of the morning after pill in January of 2010. On the other hand, the Church is still maintaining an authority
over sexuality that underwrites the basic societal structure the nuclear family for which it receives broad societal support. Simply put, in the eyes of the Church, in order to maintain the nuclear family reproductive choice cannot be allowed. However in the eyes of the State, in order to preserve democracy, individual choice must be allowed. According to the respondents in this study, the nuclear family should be maintained and choice should be allowed, this tension is yet to be resolved or further examined.

Further study should examine if this tension between the desire for choice, especially reproductive choice, and the broad acknowledgement that the nuclear family should be maintained, will create a larger tension in the Church-State relationship which is currently seen as accommodating. The Church’s role in the transition to democracy was crucial, and nearly two decades after the reestablishment of democracy in Chile the Church is still afforded at least the same political and social clout in the State realm that is enjoyed after Pinochet. As the transition to democracy solidifies and the collective memory of the terror of Pinochet fades with the death of the generations that survived it, it remains to be seen if the Church will maintain its powerful position.

**Theoretical Findings and Final Arguments**

This project has examined the Catholic Church’s role in social and political reforms throughout the 19th and 20th centuries and into the new millennium. Forming a trajectory of involvement, a particular emphasis is seen in reform areas that emphasize, in one way or another, a consistent support of a capitalistic agenda. Land reform, labor reform and union reform are all intimately tied to one’s ability to produce and participate in the means of production as a labor force in the larger economy. In the example of union reform, the Church’s purpose was stated as falling in line with Catholic social reform doctrine, which urged an easing of extreme poverty and the harmonizing of class relations. The urging of the easing of extreme poverty and harmonizing of class relations had the additional effect of encouraging more participation into a developing capitalistic economy.

This encouragement of larger economic participation continues through the modern period. After the coup in 1973 one of the largest initiatives that Pinochet imple-
mented was a series of economic reforms that were intended to stabilize the economy and the political climate. “The wrenching economic and social transformations initiated during the course of the military rule in Chile (1973-89) have come to be seen as one of the most internally consistent and comprehensive neo-liberal developmental models in the world” (Kurtz 1). Many explanations have emerged to explain Chile’s success, or failure in the eyes of some, of this neo-liberal development. One explanation points to the authoritarian rule of the State and its ability to implement radical economic and social reforms. The third approach “centers on the role of ideologically driven leadership, specifically the Chicago-school economists affiliated with the Catholic University who attained predominance in the national economic agency” (Kurtz 5).

The Chicago-school economists in Chile during the time of the dictatorship achieved fame for their neo-liberal policies. They implemented a brand of American neo-liberalism that Foucault describes as “much more radical or much more complete and exhaustive. American neo-liberalism still involves, in fact, the generalization of the economic form of the market. It involves generalizing it throughout the social body and including the whole of the social system not usually conducted through or sanctioned by monetary exchanges” (Foucault 2008, 243).

The inclusion of the whole of the social system, as Foucault states, includes a measuring of non-economic behavior in economic terms. This relates directly to the Catholic position on maintaining the nuclear family as seen in the following example explained by Foucault.

In their analysis of human capital, you recall, the neo-liberals tried to explain, for example, how the mother-child relationship, concretely characterized by the time spent by the mother with the child, the quality of the care she gives, the affection she shows, the vigilance with which she follows its development, its education, and not only its scholastic but also its physical progress, the way in which she not only gives it food but also imparts a particular style to eating patterns, and the relationship she has with its eating, all constitute, for the neo-liberals, an investment which can be measured in time. And what will this investment constitute? It will constitute a human capital, the child’s human capital, which will produce an income. What will this income be? It will be the child’s
salary when he or she becomes an adult. So, everything compromising what could be called, if you like, the formative or educational relationship, in the widest sense of the term, between mother and child, can be analyzed in terms of investment, capital, costs and profit both economic and psychological profit on the capital invested (Foucault 2008, 244).

It is an important distinction that Foucault speaks of the neo-liberal practice of measuring non-economic behavior in economic means in terms of “investment” and “human capital.” In traditional economic theories, the capital earned is earned from the labor, often physical, of a working class. In Foucault’s analysis, human capital, in the neo-liberal sense, constitutes a measuring throughout the entire social body and includes human behaviors not traditionally attached to capital earned from physical labor. The neo-liberal model also spreads the net of available capital wider and does not have a limited focus particularly on a specific class, but places investment instead on the individual throughout the entirety of the social body.

In addition, the neo-liberal practice of measuring non-economic behavior puts an emphasis on human development and the capital, or worth, of the individual, not just the labor of the individual. In the above example, the care of the mother in every aspect contributes to the potential human capital of the child, which will later contribute to the larger economy. This relationship between mother and child is seen as producing, positively or negatively, an investment in an individual that will later benefit the social body. Focusing on the relationship and how it is maintained is a large shift in how economics affects the formation of the individual.

The Church’s official documents in the trajectory of reform covered in this project speak volumes about an individual’s (specifically men’s) divine right to own property and the State’s responsibility to administer this right to all citizens. The principle of owning property, especially in times when complex economies did not exist, point to the Church’s interest in seeing that an individual produces, that his or her divine right is accomplished through his or her production. In the modern period and in the neo-liberal interpretation, this production includes a significant investment in human capital so that production is achieved as evidenced by a salary or other means. The Church, in
advocating for land rights, labor reform, union reform, more political participation and even the vote for women, is also simultaneously guaranteeing a larger span of potential production from the individual, especially in the neo-liberal interpretation.

In addition to the Church’s advocacy for increased production, the mother-child example that Foucault outlines connects the neo-liberal practice of incorporating an investment in human capital with the Church’s interest in maintaining the nuclear family. The example creates a double production – the woman’s production of the child and the child’s later production in the larger economy. In addition to production, the investment in the child’s human capital is the woman’s responsibility and leaves her with what Foucault calls a “physical income. She will have the satisfaction a mother gets from giving the child care and attention in seeing that she has been successful” (Foucault 2008, 24). According to Foucault’s example of the neo-liberal model, her success is therefore tied to the human capital of the child, which produces income.

The interesting point in this example is how the woman is positioned as both the agent of reproduction and the investor, who invests in the human capital of her child and expects to get a return on her investment. This return then defines her success. Her role in the means of production is defined both by her ability to reproduce and her ability to nurture the child to mature into a “productive” individual. If she cannot reproduce, or chooses not to reproduce, then what becomes of her “success?”

Foucault’s example applies both to neo-liberal economic practice and the Catholic doctrine protecting the nuclear family. Of particular interest in this example is a woman’s place in maintaining this structure. It has already been mentioned in this project that the legal tri-fecta of the Constitution, the Civil Code and the Penal code normalize and penalize any deviation from the normative structure of the nuclear family. In doing so, the legal framework obligates women to be the reproductive subject, an obligation that is not at all obligated to men’s abilities and or responsibilities in reproduction. However the implications of the legal framework that obligate reproduction are certainly not the only power over women. The Catholic Church’s role in controlling the discourse on sexuality, women’s place in the family, the nuclear family structure, and reproductive rights
is crucial in understanding how the reproductive obligation subjugates women both in the cultural dialogue and the political sphere.

In an article detailing the political positions of both the left and the right in Chile in value politics (with specific attention on abortion and divorce) political science professor Merike Blofield states: “from the beginning of the 90s the Catholic Church consolidated doctrinal aspects of the family through an organizational reconstruction to create, in the middle of the 90s, the Vicaria de la Familia as well as a series of pastoral institutions for the family to promote pro-family campaigns. These organizations responded to the liberal discourse from a more active and constructive manner, influencing not only final votes in Congress but also in the actual definition of the problem and the agenda of the discourse” (Blofield, 7).

Blofield states that the pro-family campaign beginning in the 90s both influenced Congress and the agenda of the discourse. The Catholic Church enjoys the power to weigh in on congressional legislation, Supreme Court cases as seen in the case of the morning after pill, and the agenda of the entire discourse itself. In controlling the discourse, the Church’s consolidated power influences party politics and the political power of the right. Blofield continues: “in Chile, the right has converted in the protagonist of the promotion of an agenda of moral fundamentalism, while the left far from assuming proactive positions of its similar (parties) in other countries has maintained a weak and reactive position, allowing the maintenance of a prohibitive status quo(7).” The Church’s ability to control the agenda of the discourse promotes the agenda of moral fundamentalism and reduces the ability of the left to promote reform. This power relationship, both in Church-State relations and in Church-population relations is unbalanced and limits the discourse on sexuality.

In a published research study sponsored by the Institution of Social Medicine, the clear hegemony established by the Catholic Church in the discourse on sexuality is asserted. “In Chile, sexuality is configured in the terrain of ideological and cultural struggle, where conservative sectors cross the political and social sphere with a clear institutional and media based hegemony on behalf of the Catholic Church. These sectors
are actively resistant to the information and the debate including different social actors and various themes that involve sexuality, the prevention of HIV/AIDS and, in particular, the use of condoms or other masculine prevention, abortion and homosexuality among others” (Valds and Guarjardo, 15).

The clear institutional and media based hegemony on behalf of the Catholic Church shows the political and social influence that the Church has in the discourse on sexuality. The Church can maintain a strict control on reform, functioning essentially to prevent or dramatically slow and restrict the reform process. In addition, this widens the power relationship that the Church can assert both in matters of the State and in relationship with the individual.

Foucault analyses these types of power relations and instead of focusing on a traditional notion of a State centered power, he created a more webbed imagery of power that networks within a society. Building more on the concept of human capital, he expands the potential of the individual’s human capital and its production in the economy and the “Other’s” potential ability to control the individual. The concept of the “Other” and its ability to control the individual is taken from Foucault’s definition of subjectivation.

Subjectivation is often simply read as the manner through which the human being becomes the subject. Foucault explains the concept of subjectivation by stating subject as subjectum (“thrown under”), or in other words, “subjected to the Other by control or dependence” (Bonafous-Boucher 77). The question in Foucault’s definition of subjectivation becomes who or what is the Other.

In controlling the discourse on sexuality, defining its very agenda, and influencing the behaviors and legislative efforts in the State, the Church becomes one of the most dominant institutions in what Foucault calls the “Other.” The subject, and as I argue women in Chile, is then subjected to the “Other” or the Church, by this control or dependence. The assertion that the Church controls the agenda of the discourse and defines its very problems limits the possibility for reform and any further possibilities for the advancement of reproductive rights in Chile. Women are therefore subjected
to this agenda, an agenda that because the Church is defining it, won’t include a vast possibility for a wide range of reform efforts. In short, the Church defines the discourse which limits its scope and women are subjected to the few and restrictive choices, if any, that the discourse allows.

However the role that the Church plays in Chilean society is not necessarily a top-down power structure that works within the State and then trickles down to the individual. Power in this sense and especially as related to the Catholic Church, must be conceived of in terms of being productive. Stuart Hall explains productive power in Foucault’s analysis saying “power is not only negative, repressing what it seeks to control. It is also productive. It doesn’t only weigh on us as a force that says no, but it traverses and produces things, it induces pleasure, forms of knowledge, produces discourse. It needs to be thought of as a productive network which runs through the whole social body” (Foucault 1980, 119).

In neo-liberal economic States, the dynamic focusing on the individual and its potential to create human capital shifts power from a top-down centralized structure this wider network of power that runs through the whole of the social body. Foucault describes this as ”the microphysics of power.” Hall (1997, 77) summarizes the concept of the microphysics of power in saying that “These power relations go right down to the depths of society” (Foucault 1977, 27). They connect the way power is actually working on the ground to the great pyramids of power by what he calls a capillary movement (capillaries being the thin-walled vessels that aid the exchange of oxygen between the blood in our bodies and the surrounding tissues). Not because power at these lower levels merely reflects or reproduces, at the level of the individuals, bodies, gestures and behavior, the general form of the law or government (Foucault 1997, 27) but on, the contrary, because such an approach roots (power) in forms of behavior, bodies and local relations of power which should not at all be seen as simple projection of the central power (Foucault 1980, 201).”

Foucault’s rooting of power in behavior, bodies and local relations of power points directly to the central theoretical argument in this project: power over the body,
specifically the female body, as a mechanism of regulation. The microphysics of power 
developed by Foucault shows the ability of institutions, like the State, in addition to 
other cultural institutions, like the Church, to web power in a more expansive network 
and then exercise control over the body. The control aims to regulate behavior, the body 
itself and the local relations of power between individuals.

In this model of power relations and how they assert power over the body to 
regulate its production, the role of the human body becomes a central component in 
this theory. The body is in fact a central location where power aims to assert itself. 
Hall continues: “Of course the body is not simply the natural body which all human 
being possess at all times. This body is produced within the discourse, according to 
different discursive formationsThis is radically historicized conception of the body a 
sort of surface on which different regimes of power/knowledge write their meanings 
and effects. It thinks of the body as the totally imprinted by history and the processes of 
history’s deconstruction of the body” (Foucault 1977, 63).

The different regimes of power/knowledge who write their meanings and effects 
on the body can be numerous. It is one of the primary goals of this project to show that 
the Catholic Church is indeed a regime of this type of power and that, in Chile’s case, 
it utilizes the body to regulate and control its own power position in Chile and further 
to legitimize its position as such. It is crucial that power in this way be maintained 
specifically through a regulation on sexuality. Controlling other aspects of the body, 
nutrition or medicine for example, would not ascribe as much power to the institution. 
Sexuality is crucial because it involves the search for pleasure and is connected with 
how the individual forms his or her own meanings and attachments to his or her own 
identity. Foucault explains “power relations can materially penetrate the body in depth, 
without depending even on the mediation of the subject’s own representations. If power 
takes hold on the body, this isn’t through its having first to be interiorized in people’s 
consciousnesses. There is a network or circuit of bio-power which acts as the formative 
matrix of sexuality itself as the historical and cultural phenomenon within which we 
seem at once to recognize and lose ourselves” (Foucault 1972, 186).
In the model of Chile, as a neo-liberal State after a military dictatorship and a formative transition to democracy, the microphysics of power and the circuit of biopower asserted by the Church and the State affects the human body in several ways: it invests in human capital, ensures production, regulates the body and controls or restricts sexuality. The power invested in human capital depends on the woman who is the mother to invest in the future potential of the child. The power asserted to ensure production requires the woman to reproduce the child she invests in and therefore aims to ensure her own reproductive behavior. The power to regulate the body functions to limit choice in the reproduction, this regulation can be seen in the Catholic Church’s resistance to contraceptives. The power that restricts sexuality, as seen in Catholic doctrine making sex appropriate only in the confines of marriage and for the purposes of reproduction, can be seen in the case of the lobby against the morning after pill. All of these situations and relationships, connecting the Church, the State, the social body and the individual body form the web of power that subjugates women and their freedom to exercise choice in regards to their reproductive abilities and their role as women in Chilean society.

The subjugation of women, the controlling of the discourse on sex and the comprehensive resistance to reproductive rights on behalf of the Church creates several social, political and economic issues. Historically, the Church has aligned itself with the poor and the marginalized. In subjugating women and controlling women’s bodies and the choices afforded to the body by the State, the Church is participating in the marginalization that it once advocated against. Secondly, the Church is also participating in continuing a dramatic economic inequity that disproportionally affects individuals of lower socio economic status. Finally and most importantly, the Church is controlling the discourse that would normally allow for a more expansive examination of sexuality to take place in public politics. This control goes so far into the depths of the individual that the Church aims even to control the individual’s perceived power over him or herself. The control of the discourse on sexuality requires that the Church strip the individual of its own notions of personal autonomy. This is demonstrated in the following comments from an interview with a Catholic priest who is the head of the Committee on Bio-Ethics
Respondent: Right now there is a cultural debate that is very relevant. It is that there is this line of thinking that the self-determination of the individual, the freedom of the individual is an absolute value and that it converts into the creator of reality. Its like (someone thinks) “there is not a truth; there is not a meaning to human sexuality unless I create it. Therefore this defends what I think, create and sustain.” On the other hand, on the other side of the debate where the Church is coming from, there is the law of nature. This asserts that there is a human nature, a natural law, that man must discover and live and conform accordingly.

Researcher: So the problem is a problem of authority? That there is this idea that authority exists within myself-

Respondent: (interrupting) Exactly. Now what does this mean for public politics? It means that political agents, like the legislative power, is converting more and more into a notary for the actions of individuals-groups of individuals, big and small groups, special interest groups, isolated groups etc and (they) have abandoned or stopped or descended from outlining a Truth for humankind. For us, this represents poverty in our society.¹

In this example, the control of the Church, over the individual mentality and body and the control within the State is displayed. The priest asserted that the mentality that says that authority rests internally within the individual goes against human nature. He then claimed that a primary responsibility of the State is to assert a Truth for human kind. In his statement is the relationship that this project was aiming to expose, the agenda on behalf of the Catholic Church that aims to control and regulate the individual body and the social body through its discursive control and its involvement in public politics on the State level.

In Foucault’s webbed model of the microphysics of power and the body as a locality in bio-power, the Church is seen reaching as far as into the blood and the brain of the individual and reaching as far as to mandate the very purposes of the existence of the State. It wishes control over individual autonomy, it wishes control over choice. The Church wishes the purpose of the State to match and compliment the laws held as universal truths by the authorities in the Church. And while the Church is reaching to

¹Interview collected September 11, 2009. Santiago, Chile
the individual to control his or her own autonomy and locality of authority, while the Church is actively lobbying the State to adopt its own agenda, it is restricting women the choice to continue to birth according to their will. It is restricting choice for women, creating a barrier to reproductive health care that is not only an institutional barrier but a cultural barrier and a societal pressure as well. It is forcing the hand of women, and their very labor, in a way that never obligates the reproductive capacities of men. The Church webs its power throughout the entire social body and penetrates into the individual body to ascribe its meanings, knowledge and truths. In the capillary movements of power, in the exchange of oxygen between the blood in our bodies and the surrounding tissues, the Church is exercising its power and control over the discourse and subject, the Chilean woman.
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