

Title: "The Relationship of Tutelage and Legitimacy between the Catholic Church and the Peruvian State."

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Description of the Project

This project aims to study the relationship between the Catholic Church and the Peruvian state, basically from the moment of the signing of an international agreement between the Holy See and the Peruvian State (July 19<sup>th</sup>, 1980) up until the present. After the signing of this concordat and as a consequence of the constitution of 1979<sup>1</sup>, Peru went from being a model of state confessionalism (union of church and state), which existed for almost all of its republican history (since 1821) to a model of church-state cooperation which, beyond simple recognition of religious liberty, also includes norms by the State which are agreed upon by both parts.

We will review this presumed independence and autonomy which should exist as regards the state vis-à-vis the church and will refer to several instances which illustrate that there still exist some forms of tutelage: in the first place, the official homage which the president of the Republic (with a few changes in the swearing in formula) pays to the church upon his inauguration, and in second place, the presence of the president and the entire cabinet at the Te Deum Mass celebrated by the archbishop of Lima in the Cathedral on Peru's independence day. The Te Deum was first sung on July 29<sup>th</sup>, 1821 by the archbishop of Lima, Bartolomé Las Heras, who also celebrated a solemn Mass the day following the national independence day, in the presence of the liberator, José de San Martín.

In this context it would be relevant for this project to review what Vatican II had to say about church-state relations, according to which, "The political community and the church are independent and autonomous, each one in their respective sphere." Both, although they have different functions, are at the social service of all men and women (*Gaudium et spes* Num. 76),<sup>2</sup> There is, therefore, a natural separation between these two different realities because each follows its own norms. Nevertheless, we understand that the autonomy of political power should not exclude an adequate dialogue with the church. The church fosters a spirit of collaboration intended to serve the spiritual and moral development of nations, and for this reason it would not make sense to weaken or to break this collaborative unity. Based on the assumption that our (Peruvian) culture is impregnated with Christian values, and taking into account the Catholic heritage of our history, we believe that it is important to foster discussion and open communication on the religious arguments which strengthen democratic discourse both within the church as well as in its relationship with the state.

This project will allow us to analyze the religious syncretism developed by the Peruvian people over the years during which the Catholic Church and the Peruvian state engendered a series of common rights and obligations which on the surface aim to benefit the entire community, but which also reveal a special Peruvian idiosyncrasy involving our values, traditions, culture, and history. And by doing this we will highlight the special weight which the Catholic Church has in public opinion.

Although Peru, since 1980, contemplates a special bond of cooperation between the Catholic Church and the state, which fully recognizes religious liberty, article 86 of the 1979 constitution also declares that the state may establish types of collaboration with other religious confessions, whether they be Protestant churches (Lutherans), Adventists, the Jewish community, the orthodox churches, among others.<sup>3</sup> It will be important for this project to review the challenges which this religious diversity supposes. We will analyze the conditions which make religious pluralism possible and for this we will take into account the juridical norms which currently exist, or do not exist, which regulate the relations of the state with these other religious confessions, including the older, autochthonous or ancestral religions.

An important concern of this project, as it should be evident, is the review of the juridical norms and regulations which govern the practices of the relations between the church and the state. In this sense we will presume that a public space is public only if it is democratically open to all citizens whatever confession they may profess.

#### Methodology

For this project we will have recourse to many different sources and authors who are specialists in the relationship of tutelage and legitimacy between the Catholic Church and the Peruvian state. We will include the proposals of some European authors such as Jürgen Habermas who holds the thesis that the public sphere can only be public if it is democratically open to the citizens of all confessions. We will analyze to what extent this thesis and the models of democratic discourse which Habermas proposes are applicable to Peru.

#### Anticipated Results

We expect that this project will be published as an article in an academic journal which specializes in these themes and/or in a magazine or book with a wider dissemination.

#### Academic Contribution

We hope to contribute to a clarification of the very old relationship between the Catholic Church and Peruvian state, not so much the ambiguities in this relationship, but with rather the versatility and flexibility of this relationship. This clarification should open the discussion to the inclusion of norms which will broaden our pluralistic perspective and so contribute to the democratization (or widening of) the public sphere.

#### Publications Outlets

Debates en sociología (Journal of the Pontifical Catholic University of Peru). I have previously published in this journal.

Cuestión de Estado (Journal of the Institute of Dialogue and Proposals). I have also published in this journal before.

Publications geared for a broader non-academic audience:

Apeiron (Journal of a Project for a Civil Society, with Political Analysis, Culture and Rehabilitation).

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<sup>1</sup> Decree law Number 23147

<sup>2</sup> *Gadium et spes*, number 76. "It is of great importance, especially where there exists a pluralistic society, to have a right concept of relations between the political community and the church y distinguish between the actions Christians, as individuals or in association, perform on their own, as citizens acting according to their Christian conscience, and the actions done in the name of the church, in communion with their pastors. The church, which by reason of its mission and its competence cannot be confused with the political community nor is it tied to any political system, is both a sign and the safeguard of the transcendent character of the human person. The political community and the church are independent and autonomous, each one in their respective sphere. Both, however, although under a different mandate, are at the service of the personal and social vocation of man. They will carry out this service with great efficacy for the good of all to the extent that there is a healthy and ever improving cooperation between both, whatever the circumstances of time and place."

<sup>3</sup> Article 86 of the 1979 constitution: "Within a regime of independence and autonomy, the State recognizes the Catholic Church as an important element in the historical, cultural and moral formation of Peru and it offers the church its cooperation. The State may also establish types of collaboration with other religious confessions."