

The Politics of Camouflage: Conscientious Objection as a Strategy of the Catholic Church

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Conscientious Objection (CO) has a definition, a genealogy, and a normative use in liberal democracies. It has an official history, so to speak, which vindicates it as a democratic institution that guarantees people the right not to fulfill certain legal obligations considered contrary to certain beliefs (religious as much as secular). This history has as its central thematic the obligation to perform military service—a means of recruiting and training citizens for combat in defense of the state. Pacifism and/or anti-militarism appear then, as ideologies or belief systems that should be safeguarded from the militarization and bellicosity of modern states. In recent years, however, an alternative history has been constructed ever since CO asserted its presence in another field: that of sexuality and reproduction. Different religious sectors have especially appropriated it as a privileged strategy to resist the legal changes achieved by feminist and sexual diversity movements. The advance of the sexual and reproductive rights agenda has generated a growing politicization of CO as a democratic institution that guarantees the pluralism of contemporary societies. Thus, different sectors deploy CO as a way to protect religious freedom from legislation seeking to dismount inequalities entwined with hierarchical sexual orders.

The Catholic Church is a crucial actor in the transition between these histories: it has transformed CO into a relevant strategy to resist cultural and legal changes that—according to its version—threaten the social order inspired by a gender ideology. The Vatican insistently defends objection as an essential component of religious freedom in contemporary democracies. Among the various documents of the Church, one could highlight the *Evangelium Vitae* (1995) papal encyclical, in which CO is included among the main strategies to confront legislation that favors both abortion as well as sexual and reproductive rights in general. This encyclical was promulgated in a context of the transnationalization and advance of feminist demands manifested in the International Conferences of the UN, particularly in Cairo (1994) and Beijing (1995). Even if it does not entail substantial changes in doctrinal position, it can be read as the Catholic Church's political platform with regards to sexuality. This document formulates for the first time the antagonism between a “culture of life” and a “culture of death” as a construct of contemporary politics. For the Catholic Church, we are immersed in a clash between good and evil, between the culture of life and the culture of death: “we are all involved and we all share in it, with the inescapable responsibility of choosing to be unconditionally pro-life”

(*Evangelium Vitae*, 1995). According to the encyclical, which links contraception and abortion as “fruits of the same tree,” this culture of death is constructed on the basis of a contraceptive mentality.

If conscientious objection originated in the context of militarism as an ideology of war, in the Catholic Church’s current version, the confrontation is a cultural one, generated by what it denominated an ideology of gender. In both cases freedom—particularly religious freedom—appears as a value to protect. In the case of the defense of CO in the face of sexual and reproductive rights, however, the Catholic Church displaces and alters this legal institution to a certain extent. It generates an initial displacement from the conception of CO as an ethical choice to that of a moral obligation. In contrast with objection to military service, where the free decision pertained to the individual, the Catholic Church as a political actor entreats believers to disobey certain legislation through the means of objection. A catholic person must then become an objector when faced with laws which favor the “culture of death;” *Evangelium Vitae* maintains that laws that are favorable to abortion or euthanasia establish a “a grave and clear obligation to oppose them by conscientious objection.” (John Paul II, 1995). The encyclical’s position is not to defend CO as an individual right to which all citizens (inasmuch as they are believers) have access, but as an obligation pertaining to all believers faced with “practices which, even if permitted by civil legislation, are contrary to God’s law.” This compulsory nature of CO is reproduced again in several documents which contend that persons involved in the sanctioning and implementation of law as well as health personnel involved in the distribution and access to contraceptive or abortive methods, or technology of assisted reproduction, have the obligation to resort to a “brave conscientious objection.” (Pontifical Academy for Life, 2007).

The other displacement consists in promoting CO with the purpose of delegitimizing different sets of legislation, which are the outcome of democratic procedures. This displacement is also a shift in the position of the Catholic Church, which used to respect the legitimacy of laws instructing compulsory military service and proposed objection as a way to articulate the right of the state to recruit soldiers with the right of certain individuals to be exempt due to their beliefs (in this case, religious beliefs). The Church even considered that the person exempted from performing military service should realize compensatory activities in exchange. Once sexual and reproductive rights were democratically sanctioned, however—a process that implied the failure of the Catholic hierarchy and allied sectors to block social change—the Church found in CO a strategy to delegitimize the law. For the catholic hierarchy the laws that decriminalize abortion or euthanasia, or even those that betray a “contraceptive mentality,” are opposed to the individual and common good and are therefore “completely lacking in authentic juridical validity;” hence “a civil law authorizing abortion or euthanasia ceases by that very fact to be a true, morally binding civil law.” (*Evangelium Vitae*, 1995). More than seeking to open up a legitimate space so that the citizenry can articulate its beliefs in the face of majority laws, CO has as its main purpose to prove the injustice of sexual and reproductive rights. As the Letter to Health Care Workers affirms: “In addition to being a sign of professional loyalty, the CO of the Health Care worker, when its motives are authentic, has the greater significance of a social denunciation of an illegal injustice perpetrated against innocent and defenseless life.” (Pontifical Council for the Pastoral Care of Health Care Workers, 1995).

In a sense, these displacements reveal a politics of camouflage in the Catholic's Church deployment of CO. The way in which the hierarchy and the Vatican documents conceive the institution, could be considered to bear a greater closeness to civil disobedience rather than conscientious objection. While objection is characterized by being personal and ethical, the construct proposed by the Catholic Church is collective and has a political and strategic nature; while objection seeks to defend an individual right, the Church aims to make visible, confront, and eventually reform a legal order that is considered unjust. Conscientious objection is usually supplemented by additional duties and activities (in the exemption from military service, for example) that compensate for the fact of dispensing with a legal obligation; the Church's construct in the face of sexual and reproductive rights, on the other hand, also posits that the objector should not be burdened with compensatory measures since it does not recognizing the legitimacy of the juridical duty.

To affirm that we are dealing with something closer to civil disobedience than to objection does not imply discounting the right that the Catholic Church has (as is the case with other religious institutions) to entreat its believers to disobey certain legal mandates because it considers them unjust. Civil disobedience, after all, is relevant mechanism to seek social and legal change and has been used in various moments to advance causes of a strongly progressive character. The Church, as other public actors, has the right to call for disobedience or even to use CO to delegitimize the law. The challenge lies in the fact that a non-critical construct of conscientious objection paves the way for a Trojan politics of conservative catholic activism. In the form of a Trojan horse, the politics that empty out and resist sexual and reproductive rights enters securely through the open doors of laws that admit broad conceptions of CO. Paradoxically, under the category of conscientious objection, a series of political actions whose purpose is to weaken the normative force of law are legitimized. That which theoretically constitutes an illicit act—the disobedience of laws that entail sanctions—is covered with the shroud of a legally recognized right (CO), rendering invisible the political power moves it is inaugurating.

This politics of camouflage is a structural aspect that must not be taken for granted when debating CO as a mechanism to protect religious freedom in the face of the egalitarian rights pushed forward by feminist and sexual diversity movements. CO is not just a legal construct, but also a fundamentally political concept that responds to a particular time and determinate balance of forces, which is why it is important to reveal the contexts of its construction. Only a desacralized understanding of the institution will enable, without ignoring the values that it seeks to protect, to make visible the dimension in which it presents itself as one of the most powerful strategies advanced by those sectors which defend an exclusionary conception of family and sexuality.

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