

5-1-2002

Religious Freedom in the Argentine Republic: Twenty Years After the Declaration on the Elimination of Intolerance and Religious Discrimination

Juan G. Navarro Floria

Follow this and additional works at: <https://digitalcommons.law.byu.edu/lawreview>



Part of the [Comparative and Foreign Law Commons](#), [Human Rights Law Commons](#), and the [Religion Law Commons](#)

Recommended Citation

Juan G. Navarro Floria, *Religious Freedom in the Argentine Republic: Twenty Years After the Declaration on the Elimination of Intolerance and Religious Discrimination*, 2002 BYU L. Rev. 341 (2002).

Available at: <https://digitalcommons.law.byu.edu/lawreview/vol2002/iss2/8>

This Article is brought to you for free and open access by the Brigham Young University Law Review at BYU Law Digital Commons. It has been accepted for inclusion in BYU Law Review by an authorized editor of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

Religious Freedom in the Argentine Republic: Twenty Years After the Declaration on the Elimination of Intolerance and Religious Discrimination

*Juan G. Navarro Floria**

I. INTRODUCTION

“Religious Freedom,” or “State Ecclesiastical Law” as it is called in Argentina, has interested me for many years not only theoretically, but also from a practical point of view. For many years I have had, and again presently have, the privilege of working in the Argentine Republic’s government office in charge of religious affairs. This position has allowed me to witness firsthand the current state of religious freedom in Argentina and forms the basis for the discussion included herein.

II. THE TRADITION OF FREEDOM IN THE ARGENTINE REPUBLIC

The Argentine Republic is proud to be a country of freedom. Since its birth as a nation in 1816,¹ and based on constitutional guidelines of the nineteenth century, Argentina has been a land of peace and liberty, open to “all men in the world who wish to dwell on Argentine soil.”²

Argentina was born a vast and scarcely populated territory. The nation’s founding fathers were immediately aware of the need to open the country and promote immigration. Religious freedom was an essential part of the effort to promote immigration. Argentina has a Hispanic tradition where, not surprisingly, the presence of the

* Cabinet Chief of the Secretariat for Worship at the Ministry of Foreign Relations, International Trade, and Worship. I wish to thank the International Academy for Freedom of Religion and Belief for its kind invitation to participate in the International Law and Religion Symposium held at Brigham Young University’s J. Reuben Clark Law School. The quality of the participants and speakers and the diversity of their geographical, cultural, and national origins are a clear demonstration of the very high level of this forum, especially for those of us working on the delicate and fundamental question of religious freedom.

1. The Republic of Argentina declared its independence on July 9, 1816, and the National Constitution, still in force today, was passed in 1853.

2. CONST. ARG. pmbl.

Catholic religion has been hegemonic. The Catholic tradition continues to be the cornerstone of Argentina's national reality. However, since the beginning of Argentina's independence, Argentina has embraced other religious trends that have helped enrich its landscape.³

Setting aside the drafts of prior constitutional charters, the authors of Argentina's 1853 Constitution emphatically proclaimed religious freedom for "[a]ll inhabitants."⁴ In particular, the Constitution grants religious freedom to foreigners as part of the foundational program directed at attracting European immigration.⁵ Men and women from varied origins responded to Argentina's generous call. These people brought with them their own cultural and religious backgrounds. Thus, Protestant churches from countries such as Germany, Sweden, Norway, Denmark, and others joined the growing Anglican and Presbyterian churches in Argentina. Next, various other denominations born in and from the Reform began to appear in Argentina. Finally, important Orthodox Christian communities of Greek, Russian, Armenian, and Syrian origin, a large Jewish community, and a significant Islamic community were established in Argentina.

Because of increased immigration, Argentina's population multiplied, as did its religious diversity. During the twentieth century, Evangelical and Pentecostal churches appeared in Argentina and grew markedly. Many of these churches were of American origin, including Adventists, Jehovah's Witnesses, and The Church of Jesus Christ of Latter-day Saints, while others were founded in Argentina. Hinduism, religions with Afro-Brazilian origin, various groups of Buddhist communities, and other groups of diverse origins and creeds also began to develop in Argentina. Last, some non-religious creeds, such as Spiritism and Masonry, also developed in Argentina.

All of these religious communities enjoyed the broadest freedoms to practice their faith and many developed a strong presence in Ar-

3. One example of Argentina's acceptance is the Treaty of Friendship, Commerce, and Navigation signed with England on February 2, 1825. This treaty continues to guarantee British subjects "perfect and unlimited freedom of conscience" and full religious freedom in Argentina. *Tratado de Amistad, Comercio y Navegación con Inglaterra* [Treaty of Friendship, Commerce, and Navigation], Feb. 2, 1825, Arg.-Eng., art. 12, DIGESTO DE DERECHO ECLESIASTICO ARGENTINO [ARGENTINE ECCLESIASTICAL LAW DIGEST] at 87 (2001). The Anglican and Presbyterian churches were the first to arrive in Argentina under this treaty.

4. CONST. ARG. art. 14.

5. *Id.* art. 20.

gentina. Several generations of Argentines were born from and grew up following different religious beliefs. Paradoxically, the main religious faith, Catholicism, remained under severe state control during much of the twentieth century. For example, the state continued to supervise the election of Church authorities,⁶ the entry of religious ministers into the country,⁷ and communications with the pope.⁸

In time, this situation gave rise to various conflicts. There were several periods where Argentina suspended relations with Rome.⁹ In 1966, after several years of patient negotiations, Argentina signed an agreement with the Holy See that put an end to the patronage system and formally granted the Catholic Church the freedom to fulfill its mission.¹⁰ Since then, the pope has used his own discretion to appoint bishops, merely notifying the government of such appointments. In addition, the entry of priests and other members of religious orders is free and facilitated by the government, as are communications between Argentine Catholics, the pope, and Catho-

6. On account of the "Right of Patronage" claimed by the state, Catholic bishops had to be chosen by the president of the nation from a list of three candidates proposed by the Senate. CONST. ARG. of 1853, art. 86, ¶ 8 (superceded 1994).

7. The entry of new religious orders into the national territory needed to be authorized by Congress. *Id.* art. 67, ¶ 20. For more details on this issue and its evolution, see JUAN G. NAVARRO FLORIA & CARLOS I. HEREDIA, RÉGIMEN JURÍDICO DE LOS RELIGIOSOS Y DE LOS INSTITUTOS DE VIDA CONSAGRADA [LEGAL SYSTEM OF MEMBERS OF RELIGIOUS ORDERS] (1997).

8. Depending on the specific case, the constitution prohibited the publication of documents and decisions written by the popes and the councils without the prior consent (ex equatur) of the Supreme Court. *See* CONST. ARG. of 1853 art. 86, ¶ 9 (superceded 1994). For further discussion on the patronage system and its application and negotiations for its improvement, see SANTIAGO DE ESTRADA, NUESTRAS RELACIONES CON LA IGLESIA [OUR RELATIONS WITH THE CHURCH] (1963); RAMIRO DE LAFUENTE, PATRONATO Y CONCORDATO EN LA ARGENTINA [PATRONAGE AND CONCORDAT IN ARGENTINA] (1957).

9. The most serious conflict occurred in 1923 when the Archbishopric of Buenos Aires was vacant, and the government "appointed" a bishop different from the one chosen by the pope. *See* JOSE LUIS KAUFMANN, LA PRESENTACIÓN DE OBISPOS EN EL PATRONATO REGIO Y SU APLICACIÓN EN LA LEGISLACIÓN ARGENTINA [PRESENTATION OF BISHOPS IN THE ROYAL PATRONAGE AND ITS APPLICATION IN THE ARGENTINE LEGISLATION] (1996).

10. For a detailed analysis of this agreement, see Pedro J. Frias, *El Acuerdo Entre la Santa Sede y la Republica Argentina* [Agreement Between the Holy See and the Argentine Republic], in SEPARATA DE TOMO XXV DE ANALES DE LA ACADEMIA NACIONAL DE DERECHO Y CIENCIAS SOCIALES DE CÓRDOBA 223 (1986). *See also* MIGUEL ANGEL ZAVALA ORTIZ, NEGOCIACIONES PARA EL ACUERDO ENTRE LA SANTA SEDE Y LA REPUBLICA ARGENTINA [NEGOTIATIONS FOR THE AGREEMENT BETWEEN THE HOLY SEE AND THE ARGENTINE REPUBLIC] 7 (Guadalupe ed., 1966); NORBERTO PADILLA, A TREINTA AÑOS DEL ACUERDO CON LA SANTA SEDE [THIRTY YEARS SINCE THE AGREEMENT WITH THE HOLY SEE] (1996).

lics in other parts of the world.¹¹ Despite the conflict between the Catholic Church and Argentina, religious diversity has never been a major concern in Argentina. People of various beliefs have generally lived together in a peaceful and friendly atmosphere.¹²

III. THE 1981 DECLARATION AND ITS CONTEXT

In November 1981, the General Assembly of the United Nations adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief ("1981 Declaration").¹³ The 1981 Declaration was not a strange and isolated occurrence; it happened in a well-defined context, through a process that, apart from other antecedents, began after the horrors of the Second World War. The 1981 Declaration's first juridical manifestation was on the American continent: the American Declaration of the Rights and Duties of Man, which led to the signing of the Universal Declaration of Human Rights in 1948.

Since these declarations, a powerful movement for the recognition and development of what today are known as "human rights" has taken place in the world. At times, this movement has been met with serious obstacles such as the Cold War and the rise of totalitarian governments around the world. However, this juridical development among the states has been followed by a renewed interest in ecumenical and interreligious dialogue. For example, this interest was expressed by the various decisions taken by the Catholic Church at the Second Vatican Ecumenical Council on Religious Freedom, Ecumenism, and Inter-religious Dialogue.¹⁴ Argentina immediately echoed the interests expressed at this Council.

Internationally, the Argentine Republic has always had an avant-garde attitude towards human rights in general and religious freedom in particular. Unfortunately, it took several years before Argentina's domestic law would reflect the principles of the 1981 Declaration. Several issues contributed to this delay. The first was strictly legal. Before the 1990s, the Argentina Supreme Court applied a du-

11. See PADILLA, *supra* note 10.

12. See ARNOLDO CANCLINI, LA LIBERTAD DE CULTOS [RELIGIOUS FREEDOM] 82 (1987).

13. G.A. Res. 55, U.N. GAOR, 36th Sess., Supp. No. 51, at 171, U.N. Doc. A/36/684 (1981).

14. See THE DOCUMENTS OF VATICAN II (Walter M. Abbott ed., Joseph Gallagher trans., 1966).

alistic doctrine, prescribing that domestic law prevail over international law. Only when jurisprudence changed at the beginning of the 1990s, did international treaties become important.

The second and most significant reason for Argentina's slow implementation of human rights treaties was political. In Argentina, as well as in nearly all of Latin America, military governments and dictatorships sporadically dominated the government throughout the 1960s and 1970s.¹⁵ These regimes were naturally reluctant to acknowledge different human rights. In fact, only after the rebirth of democratic institutions in 1983 did Argentina ratify and accept the main treaties signed during the 1960s and 1970s. Finally, the United Nations passed the 1981 Declaration with Argentina voting in favor.

At home, however, Argentina's political scene prevented immediate ratification of the 1981 Declaration. Two factors contributed to this delay. First, in 1981, Argentina's last military dictatorship was at its peak and was unwilling to recognize human rights. Second, in 1979, the *de facto* Argentine government had passed an act creating the "National Worship Registry."¹⁶ The purpose of the Registry was to control all "religious organizations" that the national government decided it should "supervise."¹⁷ By forming this type of registry, the military leaders intended to centralize control under the pretense of federalism, even though Argentina's Constitution does not specifically give the federal government such power.

Even before the *de facto* law was passed, the military government, using its executive powers, had by decree banned several religious groups, such as Jehovah's Witnesses and the Hare Krishna.¹⁸ The military regime could not tolerate the fact that the Jehovah's Witnesses refused to join the military or venerated the flag and other patriotic symbols. During the military regime's rule, the Catholic Church, supposedly close to the regime, also suffered persecution,

15. In many instances these governments or organizations developed with the approval and sometimes the direct promotion of North America.

16. Law No. 21745, Feb. 10, 1978, [23853] B.O. 15/02/78; see ARGENTINE ECCLESIASTICAL LAW DIGEST, *supra* note 3, at 159; see also Juan G. Navarro Floria, *Las Confesiones Religiosas Distintas de la Iglesia Catolica en el Derecho Argentino* [Religious Faith Other Than the Catholic Church in Argentina], EL DERECHO, Apr. 23, 1993, at 1.

17. Law No. 21745, Feb. 10, 1978, [23853] B.O. 15/02/78.

18. Decree No. 1867/76, Aug. 31, 1976, [77] E.D.L.A. 234 (referring to Jehovah's Witnesses); Decree No. 18/77, Dec. 14, 1978, [82] E.D.L.A. 223 (referring to the Hare Krishna and other religious groups); Decree No. 488/77, Dec. 14, 1978, [82] E.D.L.A. 223 (referring to the Hare Krishna and other religious groups).

banishment, and even the deaths of numerous priests, members of religious orders, catechists, and secular leaders. Argentina acquired a sad reputation after several people, including a significant number of Jews, were reported "missing" due to the visceral anti-Semitism of the military and police sectors.

Thankfully, the military regime's way of thinking did not represent the traditions of Argentina, nor was it an attitude shared by the majority of society.¹⁹ Although these groups were persecuted and were not protected by the courts, the courts did protect individual members of the groups.²⁰ Following the traditions of Argentina's Constitution, Argentina's Supreme Court reasoned that an individual's right to freedom of religion could not be denied based on an individual's membership in one of the various banned religious groups; a person's freedom of conscience and worship is a right that may not be violated by the state authority.²¹ Despite the Supreme Court's decision to uphold individual rights, it is clear that during Argentina's dark period in history, there was absolutely no political will to apply the postulates of the 1981 Declaration, nor any of the other international treaties on human rights, which Argentina had not yet ratified.

IV. DEVELOPMENT OF RELIGIOUS FREEDOM IN DEMOCRATIC TIMES

The Argentine Republic returned to a republican democracy in December 1983. One of the first legislative actions taken by the newly formed national congress was to ratify the San Jose de Costa Rica Agreement,²² the international U.N. agreements on Civil and

19. Recent studies show that anti-Semitism is very limited in Argentina. It occurs even less than discrimination against Muslims and occurs significantly less than any discrimination against Paraguayans, Peruvians, or Bolivians. Although some racial hostility exists, the majority of Argentines are not hostile toward nor do they discriminate against any of these groups.

20. "Watch Tower Bible and Tract Society (Testigos de Jehová)," CSJN 77 E.D. 235 (1977); "Asociación Dúo o la Misión de la Luz Divina o Asociación Mundial de Ayuda Social," CSJN 82 E.D. 223 (1978).

21. When the government wanted to expel a foreign citizen for being a Jehovah's Witness, the Supreme Court guaranteed him his constitutional rights. *See* "Carrizo Coito, Sergio," CSJN 89 E.D. 501 (1980). The courts have similarly protected teachers and pupils from being expelled from schools for being Jehovah's Witnesses "Schutz," CApel.CC [1981-D] L.L. 594; "D., A. F.," CNFed. 102 E.D. 501 (1982); "Barros, Juan C.," CSJN 82 E.D. 221 (1979).

22. Law No. 23054, March 3, 1984, B.O. 27/03/84.

Political Rights,²³ and on Economic, Social, and Cultural Rights;²⁴ and any other international treaty dealing with human rights.²⁵ Of course, all subsequent treaties were immediately signed and ratified by the Argentine Republic. Many of these treaties include rules protecting religious freedom. These treaties tend to have greater legal significance since legislation enacted after they were signed must take them into account—even if the legislation was originally enacted prior to the treaties’ ratification. Such a requirement results because legislation, although formally in force, will only pass the constitutionality test and be applicable if it is considered compatible with these treaties.

In 1994, Argentina’s Constitution underwent its most in-depth reform since its inception in 1860.²⁶ On the issue of religious freedom, the most notable reform was the removal of the clauses on patronage.²⁷ In reality, however, these patronage clauses had been a dead letter since the previously mentioned 1966 Buenos Aires Agreement between the Argentine Republic and the Holy See. In addition to the removal of the patronage clauses, the Constitution has been amended to eliminate most of the language resulting in religious discrimination against anyone wishing to occupy a public position in Argentina.²⁸ For example, the obligation of the president and vice-president to be Catholic has been removed from constitutional text. The president and vice-president have also been relieved of the obligation to swear “before God, our Lord, and these Holy

23. International Covenant on Civil and Political Rights, *opened for signature* Dec. 19, 1966, 999 U.N.T.S. 171, *available at* http://www.unhchr.ch/html/menu3/b/a_ccpr.htm.

24. International Covenant on Economic, Social, and Cultural Rights, *opened for signature* Dec. 16, 1966, 993 U.N.T.S. 3.

25. Law No. 23313, April 17, 1986, B.O. 15/05/86. These three agreements are mentioned because they specifically include rules protecting religious freedom. For other examples, see *Convention on the Rights of the Child*, *opened for signature* Nov. 20, 1989, G.A. Res. 44/22, U.N. GAOR (1989), adopted by Law No. 23849, Sept. 27, 1990, B.O. 22/10/90.

26. This statement does not take into account the 1949 reform, which was inspired by Peronism. The 1949 reform substituted a “social” constitution for the old liberal-oriented constitution. The main reason for the reform was to benefit General Peron in his attempt for reelection to president. This questionable reform was abolished in 1956.

27. CONST. ARG. art. 86, ¶ 8.

28. One of the only remaining examples of religious discrimination is found in Article 73 of the constitution. This Article prohibits “regular clergymen” such as Catholic priests and other members of religious orders from becoming members of Congress. This unfortunate rule has been incorporated into several provincial constitutions. In one province, Santiago del Estero, the rule even applies to the secular Catholic priests. This discriminatory rule is only applied to Catholic priests and not to ministers of other creeds.

Gospels.”²⁹ Instead, the presidential oath is taken according to “religious beliefs.”³⁰ The right of all inhabitants to “freely practic[e] their religion,”³¹ which is expressly extended to foreigners in Article 20 of the Constitution, has not been modified.³²

The 1994 constitutional reform has confirmed that the international treaties and the agreements with the Holy See “have higher standing than laws.”³³ Thus, the reform has incorporated into the constitutional text the doctrine that was already approved by the Supreme Court and was also received by the 1969 Vienna Convention on the Law of Treaties, to which Argentina was a party.³⁴

Religious nondiscrimination is, without a doubt, a basic constitutional principle of the Argentine Ecclesiastical Law. A generic rule on this matter is the so-called “anti-discrimination act.”³⁵ In general, this Act forbids any arbitrary discrimination based on religion or other reasons and grants specific remedies to victims of religious discrimination.³⁶ The Act makes it a crime to participate in an organization that advertises ideas or theories that promote superiority over a religious group, promote religious discrimination, or encourage persecution or hatred against a person or persons because of their religion.³⁷ In addition, the law increases the penalty for any act of persecution or hatred toward a certain religion or any crime committed with the goal of totally or partially destroying a religious group.³⁸

29. CONST. ARG. of 1853, art. 80.

30. CONST. ARG. art. 93. This clause, however, does not stipulate what to do if the elected president has no religious belief. See Juan G. Navarro Floria, *Iglesia, Estado y Libertad Religiosa en la Constitución Reformada de la República Argentina* [Church, State, and Religious Freedom in the Reformed Constitution of the Argentine Republic], in 12 ANUARIO DE DERECHO ECLESIASTICO DEL ESTADO [STATE ECCLESIASTICAL LAW YEARBOOK] 543 (1996).

31. CONST. ARG. art. 14.

32. Law No. 23592, Aug. 3, 1988, B.O. 05/09/88. The Argentine Republic has been and still is a country particularly open to foreign immigration. As previously stated, Argentina has always facilitated the integration of foreigners into its society. The old but still in force Citizenship Act specifically forbids restricting Argentine citizenship for religious reasons. Law No. 346, Oct. 1, 1869, B.O. 01/10/69 (modified by Law No. 24533, Sept. 14, 1995, B.O. 28228). See ARGENTINE ECCLESIASTICAL LAW DIGEST, *supra* note 3, at 451 (specifically forbidding any restriction to Argentine citizenship based on religious reasons).

33. CONST. ARG. art. 75, ¶ 22.

34. Vienna Convention on the Law of Treaties, May 23, 1969, 8 I.L.M. 679 (entered into force Jan. 27, 1980).

35. Law No. 23592, Aug. 3, 1988, B.O. 05/09/88.

36. See *id.*

37. See *id.*

38. See *id.*

Other laws have contemplated different solutions for religious discrimination. Some laws have attempted to discourage persecution with harsh fines and penalties. In the labor arena, it is a “very serious offence” for an employer to discriminate for religious reasons³⁹ and if an employee is fired due to religious discrimination, the employer is forced to pay a special compensation.⁴⁰ In the field of public service law, all state employees are forbidden to “take part . . . in any action or omit doing something in favor of discrimination based on race [or] religion.”⁴¹ Of course, with the return of democracy, religious groups that were arbitrarily suppressed by the military regimes have been newly authorized. Presently, the state agency in charge of relations with churches and religious communities has the specific mission of collaborating with religious organizations to protect religious freedom. This is a significant change from the agency’s previous mission of controlling and regulating these same religious communities. Through these laws, a new level of religious freedom has been reached.⁴²

V. CURRENT SITUATION AND CHALLENGES

Several recent and significant legislative changes on the topic of religious freedom in Argentina have been mentioned. They are the legal symbols of a vital reality. With a background of great richness and variety that is in constant change and evolution, freedom of religion is very much respected in Argentina. Despite an apparent rejection of certain values and growing secularism, Argentina, along with many other places in the world, is experiencing a remarkable religious awakening. For example, popular Catholic religious manifestations, evidenced in large pilgrimages or ceremonies, attract impressive masses of people. Simultaneously, other spiritual groupings are attracting more and more people and provide the necessary inner

39. Law No. 25212, art. 4, Nov. 24, 1999, [29,309] B.O. 1; *see* ARGENTINE ECCLESIASTICAL LAW DIGEST, *supra* note 3, at 208.

40. Law No. 25013, art. 11, Sept. 2, 1998, [28,987] B.O. 1; *see* ARGENTINE ECCLESIASTICAL LAW DIGEST, *supra* note 3, at 206.

41. Law No. 25164, Sept. 15, 1999, [29,247] B.O. 1; *see* ARGENTINE ECCLESIASTICAL LAW DIGEST, *supra* note 3, at 207–08.

42. *See, e.g.*, Law No. 24483, April 27, 1995, B.O. 04/05/95 (acknowledging the legal status of Catholic religious orders and congregations with their own structures according to Canon Law); *see also* ARGENTINE ECCLESIASTICAL LAW DIGEST, *supra* note 3, at 170; Decree No. 491/95, Sept. 21, 1995, B.O. 02/10/95.

substance needed to survive in a time of economic restrictions and social uncertainty.

Different religions are practiced with full freedom in Argentina. These religions play an important role in caring for the population's poor and needy. They provide essential services to many Argentines that the state would otherwise not be able to help. The state should continue to support, encourage, and promote this type of religious effort. However, new legal standards are still needed to ensure better religious development. Two recent initiatives are working to further this goal.

In 2000, the Secretariat for Worship of Argentina organized a service to facilitate coordination between the state and religious organizations dedicated to social affairs. The Secretariat's aim was to distribute part of the funding that the state allocates to different social assistance programs through religious organizations.⁴³ Thus, the state could utilize the social experience, efficacy, and seriousness of churches and religious communities to benefit those in need. Another very positive experience concerning religious freedom has been the creation of the Advisory Council on Religious Freedom, which consists of twelve experts from different religious creeds working to promote religious freedom.⁴⁴ As its first task, the Council prepared a draft bill on religious freedom eliminating guidelines implemented during the military regimes' rule and replacing them with guidelines that are in accordance with the principles of religious freedom embodied in the Constitution and international treaties.

The Advisory Council project has received broad public approval in Argentina.⁴⁵ If it becomes law, it will allow each church or religious community to be recognized as a legal person, with its own structure and internal autonomy. The law will provide for the effective application of many rights pertaining to religious freedom for individuals as well as religious freedom for churches. The bill also proposes to create a permanent advisory council patterned after the

43. Res. No. 744, Mar. 28, 2000, [29394] B.O. 1; see ARGENTINE ECCLESIASTICAL LAW DIGEST, *supra* note 3, at 388.

44. See Res. No. 1248, May 16, 2000, in ARGENTINE ECCLESIASTICAL LAW DIGEST, *supra* note 3, at 389.

45. This project reflects and improves upon previous projects discussed in Argentina in the last ten years, some of which were unanimously passed by Argentina's Senate. For the text and comments on the enactment of one of these projects, see Juan G. Navarro Floria, *El Nuevo Proyecto de Ley de Cultos o de Libertad Religiosa* [The New Project of the Act on Worship or Religious Freedom], E.D.L.A. BULLETIN 21, June 21, 1997.

experimental council, which has produced many positive results.⁴⁶ The permanent council would function to give state organizations the necessary powers to react efficiently when they are made aware of attacks on religious freedom. At the same time, the new law would protect the religious rights of churches and communities.⁴⁷

Of course, laws are not enough to ensure true respect for religious rights and religious freedom. In Argentina, however, the paradox is that real respect for religious rights and religious freedom has moved past the current laws; the laws are outdated, and they should be amended to reflect the feelings and practices of Argentine society.

Unfortunately, improving religious freedom is a process that will never end. As has been stated, full religious freedom is unattainable, because:

A fair part of the recent history of humanity can only be considered as a struggle to secure the recognition of fundamental rights, and religious freedom has a main role in that respect. Furthermore . . . what at a given moment in history can be considered a desirable aim and one that would meet all aspirations of freedom, as soon as it is attained it appears as insufficient, a mere intermediate step to be able to reach a higher stage.⁴⁸

The process of attaining and guaranteeing religious freedom must continue, regardless of any legislation. The primary goal must be to create a society in which diverse groups of people may live together in harmony. In that respect, the state should do all that it can to encourage dialogue, understanding, and mutual respect. Fortunately, the existence of many initiatives to open ecumenical and interreligious discussions, which are becoming more and more mature and deep, allow us to be optimistic.⁴⁹ In Argentina, the prevention of

46. *See id.*

47. *See id.*

48. SILVIO FERRARI & IVÁN C. IBÁN, DERECHO Y RELIGIÓN EN EUROPA OCCIDENTAL [LAW AND RELIGION IN WESTERN EUROPE] 167 (1998).

49. On September 11, 2001, the worst terrorist attack in history took place in the United States. It shook the whole world, including Argentina. The following day, the Catholic archbishop of Buenos Aires, together with other churches and creeds, organized an interreligious prayer ceremony. The president of Argentina, government officials, and leaders of the opposition were present at the ceremony. A rabbi, a Hindi swami, a Muslim imam, an Evangelic preacher, an Orthodox bishop, an Anglican bishop, and a Catholic bishop prayed one after the other. Leaders of all religions were present. At the end of the ceremony, all of the religious leaders met in a warm embrace of peace. These kinds of interreligious events are becoming more common in today's Argentina.

social confrontations for religious reasons is something that must be nurtured and carefully protected.

Along these same lines, Argentina also faces the task of educating its society to be tolerant, unified, and respectful of diversity. This is one of the challenges presented in the 1981 Declaration, and Argentina is working to make this a reality. Of course, it is not a question of promoting indifference or a laicism that rejects all religious values. The aim is to promote the best values that our own religious convictions undoubtedly contain based on the strength of each individual's religious identity.

Finally, globalization imposes responsibilities on the entire world. Argentina cannot be content with a domestic situation where religious freedom is strong and vigorous when the same freedom is being trampled on and denied to millions of men and women in other parts of the world. In order for every man and woman to receive a full guarantee of religious freedom, democratic states, great religious movements, and civil societies must remain committed to religious freedom and freedom of belief throughout the world.