

LAW, RELIGIOUS FREEDOM, AND ETHICS.

“Believe me, that the hour will come when neither on this mount nor in Jerusalem will the Father be worshiped...The hour will come, now is the hour, in which the true believers will worship the Father in spirit and in truth” (Jn. 4, 21-23).

1.- Introduction. I collect from experience a long reflection on the topics of law, religious freedom and ethics that are so very pertinent in the social-political context where I live. It appears to not be so evident that religion and ethics have a real influence in the political and social events while in reality they play a fundamental role. In the same way that the processes of conquest and colonization were justified on religious and ethical grounds, religion and ethical principles currently influence the behavior and political options of citizens throughout the world.

-I feel it is important to recuperate a space for reflection to understand the influence of religion and ethical principles in the struggle for social change and to make possible the dream for a new, just society that is in harmony with human nature and does not conform to social relationships that produce inequality, poverty, violence and destruction.

-These reflections have a very specific origin and are part of a daily search in one region of the world, in the state of Chiapas, Mexico.

2.- The context. Globalization and new models. Although I come from a very specific reality, I don't think that it is possible to explain and understand that reality isolated from the interests of the global economy. Chiapas is located in a zone of geopolitical importance, fundamental to the interest of transnational corporations: energy, rivers, forests, biodiversity, as well as being the southern border to Central America, which places Chiapas in the migratory conflict of most interest to the United States and Canada. At the same time, development plans that are being designed for the region will require the massive exploitation of natural resources to take advantage of the comparative advantages needed for the free circulation of goods. We are very close to the Isthmus of Tehuantepec, which is a strategic gateway for the transport of energy and goods second only to the Panama Canal, and we are part of the most important economic project of the new government of Mexico: the Plan Puebla Panama, to be put into place in a zone that exceeds one million square kilometers, inhabited by 64 million people, of which, according to statistics of the Plan, 14 million are indigenous people.

-As in other parts of the world, in this region we are seeing a synthesis of the process of globalization. Its effects are evident. Coffee producers suffer the consequences of a deregulated market; agricultural products are placed in competition with the large producers of the north causing unemployment, abandonment of land, poverty and migration to centers of development. On the other hand, the alternatives offered do not take into account the real and historic situation of the communities affected.

-Chiapas is home to a plurality of peoples with their own cultures and languages, with a history of resisting the various models of development that have come since the conquest: plantations, agricultural development based on the technology of the so-called green revolution, cattle ranches, the expansion of agricultural limits with the colonization of the jungle regions, the model of integration into development with the negation of ethnic identities, and finally, the model that

seeks to appropriate the strategic natural resources found in the region, in particular the biodiversity and energy resources. This history of resistance frames the uprising of the Zapatista National Liberation Army (EZLN) on January 1st of 1994, the day in which the North American Trade Agreement (NAFTA) between Mexico, the United States and Canada went into effect. Since then, Mexico has signed Free Trade Agreements with 40 other countries.

3.- Ethics and the Justification of the Group of 8. It is clear that there are questions about the ethical legitimacy of the interests of the Group of 8, countries that decide the destiny of the world. This construction of interdependent structures of globalization that consolidate defense – financial interests. The use of resources and territories – has a certain sense of manifest destiny based on ideas of development, truth, authority and power. It is the constitution of power by conquest of the universe through the use of arms and violence.

-Colonization and the processes of decolonization. Current history places us within this internal and fundamental dialectic: the strategy of domination vs. the strategy of liberation, colonization vs. autonomy, the right to choose vs. the monopoly of institutional truth, pluralism vs. dogmas, the search vs. imposition, the constructive challenge of alternatives vs. solutions directed by outside interests, participation vs. negation, affirmation of differences vs. homogenization. This dialectic is constructive. Through it, we are witness to the emergence of a collective social subject with different expressions throughout the world: organized civil society.

-One of the changes needed in this process of decolonization is religious freedom. Within religion, one finds a range of problems and realities. Decolonization implies a change and transformation of impositions, of views of the world, of the future and the powers of domination, of fears and the structures that condition the actions of men and women throughout the world, on every level: in politics, in social struggles, in the family, in intimacy, in the realization of dreams and in the statement of our creative and productive potentials. This totality of the universe of human beings is put into question when the need to break from the colonization of body and spirit is faced. When this complexity of principles, references, myths, rituals, time and space is moved, the established powers are moved. The status quo is put into danger. The opening created leads toward transformation, and religion becomes a place of conflict. At the same time, it is important to take into account that religious conflicts don't occur on their own, but instead are part of a wider social-political conflict, and occur as part of something much bigger. The fundamental structures of the State are being moved. For this very reason, the State responds with the law and alludes to the need for a **State of Law**.

-What we are living places us in the need to arrive at a new social agreement with new points of reference, with the participation of the whole of society. The need for participatory democracy in the construction of pluralistic societies constructing alternatives to a situation of inequality and violent destruction in which we find ourselves.

-One of the fundamental forces of this construction is autonomy: the discovery of ethnic, social and gender identities; the right to exist and to self-determination, the ability to act responsibly and the ability to recognize limits and interdependencies. A plural society recognizes the right to autonomy of its peoples, its cultures and the full exercise of the right to self-determination within the consensus and agreements of the Nation-State and within the respect of the rights of the community of nations.

-This opens for us the need to recognize that there can not be peace without the recognition of autonomy, without a social planetary pact, without an ethic that recognizes the right to exist of the indigenous peoples, that is based on the responsibility of all, that implies the equitable appropriation of resources, and that gives sense to work, to production, to communication and to the encounter between people, each with their own potential.

4.- The construction of peace. The construction of peace in this sense becomes a fundamental task, within a new paradigm. It is not about a negotiation of interests, but instead a social and political construction, of demands for transformation, and above all the for the recognition of a just, equitable distribution of resources, and for the well being of human beings and all beings within the universe.

-As in other parts of the world, there exists a problem of peace in Chiapas. The economic war that we suffer is expressed through lamentable situations, with repercussions in the nutrition, health and education of the people. Examples of these repercussions include militarization and paramilitarization which establish a fence of armed forces that disturb the tranquility and the security of the population, with the massacre in Acteal (where 45 indigenous people were murdered by paramilitary forces in December of 1997) a clear sign of the link between political, economic and military forces; those displaced by the conflict; the imposition of laws and authorities in Chamula where political bosses hold the capacity to negotiate in a structure of economic impunity of power is something established and the mechanisms for protection of the interests of the powerful pass through a legal legitimacy, but in practice defend the traditional structure of discriminatory, cruel and violent domination.

-The persistence of these mechanisms cannot be understood without remembering the history of subjugation based in the law, as seen in the conquest and later in the legislatures that have taken advantage of their position to define a legality that goes against the inalienable rights of the indigenous people, such as the right to land, food, work, well-being, a fair trial, self-determination, culture and language.

- The new law on indigenous rights and culture in Mexico showed clearly the procedures that establish the interests of the strongest, from a position of power. On April 28, 2001, the Senate approved a law on indigenous rights and culture. On August 14, 2001, the law was published in the Official State Newspaper, after having been approved by 17 of the 31 states in the nation. This law was meant to respond to the San Andres Peace Accords, signed by the Mexican government and the EZLN on February 16, 1996. The accords were part of a dialogue process to arrive at peace after the EZLN declared war on the Mexican government. The reaction of an innumerable number of social actors and representatives of civil society has been that this new law does not correspond to the San Andres Accords nor to international treaties, such as the Agreement 169 of the International Trade Organization (ITO), signed by the Mexican government to protect the self-determination of indigenous people, although never made reality.

-One basic agreement of the San Andres Accords was not stipulated in the new law: "the construction with the different sectors of society of a new federalism, a new social treaty that modifies the roots of social, political, economic and cultural relationships with the indigenous peoples. The treaty should eradicate all means, daily and public, that generate and reproduce subordination, inequality and discrimination and should make effective, right to their habitat, the

use and enjoyment of their territory according to the Agreement 169 of the ITO, signed and ratified by Mexico, the right to their own system of self-governance; the right to the development of their culture; the right to a traditional system of production; the right to the development and execution of their own development projects”.

-Some members of the former National Intermediation Commission (CONAI), together with other people committed to the construction of peace, declared on August 15 of 2001, that this new law is illegitimate because it does not contribute to the conformation of a truly democratic state of law and because it does not satisfy on a national level the just needs and demands of those to whom the law is directed: the indigenous peoples and communities.

-What remains clear is that the constitutional order has limitations and overpowers the minority groups due the principle of representative democracy. The constitutional power in the hands of those who represent the state of law and minority groups remain unrepresented.

The construction of peace is a long-term task and will need to move beyond these constitutional limitations.

On one had the rights of the indigenous peoples and on the other hand are the interests of the transnational corporations. This legal defense of the economic interests prevails before the legitimate demands of the indigenous peoples, and this constitutes a principle of war, not one of peace.

5.-The international vision of peace. The religious aspiration of men and women for peace, reconciliation and solidarity. Peace and justice go together. They are struggles that transcend the local and national levels, since the institutions that determine the destiny of the people are orientated toward the interests of the transnationals and the structure of the global government.

-From the most inner depths of the human being, from our strongest needs and aspirations lies the need for Peace. The right to exist and the right to participate in the construction of society are fundamental for peace. This is a movement that will spring from the corners of the world, from the experiences that generate hope in each person and in each community.

-It is a project that touches all of the established structures, one of them being ethics and religion.

-Education as a practice of peace. It is the recognition of the contribution that should come from religion and from ethical principles to achieve a dignified life for all beings on this planet.

-Religious education must stem from the discovery of the universal of peace, of rights for all, of the need for solidarity and compassion as expressions of the construction of values transcendental in both people and society. We must recognize that it is not about imposing codes, nor one truth, but instead the development of the potential in every person found in the untirable search for the transcendental, the link with a supreme being, the adoration of God that is carried out in history, in acts and in the commitment to transform the current conditions of violence.

6.-The social subject. The collective social subject is the whole of civil society that springs forth as an alternative to the representative powers. It is a new energy that has the capacity to act in many spaces at the same time, that makes up a fundamental force the produces, constructs, that is

responsible for its own future and the future of the following generations. The collective social actor has the historical potential to create a new model, alternatives to the colonizing models that have been built to accumulate wealth, benefits and power. In the face of the neoliberal model that has the capacity to control the strategic resources of the world, exists this alternative of a society that capable of fighting for strategies of survival, of resistance, and the construction of a model of solidarity. This model is based on intercommunication, respect for life in all of its forms, the participation of all, and stems from a practical experience of creating culture and society, based on fundamental acts of giving and participation from one own resources, to share, to produce for the well-being of all, to establish rights for all.

7.- Dialogue. Dialogue is the method. It is a way of sharing life. A dialogue that recognizes our own nature, our interdependency, that we are part of a universe and a global time, that we learn and communicate strength and knowledge as part of an ancestral richness that has been able to constitute a human consciousness on life. We cannot deny ourselves this sharing of life within the universe we are made up of: our learnings, our findings, the accumulated knowledge of nature and the wisdom of the understanding of the origin and destiny of humanity, the untirable tasks that allow us to say that we are part of one single hope, one single heart, that we are made of the same earth, that we have the capacity to think and to decide as part of the nature of our being, that we exist as part of our history and that we have the right to develop the potential that we are. It is a richness that signifies that establishment of the fundamental principle of the need to share in the search for peace in order to develop fully who we are.

-This the meaning of human life and we must live it fully. It is the need for a planetary ethic, of a world ethic as Hans Küng says in his book "Project of a World Ethic" (Trotta Publishers, first published in 1991).

-We realize that it is not possible to go further if this space of a new global ethic is not opened up, and if we don't work to achieve results in this dimension.

- The laws are limited, they respond to particular interests; ethics and religion have the capacity to correspond to the nature of human beings situated in the world.

8.-Religion and Ethics. Faith is a position taken towards life. It is an essential part of us, it is a way of assuming a commitment with existence. It comes from a particular experience, is conditioned by history and by the social-political structures. It is one of the experiences that constitutes every human being and every society. Through faith arrives the transformative energy, the understanding of the global universe, the understanding of existence, and life acquires a sense of commitment and responsibility.

-All of the religions of the world share this same foundation: reason and transcendence. The right to participate is part of these exercise of responsibility. It is a right whose free exercise should be guaranteed.

- In the context of this planetary search for an ethic and our commitments as part of this universe, the imposition of visions, the domination and suppression of minorities in the exercise of their religion and ethic is not admissible. Part of this freedom cannot include the denial to participate in a creative and constructive dialogue to respond to the responsibilities that we have in relation to the house we share.

-We need free exercise of thoughts and actions as well as the recognition of the value of minorities in a plurality of differences, because different conditions, processes and capacities exist. We still not have arrived to what we are capable of being.

- Religion accompanies and at the same time is a product of our social relationships. The suppression of religious freedom is a negation of the human experience, a negation of culture and a attack on ones own creative process. It is part of a surprising complexity. We follow from ages back a voice that convokes this mystery of worship.

-Religion is humankind. It is our totality. For this reason religion changes. The theological reinterpretation of the messages, the understandings of the historic dimension of humanity, the hidden mystery, prophecy and the saving presence in human acts, the recognition of a history of salvation within the same history that we live as human beings, mystery in daily life, the problems of all the life of all in permanent flux and change creates the need to understand that we are moving toward the construction of new expressions of religion that share both bread and knowledge. It is the worshipping of the Father in spirit and in truth.

-The religion of the future is related to solidarity, solidarity with every manifestation of life, with dialogue, with non-violence, with the capacity to coexist, with the shared responsibility, with reconciliation, with compassion and with peace.

-One of the most necessary changes is that of religion; towards a humanistic ethic, towards justice, toward solidarity and toward the need to understand the growth of the human beings as part of the whole of the universe, as part of a plural and egalitarian society, struggling for a just distribution of wealth and creating the possibility of the development of the potential in each person, each society, or each people.

-“We need churches that, given the current restorationist tendencies (catholic, protestant, or orthodox-oriental), react to the new spiritual and religious challenges, not from hierarchical – bureaucratic positions but instead from a vision close to the problems of the future, from a non-centralist attitude that is pluralistic, non-dogmatic, a dialogue, not absorbed in oneself and self-sufficiency but instead self-critical and innovative in the midst of doubts”. (Hans Küng: “Project of an Ethical World”, Trotta Publishers, third edition 1995, pg. 164).

-“From a freedom of consciousness we are called and are calling for a revolution of values, the construction of an ethic conceived as a reflection of values and norms from a holistic view of the world, rooted in the reality of people, without exclusions, based in justice, that emerges from all of those marginalized by poverty, sex, race, creed or for all of these at once, an ethic of integration that opposes all domination” (Graciela Puyol).

9.-Religious freedom. It is a needed experience in the construction of freedom. Religious freedom cannot be solely the recognition of the right to practice a chosen religion but instead should be a practice or freedom in every sense.

-It is a complex process of liberation because the schemes of domination make up a part of it. It is not easy to discover what is the fundamental element and that which could be the detonator of a process of construction of freedom, from the economic, political, social, and religious point of

view. What is clear is that a series of practices, reflections, and struggles are taking us down a new, integral road that stems from the conscious.

-It is the people that are putting at risk all of their capacity to confront the situation, to understand and to take risk. It is from the strengthening of people that we can advance toward this freedom. It is a history that coincides with the struggle against oppression, to escape from institutional violence by means of freedoms and liberties, all deeply human. In this road there are all kinds of experiences and one I would like to look at more closely is non-violence. Non-violence is a route that implies a series of radical changes, and demands an enormous spiritual strength.

-Non-violence requires the rupture from the culture of violence, from oppression, from the mechanisms of domination, from the past as an unfinished experience of what we are looking for.

-The strength lies in participation, collective work, networks, in being part of an organization, in the understanding of the relationships of injustice, in the capability to live time in the long term, in the belief in our own strength, in the recuperation of the energy of our daily experiences, in learning to discover the richness of diversity of men and women, children and elders, in knowing the history of the path we are on.

- Strength lies in thinking strategically with transformative objectives; in acting locally with actions that make possible our ability to feed and nourish ourselves but that also have the objective of achieving that if one person can feed themselves, then all can feed themselves: actions with the objective of achieving an equitable distribution of wealth.

-These are all acts of solidarity, acts of liberation, acts that construct society.

-A person, in order to decide, needs to have security, references, a base and principles, structures, organizations, an ethic. All of these things are vital.

-The circumstance is also fundamental. The right to decide establishes an agreement that is social, democratic, cultural, historical, and conscious. It is a cultural revolution.

-What does the right to decide mean? It is the right to decide one's own destiny, the strategies for the future, a new society.

-We must start with the right conditions: culture, political situation, conditions that correspond to all human beings (*lex naturae*), limitations, experience, knowledge, relationships, location, responsibility, personal development, age, gender, formation, options, and the context in which we live.

-Decision is about moving one piece of the puzzle, one piece of something much larger. It is a radical transformation. Considering the range of possibilities in a particular context, taking into account the elements that make up the reality as a whole, one assumes the risks and decides. This right to decide creates a tension between the past and the future, the structures of domination and the strategic objectives we strive for.

-This is the celebration of the spirit; is the way to consolidate a collective social subject. It is a way of living ethically, of conquering spaces where free men and women can live and share together. It is the recognition of what we need to establish: the right to decide.

-The places for this celebration are the public plaza and the universe. This celebration will happen in the plazas of every town, in the heart of each person, in the entire universe. It will arise for the joy of being and living, for the experience of this vitality. For the creation of something new, for the construction of alternatives that come in all colors: the color of fall, of spring, of summer, of winter, because the cycles of life are alive and possible; it will arise from life and death, because a permanent renovation of life exists, because we have not yet abandoned everything, because the alternatives and the strategies for the future are built from the lessons of history. This celebration will arise from every corner of our selves and our being because the fixed and established places for flourishing are no longer necessary.

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